

Original sponsor: Health, Education and
Social Services Committee

Offered: 3/31/73
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 122

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
7 reservations; and providing for an effective date."

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

9 * Section 1. The purpose of this Act is to provide for public education
10 on military installations and for the local operation of those schools which
11 have heretofore been under direct operation of the state.

12 * Sec. 2. AS 14.03.030 is amended to read:

13 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on
14 the dates fixed by the governing body [OF THE SCHOOL DISTRICT]. How-
15 ever, the term shall include not less than 180 days in session, except
16 that, subject to the approval of the commissioner, a day used for in-
17 service training of teachers may be substituted for a day in session,
18 up to a maximum of 10 days.

19 * Sec. 3. AS 14.03.050(c) is amended to read:

20 (c) The governing body [OF THE SCHOOL DISTRICT] may declare
21 additional holidays.

22 * Sec. 4. AS 14.03.060(b) is amended to read:

23 (b) A secondary school consists of grades seven through 12 or any
24 appropriate combination of grades within this range. The establishment
25 of one or two grades beyond the 12th grade is optional with the govern-
26 ing body [OF THE SCHOOL DISTRICT].

27 * Sec. 5. AS 14.03.080(a) is amended to read:

28 (a) A child of school age is entitled to attend public school with-
29 out payment of tuition during the school term in the school district

1 or education service area in which he is a resident subject to the pro-
2 visions of AS 14.14.110 and 14.14.120.

3 * Sec. 6. AS 14.03.080(b) is amended to read:

4 (b) A person over school age may be admitted to the public school
5 in the school district or education service area in which he is a
6 resident at the discretion of the governing body [OF THE SCHOOL DIS-
7 TRICT]. A person over school age may be charged tuition by the governing
8 body [OF THE SCHOOL DISTRICT].

9 * Sec. 7. AS 14.03.080 (c) is amended to read:

10 (c) A child under school age may be admitted to the public school
11 in the school district or education service area of which he is a resi-
12 dent at the discretion of the governing body [OF THE SCHOOL DISTRICT]
13 if the child meets minimum standards prescribed by the board evidencing
14 that the child has the mental, physical and emotional capacity to per-
15 form satisfactorily for the educational program being offered.

16 * Sec. 8. AS 14.03.080(e) is amended to read:

17 (e) A child under school age shall be admitted to school in the
18 district or education service area of which he is a resident if immedi-
19 ately before he became a resident [OF THE DISTRICT], he was legally
20 enrolled in the public schools of another district or state.

21 * Sec. 9. AS 14.03.100 is amended to read:

22 Sec. 14.03.100. USE OF SCHOOL FACILITIES. The governing body
23 [OF A SCHOOL DISTRICT] may allow the use of school facilities for any
24 legal gatherings or assemblies. The governing body shall adopt bylaws
25 that will insure reasonable and impartial use of the facilities.

26 * Sec. 10. AS 14.07.050(a) is amended to read:

27 (a) Textbooks for use in the public schools of the state shall be
28 selected by the school [DISTRICT] boards for districts [DISTRICT
29 SCHOOLS] and education service areas and by a State Schools Textbook

1 Committee appointed by the director for state schools. Selections of
2 the State Schools Textbook Committee shall be submitted to the Board of
3 Directors for State-Operated Schools for approval or rejection.

4 * Sec. 11. AS 14.07.055 is repealed.

5 * Sec. 12. AS 14.07.070 is amended to read:

6 Sec. 14.07.070. WITHHOLDING STATE FUNDS. No state funds may be
7 paid to a school district or education service area or teacher who fails
8 to comply with the school laws of the state or with the regulations
9 promulgated by the department.

10 * Sec. 13. AS 14.08.020(5) is amended to read:

11 (5) adopt bylaws and administrative rules for the management
12 and operation of the rural state-operated schools;

13 * Sec. 14. AS 14.08.030 is amended to read:

14 Sec. 14.08.030. APPOINTMENT OF THE BOARD. There is created the
15 Board of Directors for State-Operated Schools consisting of nine members
16 appointed by the governor from the areas served, subject to confirmation
17 by the legislature; provided that all [AT LEAST SIX] members shall be
18 appointed from rural school areas outside of military reservations and
19 organized boroughs.

20 * Sec. 15. AS 14.08.120 is amended to read:

21 Sec. 14.08.120. STATE PAYMENTS. All funds appropriated by the
22 legislature for the operation of the rural state-operated schools shall
23 be paid by the Department of Administration upon requisition by the
24 director of state-operated schools. These funds shall be made payable
25 to the board of directors and shall be deposited in the school fund of
26 the board of directors. The amount received may not be transferred to
27 any other fund unless authorized by the board of directors and state
28 law. Funds to be allocated to each education service area shall be
29 computed in the same manner as for borough or city districts under

1 AS 14.17.031 - 14.17.056 using the statewide average equalized percentage
2 (Pi) as the per cent of basic need to be provided by the state. However,
3 instead of local effort for school districts required by AS 14.17.071,
4 the statewide average amount per average daily membership raised from
5 either sales or property taxes by the school districts in the prefiscal
6 year shall be used. Funds appropriated to each education service area
7 shall be distributed on the same schedule as for district schools under
8 AS 14.17.160 - 14.17.180.

9 * Sec. 16. AS 14.08.130 is amended to read:

10 Sec. 14.08.130. COMPENSATION AND EXPENSES OF TEXTBOOK COMMITTEE
11 AND BOARD MEMBERS. (a) Each member of the board of directors, and each
12 member of the State Schools Textbook Committee (AS 14.07.050), shall re-
13 ceive travel expenses and the same per diem allowed by law to a member
14 of a state board or commission.

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

17 * Sec. 17. AS 14.09.010 is amended to read:

18 Sec. AS 14.09.010. TRANSPORTATION OF PUPILS. (a) The department
19 may provide for the transportation of pupils who reside a distance from
20 established schools, and in order to accomplish that purpose may

21 (1) require school districts and education service areas to
22 enter into contracts with the department for the administration, super-
23 vision, operation, or subcontracting of the operation of transportation
24 systems for students to and from the schools within their service area;

25 (2) require all school districts, transportation contractors
26 and other recipients of state transportation funds to submit to the
27 department an annual report, which includes a financial statement and
28 other operational data required by the department;

29 (3) permit school districts and education service areas to

1 (A) establish supplementary systems of student transportation for
2 students ineligible to utilize transportation facilities paid for by
3 the state, (B) charge fares or fees for the supplementary transportation
4 systems, and (C) use local tax funds to pay, in whole or in part, the
5 cost of the supplementary system.

6 (b) Each school district or education service area mentioned in
7 (a)(1) of this section is entitled to receive reimbursement from the
8 state for the operation of the transportation system on a unit cost
9 basis determined by the department.

10 (c) The governing body [SCHOOL BOARD OF A DISTRICT, OR THE DE-
11 PARTMENT FOR AREAS NOT WITHIN SCHOOL DISTRICTS,] shall designate as
12 hazardous those routes which cannot be safely traveled by children not
13 served by school bus. The designation may recognize hazards that exist
14 only part of the time and in these instances the designation shall be
15 applicable only during the time the hazards are found to exist. The
16 governing body [BOARD OR DEPARTMENT] shall provide for the transportation
17 of pupils on routes designated as hazardous. The additional cost of the
18 transportation in a district or education service area shall be shared
19 equally by the district or education service area and the department.
20 Eligibility to receive school bus service on routes designated as
21 hazardous shall not be subject to restrictions based on the minimum
22 distance between established schools and the residences of pupils.

23 * Sec. 18. AS 14.12.010(1) is amended to read:

24 (1) each first [, SECOND, AND THIRD] class city in the un-
25 organized borough is a city school district;

26 * Sec. 19. AS 14.12.010(3) is amended to read:

27 (3) the area outside organized boroughs and outside first
28 [, SECOND, AND THIRD] class cities is the state-operated school dis-
29 trict; however, each military reservation within the state-operated

1 school district constitutes an education service area.

2 * Sec. 20. AS 14.12.020(a) is amended to read:

3 (a) Operation of the state-operated school district, except for
4 education service areas, is under the management and control of the
5 board of the state-operated schools. Subject to the provisions of (d)
6 of this section, the board of the state-operated schools manages and
7 controls schools on military reservations located within an organized
8 borough until the military reservation status is terminated and, there-
9 after, so long as management and control by the state-operated schools
10 is approved by the department.

11 * Sec. 21. AS 14.12.020(b) is amended to read:

12 (b) Each borough or city school district and each education ser-
13 vice area shall be [OPERATED ON A DISTRICT-WIDE BASIS] under the manage-
14 ment and control of a school board.

15 * Sec. 22. AS 14.12.020 is amended by adding a new subsection to read:

16 (d) Schools on military reservations within an organized borough
17 shall be operated by the contiguous borough school district under a
18 contractual agreement with that district. The contractual agreement
19 shall provide for representation of military reservation residents with
20 respect to policy determinations that affect (1) the operation and
21 management of the schools on these reservations operated under the
22 agreement and (2) the operation and management of off-reservation
23 schools attended by dependent children of military reservation residents

24 * Sec. 23. AS 14.12.030 is amended by adding a new subsection to read:

25 (c) Each education service area shall have an area school board
26 which shall consist of five or seven members. The initial size of the
27 area school board shall be determined by the department at the time that
28 the education service area is established. However, the qualified
29 voters in an education service area may increase or decrease the number

1 of board members by placing the question on the ballot at a regular
2 election or a special election at least 90 days before an election in
3 the manner prescribed by law.

4 * Sec. 24. AS 14.12.040 is amended to read:

5 Sec. 14.12.040. TRANSITION. The transition from a five-man to a
6 seven-man school board shall be made at the regular election following,
7 or being held within 90 days preceding, the completion of the second
8 regular school term during which the district maintains an average
9 daily membership exceeding 5,000 or at the regular election following
10 the effective date of an ordinance or following an election increasing
11 board membership as provided in sec. 30(a) of this chapter. Once the
12 district has a seven-man school board, the number of members shall not
13 be changed.

14 * Sec. 25. AS 14.12.050(a) is amended to read:

15 (a) The term of office of a member of a [CITY OR BOROUGH] school
16 board is three years and until a successor takes office. However, the
17 members of a newly created five-man school board hold office for initial
18 terms as follows: two for a term of three years, two for a term of two
19 years and one for a term of one year, the terms being assigned to the
20 members by lot. The members of a newly created seven-man school board
21 hold office for initial terms as follows: three for a term of three
22 years, two for a term of two years and two for a term of one year, the
23 terms being assigned to the members by lot.

24 * Sec. 26. AS 14.12.080 is amended to read:

25 Sec. 14.12.080. QUALIFICATION OF MEMBERS. (a) To be eligible to
26 be a member of a school board, a person must have the same qualifica-
27 tions as are necessary to be a municipal voter in the school district
28 or education service area. However, if the education service area
29 consists solely of a military reservation, a resident of the reservation

1 is eligible if he

2 (1) is a citizen of the United States;

3 (2) has passed his 18th birthday;

4 (3) has been a resident of the reservation for at least 30
5 days before the election.

6 (b) Membership on an education service area school board on a
7 military reservation does not constitute a civil office under applicable
8 provisions of federal law.

9 * Sec. 27. AS 14.14.020 is amended to read:

10 ARTICLE 1. OPERATION OF DISTRICTS AND EDUCATION SERVICE AREAS.

11 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible
12 for custody of, investment, or management of school district or educa-
13 tion service area money enters upon the duties of office, the district,
14 education service area, or the municipality if the treasury is central-
15 ized, shall obtain a bond with sufficient sureties in an amount equal to
16 the money that may come into the officer's official custody, but not to
17 exceed \$50,000. The bond shall be conditioned on the officer's honest
18 and faithful disbursement and accounting of all money that may come into
19 his official custody. The bond shall be filed with the clerk of the
20 school board. This section does not apply to an officer who has been
21 bonded under AS 29.23.520 [07.25.060].

22 * Sec. 28. AS 14.14.050 is amended to read:

23 Sec. 14.14.050. ANNUAL AUDIT. (a) The school board in each school
24 district or education service area shall, before October 1, of each
25 year, provide for an audit of all school accounts for the school year
26 ending the preceding June 30. To make the audit the school board shall
27 contract with a public accountant who has no personal interest, direct
28 or indirect, in the fiscal affairs of the district. One certified copy
29 of the audit shall be filed with the commissioner and one certified copy

1 shall be posted in a public place at the principal administrative office
2 of the district.

3 (b) The audit shall conform in form to requirements established by
4 the commissioner. The commissioner shall withhold all payments of state
5 funds after November 15 to a school district or education service area
6 which fails to file a certified copy of the audit with the department.

7 (c) The commissioner may provide for a reaudit or an audit check
8 in a school district or education service area if in his judgment it is
9 necessary to substantiate the reported expenditures.

10 (d) The school board shall not make the audit if an audit which
11 satisfies the requirements of this section and which is filed and posted
12 as required by this section, is made according to AS 29.48.220 [07.20.150].

13 * Sec. 29. AS 14.14 is amended by adding a new section to read:

14 Sec. 14.14.067. RELATIONSHIP BETWEEN EDUCATION SERVICE AREA AND
15 THE STATE. The relationships between an educational service area board
16 and the legislative and executive branches of government shall be
17 essentially as provided in sec. 60 of this chapter for the relationship
18 between a school board of a borough school district and the borough
19 assembly and borough executive.

20 * Sec. 30. AS 14.14.090(2) is amended to read:

21 (2) provide for, during the school term of each year, an
22 educational program for each school age child who is a resident of the
23 district or education service area;

24 * Sec. 31. AS 14.14.090(6) is amended to read:

25 (6) keep the records and files of the school board open to
26 inspection by the public at the principal administrative office of the
27 district or education service area during reasonable business hours.

28 * Sec. 32. AS 14.14.100 is amended to read:

29 Sec. 14.14.100. BYLAWS AND ADMINISTRATIVE RULES. (a) The

1 school board policies relating to management and control of
2 the district or education service area shall be expressed in written
3 bylaws formally adopted at regular school board meetings.

4 (b) Administrative rules which do not embody school district or
5 education service area policy need not be promulgated as bylaws; how-
6 ever, the rules shall be in written form and readily available to all
7 school personnel.

8 * Sec. 33. AS 14.14.105 is amended to read:

9 Sec. 14.14.105. SICK LEAVE BANK. A [LOCAL] school [DISTRICT]
10 board, or the board of directors of the state-operated school system,
11 may establish a sick leave bank to enable a teacher, because of unusual
12 circumstances, to draw not more than twice the number of days of sick
13 leave the teacher has accumulated. The board may establish and admin-
14 ister the sick leave bank independently or jointly with teachers.

15 * Sec. 34. AS 14.14.110 is amended to read:

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

28 * Sec. 35. AS 14.14.130(a) is amended to read:

29 (a) Each school board shall select and employ a qualified person

1 as the chief school administrator [FOR THE DISTRICT].

2 * Sec. 36. AS 14.14.130(b) is amended to read:

3 (b) The chief school administrator [OF THE DISTRICT] shall admin-
4 ister the district or education service area in accordance with the
5 policies which the school board prescribes by bylaw.

6 * Sec. 37. AS 14.14.130(c) is amended to read:

7 (c) The chief school administrator shall select, appoint, and
8 otherwise control all [SCHOOL DISTRICT] employees serving under him
9 subject to the approval of the school board.

10 * Sec. 38. AS 14.14.160(a) is amended to read:

11 (a) The department and school boards [LOCAL DISTRICTS] may
12 cooperate with the Association of Alaska School Boards in its inservice
13 training program for school board members and in encouraging and fos-
14 tering cooperation among the school boards affiliated with the Associa-
15 tion of Alaska School Boards.

16 * Sec. 39. AS 14.14.160(b) is amended to read:

17 (b) School districts and education service areas may expend public
18 funds [DISTRICT MONEY] to carry out the provisions of (a) of this
19 section.

20 * Sec. 40. AS 14.14.310 is amended to read:

21 Sec. 14.14.310. DEFINITIONS. In secs. 250 - 310 of this chapter

22 (1) "board" means the governing body of a borough or city
23 school district, education service area, or the Board of Directors for
24 the State-Operated Schools;

25 (2) "district" means a borough or city school district, an
26 education service area, or the state-operated school system.

27 * Sec. 41. AS 14.17.210(c)(1) is amended to read:

28 (1) "state school" means a school operated by the Department
29 of Education, an education service area, or State-Operated School System

1 and entirely financed by state money; and

2 * Sec. 42. 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 state
5 [OR] a school district, or an education service area, shall be filed
6 with the commissioner. The statement shall contain the credits earned
7 in college, normal school, or university, and the number of years of
8 teaching experience both in the state and elsewhere in the form and
9 manner prescribed by the commissioner.

10 * Sec. 43. AS 14.20.145 is amended to read:

11 Sec. 14.20.145. AUTOMATIC RE-EMPLOYMENT. If notification of non-
12 retention is not given according to sec. 140 of this chapter a teacher
13 is entitled to be re-employed in the same district or education service
14 area, for the following school year on the contract terms the teacher
15 and the employer may agree upon, or if no terms are agreed upon, the
16 provisions of the previous contract are continued for the following
17 school year, subject to sec. 158 of this chapter. The right to be re-
18 employed according to this section expires if the teacher does not
19 accept re-employment within 30 days after the date on which the teacher
20 receives his contract of re-employment.

21 * Sec. 44. AS 14.20.150(a) is amended to read:

22 (a) A teacher acquires tenure rights [IN A DISTRICT] when he
23 (1) possesses a standard teaching certificate;
24 (2) has been employed as a teacher in the same district or
25 education service area continuously for two full school years and is re-
26 employed for the school year immediately following the two full school
27 years.

28 * Sec. 45. AS 14.20.150(b) is amended to read:

29 (b) The tenure rights acquired under (a) of this section become

1 effective on the first day the teacher performs teaching services in the
2 district or education service area during the school year immediately
3 following the two full school years.

4 * Sec. 46. AS 14.20.155(a) is amended to read:

5 (a) A teacher who has acquired tenure rights has the right to
6 employment within the district or education service area during contin-
7 uous service.

8 * Sec. 47. AS 14.20.158(1) is amended to read:

9 (1) affect the alteration of the teacher's salary in accord-
10 ance with the salary schedule prescribed by state law, or in accordance
11 with a local salary schedule applicable to all teachers in the district
12 or education service area and adopted by bylaws;

13 * Sec. 48. AS 14.20.158(3) is amended to read:

14 (3) limit the right of the employer to assign the teacher, as
15 is reasonably necessary, to any school in the district or education
16 service area.

17 * Sec. 49. AS 14.20.160 is amended to read:

18 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost
19 when the teacher's employment in the district or education service area
20 is interrupted or terminated, or when the teacher reaches the age of 65.

21 * Sec. 50. AS 14.20.170(3) is amended to read:

22 (3) substantial noncompliance with the school laws of the
23 state, the regulations or bylaws of the department, the bylaws of the
24 district or education service area, or the written rules of the superin-
25 tendent.

26 * Sec. 51. AS 14.20.175(a) is repealed and re-enacted to read:

27 (a) A teacher who has not acquired tenure rights is subject to
28 nonretention for the school year following the expiration of his con-
29 tract for any cause which the employer determines to be adequate.

1 However, at his request, the teacher is entitled to a written statement
2 of the cause for his nonretention. Each school board shall provide by
3 bylaw a procedure under which a nonretained teacher may, at his request,
4 be heard informally by a panel of the governing body.

5 * Sec. 52. AS 14.20.175(b)(3) is amended to read:

6 (3) substantial noncompliance with the school laws of the
7 state, the regulations or bylaws of the department, the bylaws of the
8 district or education service area, or the written rules of the super-
9 intendent; or

10 * Sec. 53. AS 14.20.180(b) is amended to read:

11 (b) The tenure teacher may, within 15 days immediately following
12 receipt of the notification, notify the employer in writing that he
13 requests a hearing before the school board or education service area
14 board, or if the tenure teacher is employed by the state, before an
15 appeal panel consisting of the director and two members of the board.
16 The tenure teacher may require in the notification that

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

23 * Sec. 54. AS 14.20.230 is amended to read:

24 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards [OF
25 DISTRICT SCHOOLS AND THE BOARD OF THE STATE-OPERATED SCHOOLS] shall pay
26 a qualified school administrator a salary not less than the allowable
27 amount for his position on the teachers' scale provided in sec. 220(a)
28 (c) of this chapter, plus

- 29 (1) 25 per cent for the chief school administrator of a

1 district or education service area with an average daily membership of
2 500 or more;

3 (2) 20 per cent for the chief school administrator of a
4 district or education service area with an ADM of less than 500;

5 (3) 15 per cent for a principal or other administrator;

6 (4) 10 per cent for an assistant principal.

7 * Sec. 55. AS 14.20.280 is amended to read:

8 Sec. 14.20.280. BASIS OF LEAVE. A teacher who has rendered active
9 service for seven or more years in a district or education service area
10 is eligible for sabbatical leave. Sabbatical leave may be taken for
11 educational purposes only, and for not more than one school year.

12 * Sec. 56. AS 14.20.290 is amended to read:

13 Sec. 14.20.290. APPLICATION. A teacher who wishes to take sabbat-
14 ical leave must apply to the governing body [OF THE SCHOOL DISTRICT].
15 The teacher must submit information showing his qualifications for
16 sabbatical leave and a plan for his education during the leave.

17 * Sec. 57. AS 14.20.300(a) is amended to read:

18 (a) The governing body [OF THE SCHOOL DISTRICT] has the responsi-
19 bility for selection of the teachers to be granted sabbatical leave.

20 * Sec. 58. AS 14.20.300(b) is amended to read:

21 (b) In selecting teachers for sabbatical leave, the governing body
22 shall consider the benefit which the schools [SCHOOL DISTRICT] will
23 derive from the proposed plan of the teacher for educational purposes,
24 the field of study of the teacher, the contributions of the teacher to
25 education in Alaska, and the seniority of the teacher.

26 * Sec. 59. AS 14.20.310 is repealed and re-enacted to read:

27 Sec. 14.20.310. AMOUNT OF SABBATICAL LEAVE AND COMPENSATION. (a)
28 The number of teachers eligible for the sabbatical leave which may be
29 allowed under secs. 280 - 350 of this chapter is as follows:

1 (1) not more than one-half of one per cent of the total num-
2 ber of teachers from the public schools may be on state-supported
3 sabbatical leave in any year;

4 (2) any number of teachers may be on sabbatical leave at
5 district, education service area, or personal expense.

6 (b) A teacher on state-supported sabbatical leave is entitled to
7 one-half his base salary to be paid by the department.

8 (c) A teacher on sabbatical leave at district or education service
9 area expense is entitled to an amount to be determined by the governing
10 body.

11 * Sec. 60. AS 14.20.320 is amended to read:

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

22 * Sec. 61. AS 14.20.345(a) is amended to read:

23 (a) A teacher may be granted a leave of absence without pay for
24 the purposes which may be approved by the governing body [OF THE DIST-
25 RICT] if

26 (1) his application is approved by the governing body [OF
27 THE DISTRICT]; and

28 (2) he agrees to return to employment in a public school not
29 later than the beginning of the school year following termination of the

1 period for which the leave of absence was granted.

2 * Sec. 62. AS 14.20.345(d) is amended to read:

3 (d) The governing body [OF THE DISTRICT] may agree to continue the
4 teacher's retirement contributions if the teacher agrees to pay the
5 required seven per cent of the salary he would have received during his
6 leave of absence and reimburse the district or education service area
7 for the employer's [DISTRICT'S] required retirement contribution. Each
8 year of leave of absence then would count as a year of retirement ser-
9 vice.

10 * Sec. 63. AS 14.20.345(e) is amended to read:

11 (e) The governing body [OF THE DISTRICT] may advance the teacher
12 on the [DISTRICT] salary schedule when he returns to employment if the
13 governing body determines that the teacher's leave of absence was edu-
14 cationally or professionally beneficial to the teacher or the district
15 or education service area.

16 * Sec. 64. AS 14.20.560(a) is amended to read:

17 (a) When a majority of the certificated employees in a school
18 district or education service area have designated an educational
19 organization of their own choosing to bargain for them, the organization
20 shall be recognized by the school board as the bargaining agent for all
21 the certificated staff, except superintendents of schools. The member-
22 ship of any such recognized educational organization shall be composed
23 principally of those employed in the teaching profession in Alaska.

24 * Sec. 65. AS 14.20.560(b) is amended to read:

25 (b) The organization representing a majority of the certificated
26 employees of a school district or education service area shall, upon the
27 request of the school board, submit an affidavit verifying that it does
28 represent a majority of the certificated employees. Recognition of the
29 employee bargaining agency by a school board is valid for one year or a

1 term agreed upon by the two parties to an agreement, unless a majority
2 of certified staff votes to request the termination of recognition of
3 the employee bargaining agency. The school board is entitled to an
4 affidavit of membership from the employee bargaining agency once each
5 year.

6 * Sec. 66. AS 14.20.560(c) is amended to read:

7 (c) Upon the request of 25 per cent of the certificated employees
8 in a district or education service area, the school board shall hold,
9 within 20 days, an election by secret ballot of all the certificated
10 employees in order to determine their choice of a bargaining agency.
11 The results of this election are binding for one year.

12 * Sec. 67. AS 14.25.070 is amended to read:

13 Sec. 14.25.070. CONTRIBUTIONS BY EMPLOYER. An employer shall con-
14 tribute to the retirement fund either (1) an amount equal to one-half
15 the percentage, as certified by the administrator, of the sum total of
16 the base salaries of all teachers that is required in addition to
17 teacher contributions to provide the benefits of this chapter times the
18 sum total of the base salaries paid to teachers by the employer, or (2)
19 an amount equal to five per cent of the sum total of the base salaries
20 paid to teachers by the employer, whichever is less. The contributions
21 shall be transmitted to the administrator at the close of each pay
22 period. If the contributions are not submitted, the contributions shall
23 be deducted by the Department of Education from state funds due the
24 school districts or education service areas and transmitted to the
25 teachers' retirement system for deposit in the retirement fund. The
26 University of Alaska shall forward its contribution to the administrator
27 at the close of each pay period for deposit by him in the retirement
28 fund.

29 * Sec. 68. AS 14.25.220(4) is amended to read:

1 (4) "employer" means a public school district, education
2 service area, the State-Operated School System, the Board of Regents
3 of the University of Alaska, or the Department of Education;

4 * Sec. 69. AS 14.25.220(5) is amended to read:

5 (5) "membership service" means service as a teacher in a
6 public school within the Territory or State of Alaska, or both, under
7 the supervision and control of the Territorial Board of Education
8 or the Department of Education, the school board of a city or borough
9 [ANY PUBLIC] school district, education service area, the state-operated
10 school district, [OR] the Board of Regents of the University of Alaska,
11 or any period during which the teacher is on an approved sabbatical
12 leave granted in accordance with AS 14.20.310 or is receiving disability
13 retirement salary;

14 * Sec. 70. AS 14.25.220(9) is amended to read:

15 (9) "retirement fund" means the fund consisting of all
16 matching contributions by [CITY] school districts or education service
17 areas, money made available by appropriations of the state legislature,
18 and from other appropriated funds, all contributions from whatever
19 source, and income and interest derived from the investment of money;

20 * Sec. 71. AS 14.30.010(a) is amended to read:

21 (a) Every child between seven and 16 years of age shall attend
22 school at the public schools [SCHOOL] in the attendance area [DISTRICT]
23 in which the child resides during each school term. Every parent,
24 guardian or other person having the responsibility for or control of a
25 child between seven and 16 years of age shall insure that the child is
26 not absent from attendance.

27 * Sec. 72. AS 14.30.010(b)(8) is amended to read:

28 (8) is excused in writing signed by a majority of the members
29 of the school board of a district, education service area, or by the

1 director of state-operated schools for a child in such a school; or

2 * Sec. 73. AS 14.30.030 is amended to read:

3 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief
4 school administrator [ADMINISTRATIVE OFFICER OF A DISTRICT OR STATE-
5 OPERATED SCHOOL] shall report all apparent violations of sec. 10 of this
6 chapter to the governing body of the district or education service area.

7 The governing body shall, on receiving the report or on the complaint
8 of any person, provide for a full and impartial investigation of all
9 charges of violation. In private [OR FEDERAL] schools, the chief
10 administrative officer shall make a full and impartial investigation of
11 all apparent violations. If it reasonably appears upon investigation
12 that a person has violated sec. 10 of this chapter, the governing body
13 of a district, education service area [OR STATE-OPERATED SCHOOL], or the
14 chief administrative officer of a private [OR FEDERAL] school, shall
15 make and file with the district court a complaint against the person,
16 charging the violation. The judge or magistrate may issue a warrant
17 for the arrest of the person and may act upon the complaint.

18 * Sec. 74. AS 14.30.050(a) is amended to read:

19 (a) If it is not practical for an existing law enforcement agency
20 to enforce sec. 10 of this chapter, the governing body [OF THE SCHOOL
21 DISTRICT OR THE BUREAU OF INDIAN AFFAIRS] may appoint the necessary
22 truant officers to enforce sec. 10 of this chapter. [THE STATE SHALL
23 NOT CONTRIBUTE TO THE EXPENSES OF AN OFFICER APPOINTED BY THE BUREAU OF
24 INDIAN AFFAIRS.]

25 * Sec. 75. AS 14.30.070(a) is amended to read:

26 (a) The governing body of each school district and education ser-
27 vice area shall provide for and require a physical examination of every
28 child attending school in the district or education service area. The
29 examination shall be made when the child enters school or, in areas

1 where no physician resides, as soon thereafter as is practicable, and
2 thereafter at regular intervals considered advisable by the governing
3 body [OF THE DISTRICT].

4 * Sec. 76. AS 14.30.070(b) is amended to read:

5 (b) The Department of Health and Social Services may require the
6 district or education service area to conduct additional physical exam-
7 inations which it considers necessary, and may reimburse the district
8 or education service area for the additional examinations on the basis
9 and to the extent the commissioner of health and social services
10 [WELFARE] prescribed by regulations.

11 * Sec. 77. AS 14.30.125 is amended to read:

12 Sec. 14.30.125. IMMUNIZATION. If in the judgment of the commis-
13 sioner of health and social services it is necessary for the welfare of
14 the children or the general public in an area, the governing body [OF
15 THE SCHOOL DISTRICT] shall require the children attending school in that
16 area to be immunized against the diseases the commissioner of health and
17 social services may specify.

18 * Sec. 78. AS 14.30.186(a) is amended to read:

19 (a) A [BOROUGH OR CITY] school district or education service area
20 shall provide for special services for exceptional children represented
21 by not less than five children residing in the attendance area [DISTRICT].

22 * Sec. 79. AS 14.30.186(b) is repealed.

23 * Sec. 80. AS 14.30.186(d) is amended to read:

24 (d) A school district or education service area [OR A STATE-
25 OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to provide
26 special services for exceptional children may cooperate with one or more
27 school districts or education service areas [STATE-OPERATED SCHOOLS] in
28 providing special classes. If, under the cooperative agreement, there
29 are no special classes offered within a school district or education

1 service area [STATE-OPERATED SCHOOL], exceptional children may attend
2 special classes in the cooperating school district or education service
3 area [STATE-OPERATED SCHOOL] providing the special classes.

4 * Sec. 81. AS 14.30.260 is amended to read:

5 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The governing body
6 [SCHOOL BOARD FOR A DISTRICT, OR THE BOARD OF DIRECTORS FOR A SCHOOL IN
7 THE STATE-OPERATED SCHOOL DISTRICT IN WHICH SPECIAL SERVICES ARE PRO-
8 VIDED FOR,] may waive part of the qualifications for teachers as set
9 out in sec. 250 of this chapter, if necessary, during the first school
10 year special services are offered [IN THE DISTRICT OR IN THE SCHOOL IN
11 THE STATE-OPERATED SCHOOL DISTRICT].

12 * Sec. 82. AS 14.30.285(a) is amended to read:

13 (a) An exceptional child may be sent to another school district or
14 education service area, with the consent of the district or education
15 service area, [OR STATE-OPERATED SCHOOL] if the child resides in [A
16 DISTRICT OR] school attendance area where there is no provision for
17 classes or the special education class is not appropriate for the needs
18 of the child.

19 * Sec. 83. AS 14.30.285(b) is amended to read:

20 (b) If a school district [,] or education service area [THE STATE
21 DIRECTOR IF A STATE-OPERATED SCHOOL] approves the enrollment of an
22 exceptional child in another school district or education service area
23 [STATE-OPERATED SCHOOL APPROVED BY THE STATE DIRECTOR], and the child is
24 enrolled in the institution, the child's education expenses shall be
25 paid for as follows:

26 (1) the school district or education service area [THE BOARD
27 OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall pay the receiving district
28 or education service area, an amount of money equal to the receiving
29 district's local cost per pupil rate;

1 (2) the Department of Education [OR THE BOARD OF DIRECTORS
2 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of
3 the annual cost of the child's education, [AT A SCHOOL WITHIN ITS
4 JURISDICTION,] above that provided for in (b)(1) of this section.

5 * Sec. 84. AS 14.30.295(a) is amended to read:

6 (a) An exceptional child may be sent out of the state for special
7 education if

8 (1) the child resides in a [DISTRICT OR] school attendance
9 area where there is no provision for classes or the special class is
10 not appropriate for the needs of the child; and

11 (2) the commissioner [OF EDUCATION] determines it is not
12 feasible for the child to attend a special class elsewhere in the state.

13 * Sec. 85. AS 14.30.295(b) is amended to read:

14 (b) If a school district or education service area [THE STATE
15 DIRECTOR, IF A STATE-OPERATED SCHOOL,] approves the enrollment of an
16 exceptional child in an out-of-state institution approved by the commis-
17 sioner, and the child is enrolled in the institution, the child's educa-
18 tion expenses shall be paid as follows:

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

23 (2) the department [BOARD OF THE STATE-OPERATED SCHOOLS]
24 shall pay whichever of the following amounts is less, but not to exceed
25 \$6,000:

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

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

1 education;

2 (3) the parent or guardian shall pay the remainder of the
3 cost unless the commissioner [SCHOOL BOARD OR THE STATE DIRECTOR, IF A
4 STATE-OPERATED SCHOOL,] determines upon the basis of standards set by
5 the commissioner of education in cooperation with the Department of
6 Health and Social Services, that the parent or guardian is unable to pay
7 all or part of the remainder of the cost; the department [BOARD OF THE
8 STATE-OPERATED SCHOOLS] shall pay the remainder of the cost which the
9 parent or guardian is unable to pay.

10 * Sec. 86. AS 14.30.330(b) is amended to read:

11 (b) The application shall be on forms provided by the department
12 and shall be submitted to the governing body of the district or educa-
13 tion service area in which the child resides. When an application is
14 submitted to a school board, it shall be forwarded to the commissioner.

15 * Sec. 87. AS 14.33.010 is repealed and re-enacted to read:

16 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
17 governing body of a public or non-public school may require that school
18 safety patrols be established to assist pupils to cross streets and
19 highways adjacent to schools in safety.

20 * Sec. 88. AS 14.33.050 is amended to read:

21 Sec. 14.33.050. COOPERATION WITH LAW ENFORCEMENT AUTHORITIES. The
22 Department of Public Safety [STATE POLICE] or the police department of
23 a political subdivision of the state may, upon request by the governing
24 body of a public or non-public [DEPARTMENT, A SCHOOL BOARD, OR A PRIVATE
25 OR DENOMINATIONAL] school, assist in the training and control of safety
26 patrols.

27 * Sec. 89. AS 14.60.010(5) is amended to read:

28 (5) "governing body" means the school board of a borough or
29 city school district, an education service area, or the board of

1 directors for the state-operated school district;

2 * Sec. 90. AS 14.60.010(6) is amended to read:

3 (6) "school board" means the school board of a borough or
4 city school district, an education service area, or the board of direc-
5 tors of the state-operated school district;

6 * Sec. 91. AS 14.60.010 is amended by adding a new paragraph to read:

7 (10) "education service area" is an organized subdivision
8 within the meaning of AS 14.08.010(b).

9 * Sec. 92. The term of office of a member of the Board of Directors for
10 State-Operated Schools who is a resident of

11 (1) a military reservation that becomes an education service area
12 under AS 14.12.010(3), as amended by sec. 19 of this Act, shall terminate on
13 the effective date of this Act; or

14 (2) a military reservation whose schools are operated by a con-
15 tiguous borough school district in accordance with a contractual agreement
16 under AS 14.12.020(d), as added by sec. 22 of this Act, shall terminate on
17 the effective date of the contractual agreement.

18 * Sec. 93. AS 14.12.020(a.) as amended by sec. 20 of this Act supersedes
19 AS 14.12.020(a) as amended by sec. 5 of CSSB 150 am ("An Act relating to the
20 annexation of military reservations to cities and boroughs; and providing
21 for an effective date.").

22 * Sec. 94. This Act takes effect on the day after its passage and approval
23 or on the day it becomes law without approval.
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