

Introduced: 3/5/75
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY SWANSON, OSE AND DAVIS

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 24

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH 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 AS 14.08.010 - 14.08.170 are repealed.

10 * Sec. 2. AS 14.93 is amended by adding new sections to read:

11 CHAPTER 8. EDUCATION IN THE UNORGANIZED BOROUGH [ALASKA

12 STATE-OPERATED SCHOOL SYSTEM]

13 Sec. 14.08.011. PURPOSE. (a) It is the purpose of this chapter to
14 provide for public education in the unorganized borough and the military
15 reservations in the state.

16 (b) Nothing in this chapter prohibits an organized borough, city,
17 village, community or settlement in an unorganized area of the state from
18 becoming part of or being formed into an organized political subdivision
19 authorized under AS 29.

20 Sec. 14.08.021. AUTHORITY. The legislature delegates to school
21 boards for each regional educational attendance area the authority to
22 operate the public schools in those areas in accordance with the provi-
23 sions of this chapter, subject to the provisions of this title and the
24 regulations promulgated under it that apply to all school districts in
25 the state.

26 Sec. 14.08.031. REGIONAL EDUCATIONAL ATTENDANCE AREAS. (a) The
27 Department of Education in consultation with the Department of Community
28 and Regional Affairs and local communities shall divide the unorganized
29 borough into regional educational attendance areas.

1 (b) Military reservation schools shall be included in a regional
2 educational attendance area. However, operation of military reservation
3 schools by a city or borough school district may be required by the
4 department under AS 14.12.020(a) and AS 14.14.110.

5 (c) U. S. Bureau of Indian Affairs schools may be included in a
6 regional educational attendance area.

7 (d) School boards for the regional educational attendance areas
8 established under sec. 41 of this chapter shall begin operation of the
9 schools in the region under their control on a date mutually agreed upon
10 by the board and the commissioner, but not later than July 1, 1976.

11 Sec. 14.08.041. REGIONAL SCHOOL BOARDS. (a) A regional education-
12 al attendance area shall be operated on an areawide basis under the
13 management and control of a regional school board.

14 (b) The qualified voters in each regional educational attendance
15 area shall elect a regional school board of not less than five nor more
16 than eleven members to be elected for the same term, in the same manner
17 and with the same qualifications as a city or borough school district
18 board under ch. 12 of this title. The initial number of regional school
19 board members shall be determined by the department in consultation with
20 the local communities in the regional educational attendance areas.
21 However, the qualified voters in a regional educational attendance area
22 may increase or decrease the number of regional school board members
23 established under this section by placing the question on the ballot at
24 a regular school board election in the manner prescribed by law. A
25 change in the number of school board members shall not be effective
26 until the next following regular school board election.

27 (c) A regional school board shall consist of five, seven, nine or
28 11 members.

29 (d) Regional school board members shall be elected at large by the
SSHB 24

1 qualified voters of the entire regional educational attendance area.
2 However, each seat on the school board shall be designated by letter or
3 number, and a candidate for regional school board must indicate the seat
4 for which he is a candidate on his declaration of candidacy or other
5 nomination papers when he files for office.

6 (e) A vacancy on a regional school board shall be filled in ac-
7 cordance with AS 14.12.070.

8 Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The commissioner in
9 consultation with the Department of Community and Regional Affairs and
10 the local communities may divide a regional educational attendance area
11 into sections for the purpose of nominating and electing regional
12 school board members. If a regional educational attendance area is
13 divided into sections each school board member shall represent, as
14 nearly as practicable, an equal number of persons. The basis for the
15 division of a regional educational attendance area into sections shall
16 be the total population of the area as reported in the most recent de-
17 cennial federal census. If the census is five years old or older, then
18 other reliable population data, including but not limited to population
19 estimates based on public school enrollments, public utility connections,
20 registered voters or certified employment payrolls, shall be used as the
21 basis for the division of the area into sections. Each section within
22 a regional educational attendance area shall consist of compact, con-
23 tiguous territory and, insofar as practicable, each section shall contain
24 a relatively integrated socio-economic, linguistically and culturally
25 homogeneous area. In the division of the regional school attendance
26 area into sections, consideration shall be given to the transportation
27 and communication network to facilitate the administration of education
28 and communication between communities that comprise the area. Whenever
29 possible, municipalities, other governmental or regional corporate en-

1 titles, drainage basins and other identifiable geographic features shall
2 be used in describing the boundaries of the sections.

3 (b) The division of a regional educational attendance area into
4 sections, or subsequent recasting of the section boundaries, may be pro-
5 posed by the regional school board or by a petition containing signatures
6 of qualified voters in the area equal to 15 per cent of the total vote
7 cast in the most recent regional school board election. The division of
8 the area into sections, or subsequent recasting of section boundaries,
9 is subject to approval by a majority of the qualified voters voting on
10 the questions in the regional educational attendance area at the next
11 regular school board election or a special election called for that
12 purpose.

13 (c) If a regional educational attendance area has been divided
14 into sections, the commissioner shall recast the boundaries of the
15 sections within 90 days following the official reporting of the de-
16 cennial federal census in accordance with (a) of this section.

17 (d) Multi-member sections may be created. However

18 (1) the commissioner shall designate each seat within a
19 multi-member section by letter or number, and a candidate for regional
20 school board within that section must indicate the seat for which he is
21 a candidate on his declaration of candidacy or other nomination papers
22 when he files for office; and

23 (2) no section may be represented by more than

24 (A) three members, if a board consists of five members;

25 (B) four members, if a board consists of seven members;

26 (C) five members, if a board consists of nine members;

27 or

28 (D) six members, if a board consists of 11 members.

29 (e) If a regional educational attendance area has been divided

1 into sections, board members shall be residents of the section from
2 which they are elected, but they shall be elected by the qualified
3 voters of the entire regional educational attendance area.

4 Sec. 14.08.061. TERM OF OFFICE. (a) Members elected to a regional
5 school board shall serve staggered three-year terms. However,

6 (1) the term of office of all of the members of a regional
7 school board elected from the same multi-member section may not expire
8 at the same time; and

9 (2) for the first board elected, the term of office of each
10 member shall be determined by lot, according to the following schedule:

11 (A) the members of the first five-member school board
12 shall hold office for terms as follows: one member for a one-year
13 term; two for a two-year term and two for a three-year term;

14 (B) the members of the first seven-member school board
15 hold office for terms as follows: two members for a one-year term,
16 two for a two-year term and three for a three-year term;

17 (C) the members of the first nine-member school board
18 hold office for terms as follows: three for a one-year term; three
19 for a two-year term and three for a three-year term;

20 (D) the members of the first 11-member school board hold
21 office for terms as follows: three for a one-year term, four for a
22 two-year term and four for a three-year term.

23 (b) If a regional educational attendance area is divided into
24 sections under sec. 51 of this chapter where the school board formerly
25 was elected at large, or if the number of regional school board members
26 is increased or decreased by the qualified voters in the regional educa-
27 tional attendance area under sec. 41(b) of this chapter, then the term
28 of office of all members of the existing board shall terminate on the
29 date on which the new board members take office, and the provisions of

1 (a) of this section are applicable to the determination of the terms of
2 office of the new members of the regional school boards.

3 Sec. 14.08.071. ELECTIONS. (a) In each regional educational
4 attendance area in the unorganized borough, the lieutenant governor,
5 within 60 days of the effective date of this section, shall provide for
6 the election of a regional school board.

7 (b) Except for the first election of regional school board members
8 under (a) of this section, election shall be held annually on the first
9 Tuesday in October at the time of regular municipal elections under
10 AS 29.28.020. Elections shall be supervised by the director of elections
11 in the office of the lieutenant governor, but shall be administered with-
12 in second class cities as part of the regular municipal election. The
13 lieutenant governor shall promulgate regulations for the conduct of the
14 election of regional school board members comparable, insofar as practi-
15 cable, to those prescribed for election of school board members under
16 ch. 12 of this title and AS 29.28.

17 (c) The cost of each regional school board election, or recall
18 election under sec. 81 of this chapter, shall be borne by the state.

19 Sec. 14.08.081. RECALL. The members of a regional school board
20 are subject to recall in accordance with AS 29.28.130 - 29.28.250, except
21 that the commissioner of education shall perform the functions of a
22 municipal clerk, and the state Board of Education shall perform the
23 functions of the assembly or council under those sections.

24 Sec. 14.08.091. TRANSITION. The state Board of Education shall
25 act as the regional school board for those schools in the unorganized
26 borough and or military reservation that are not within a regional edu-
27 cational attendance area which has been established and become opera-
28 tional under sec. 31 of this chapter. While acting as the regional
29 school board for those schools, the state board may exercise the powers

1 of a regional school board under sec. 111 of this chapter and is subject
2 to the same duties as a regional school board under sec. 121 of this
3 chapter.

4 Sec. 14.08.101. ADMINISTRATION. (a) The regional school boards
5 shall be organized in accordance with AS 14.14.070, and, before taking
6 office, each school board member shall take and sign the oath or affir-
7 mation prescribed by AS 14.12.090.

8 (b) The officer of the board responsible for the custody of re-
9 gional educational attendance area funds shall execute a bond of \$50,000
10 with the commissioner.

11 Sec. 14.08.111. POWERS. A regional school board may;

12 (1) sue and be sued;

13 (2) contract and be contracted with, including contracting
14 with the department, the Bureau of Indian Affairs, or any other school
15 district, agency, or regional board for the provision of services, faci-
16 lities, supplies or utilities;

17 (3) determine its own policies and procedures for the purchase
18 of supplies and equipment, separate from the state purchasing system;

19 (4) appoint, compensate and otherwise control all school em-
20 ployees in accordance with this title; these employees are not subject
21 to the state personnel Act (AS 39.25);

22 (5) adopt regulations governing organization, policies and
23 procedures for the operation of the schools;

24 (6) establish maintain, operate, discontinue and combine
25 schools subject to the approval of the commissioner;

26 (7) recommend to the commissioner a school construction and
27 rehabilitation program based on an evaluation of the condition of exist-
28 ing school facilities and a determination of the requirements for new
29 school construction, rehabilitation or other upgrading of school facili-

1 ties; and

2 (8) exercise those other functions that may be necessary for
3 the proper performance of its responsibilities.

4 Sec. 14.08.121. DUTIES. A regional school board shall:

5 (1) provide, during the school term of each year, an educa-
6 tional program for each school age child who is a resident of the dis-
7 trict;

8 (2) develop a philosophy of education, principles and goals
9 for its schools;

10 (3) employ a chief school administrator and approve the em-
11 ployment of the professional administrators, teachers and non-certifi-
12 cated personnel necessary to operate its schools;

13 (4) establish the salaries to be paid its employees;

14 (5) designate the employees authorized to direct disbursements
15 from the school funds of the board;

16 (6) submit the reports prescribed for all school districts;

17 (7) provide for an annual audit in accordance with AS 14.14.-
18 050; and,

19 (8) provide custodial services and routine maintenance of
20 school buildings and facilities.

21 Sec. 14.08.131. FUNDING. (a) The legislature shall fund the oper-
22 ational costs of the regional educational attendance area schools in the
23 following manner:

24 (1) the amount of basic need as defined in AS 14.17.021(b);
25 and

26 (2) an additional amount equal to the average locally produced
27 revenues per pupil in average daily membership (ADM) in the city and
28 borough school districts in the prior fiscal year.

29 (b) Funds for the operation of the regional educational attendance
SSHB 24

1 area schools shall be appropriated annually to the Department of Educa-
2 tion for distribution to the regional school boards in the manner pre-
3 scribed in AS 14.17.160 - 14.17.180.

4 Sec. 14.08.141. CONFLICT OF INTEREST; DISQUALIFICATION FROM VOTING.
5 A board member having a direct or indirect pecuniary interest in a con-
6 tract for erection of buildings, heating, ventilation, furnishing or
7 repairing the buildings or in a contract for the furnishing of supplies
8 for a regional school is disqualified from voting on any question in-
9 volving his pecuniary interest unless the member has disclosed that
10 interest to the board and the remaining members have approved the mem-
11 ber's participation in the voting.

12 Sec. 14.08.151. REGIONAL RESOURCE CENTERS. A regional educational
13 attendance area or any other school district in the state may participate
14 in regional or statewide resource centers which may be established by the
15 department. Services provided by a resource center include, but are not
16 limited to accounting and fiscal services, media services, instructional
17 support services, inservice and staff development services, student
18 services, diagnostic services, school management and training services
19 and school board member training. Funds for the operation and adminis-
20 tration of a regional resource center shall be provided by the Depart-
21 ment of Education.

22 * Sec. 3. AS 14.12.010 is amended to read:

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

- 25 (1) each first [, SECOND, AND THIRD] class city in the un-
26 organized borough is a city school district;
- 27 (2) each organized borough is a borough school district;
- 28 (3) the area outside organized boroughs and outside first [,
29 SECOND AND THIRD] class cities is divided into regional educational

1 attendance areas [THE STATE-OPERATED SCHOOL DISTRICT].

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

3 (a) Each regional educational attendance area shall be operated on
4 an areawide basis under the management and control of a regional school
5 board. The regional school board manages and controls schools on mili-
6 tary reservations within its regional educational attendance area until
7 the military mission is terminated or so long as management and control
8 by the regional educational attendance area is approved by the department.
9 However, operation of the military reservation schools by a city or
10 borough school district may be required by the department under AS 14.-
11 14.110. If the military mission of a military reservation terminates or
12 continued management and control by the regional educational attendance
13 area is disapproved by the department, operation, management and control
14 of schools on the military reservation transfers to the city or borough
15 school district in which the military reservation is located.

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

17 (c) The legislature shall provide the state money necessary to
18 maintain and operate the regional educational attendance areas [STATE-
19 OPERATED SCHOOL DISTRICT]. The borough assembly for a borough school
20 district, and the city council for a city school district, shall provide
21 the money which must be raised from local sources to maintain and operate
22 the district.

23 * Sec. 6. AS 14.14.170 is amended to read:

24 Sec. 14.14.170. COMMUNITY [ADVISORY] SCHOOL COMMITTEES [BOARDS].

25 (a) There may be [IS] established a community [AN ADVISORY] school
26 committee [BOARD] in each community or military reservation served by a
27 school operated by a regional educational attendance area [THE STATE OR
28 BY A CITY OR BOROUGH SCHOOL DISTRICT BY CONTRACT WITH THE STATE]. If
29 the regional educational attendance area [STATE-OPERATED] school has an

1 average daily membership of less than 251 pupils, the community [ADVI-
2 SORY] school committee [BOARD] consists of three members. If the average
3 daily membership is more than 250 pupils, the community [ADVISORY]
4 school committee [BOARD] consists of five members.

5 [(b) VOTERS QUALIFIED UNDER SEC. 180 OF THIS CHAPTER, AT AN ELEC-
6 TION, MAY CREATE AN ON-BASE ADVISORY SCHOOL BOARD WHICH SHALL BE ADVISORY
7 TO THE GOVERNING BODY OF THE SCHOOL DISTRICT THAT OPERATES THE ON-BASE
8 SCHOOLS. THE DATE OF ELECTION FOR ON-BASE ADVISORY SCHOOL BOARD MEMBERS,
9 WHERE THE SCHOOLS ARE OPERATED BY A CITY OR BOROUGH SCHOOL DISTRICT BY
10 CONTRACT, SHALL BE THE SAME AS THAT FOR THE REGULAR MUNICIPAL ELECTION IN
11 THE CONTRACTING CITY OR BOROUGH.]

12 (c) In communities qualifying for three-member community [ADVISORY]
13 school committees [BOARDS] under (a) of this section, voters qualified
14 under sec. 180 of this chapter may increase the committee [BOARD] to five
15 members by referendum conducted at an election coinciding with an elec-
16 tion for community [ADVISORY] school committee [BOARD] members. In
17 communities qualifying for five-member community [ADVISORY] school
18 committees [BOARDS] under (a) of this section, voters qualified under
19 sec. 180 of this chapter may increase the committee [BOARD] to seven
20 members by referendum conducted at an election coinciding with an elec-
21 tion for community [ADVISORY] school committee [BOARD] members.

22 (d) The date of election for community [ADVISORY] school committee
23 [BOARD] members is the same as that for regular municipal elections in
24 the second class city having the largest population in the area served by
25 the committee [BOARD] or, if there is no second class city within the
26 area, on an annual election date for such elections fixed by regulations
27 [REGULATION] of the department [BOARD OF DIRECTORS FOR STATE-OPERATED
28 SCHOOLS].

29 (e) Elections under (c) and (d) of this section shall be conducted

1 upon such notice and otherwise substantially in the same manner as
2 regular municipal elections which are held within the largest second
3 class city in the area served by the committee [BOARD]. If there is no
4 second class city within the area, elections shall be conducted upon at
5 least 10 days published or posted public notice of the election and of
6 the question or nominees to be voted on and under general rules for the
7 elections as may be promulgated by regulation of the department [BOARD
8 OF DIRECTORS FOR STATE-OPERATED SCHOOLS]. Elections relating to
9 community [ADVISORY] school committees [BOARDS] shall be supervised by
10 the regional school board [DIRECTOR OF STATE-OPERATED SCHOOLS] but shall
11 be administered within second class cities as part of the regular muni-
12 cipal election.

13 (f) Elected members of community [ADVISORY] school committees
14 [BOARDS] are subject to recall in accordance with the provisions of
15 AS 29.28.130 - 29.28.250, except that the chief school administrator of
16 a regional educational attendance area [DIRECTOR OF STATE-OPERATED
17 SCHOOLS] shall perform the functions of the municipal clerk, and the
18 regional school board [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS]
19 shall perform the functions of the assembly or council under those
20 sections.

21 * Sec. 7. AS 14.14.180 is amended to read:

22 Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY [ADVISORY] SCHOOL
23 COMMITTEE [BOARD] MEMBERS AND VOTERS. (a) A person may vote at an
24 election for community [ADVISORY] school committee [BOARD] members and
25 may be elected to membership on a community [AN ADVISORY] school
26 committee [BOARD] who

- 27 (1) is a citizen of the United States;
28 (2) has passed his 18th birthday;
29 (3) is an inhabitant of the area served by the school for at

1 least 30 days preceding the election.

2 (b) Election to a community [AN ADVISORY] school committee [BOARD]
3 is not an election to a civil office of this state.

4 * Sec. 8. AS 14.14.190 is amended to read:

5 Sec. 14.14.190. TERMS OF OFFICE AND VACANCY. (a) The terms of
6 the initial members of a three-member community [ADVISORY] school com-
7 mittee [BOARD] are one, two, and three years, respectively, and [EACH]
8 until a successor takes office. Thereafter, members shall be elected to
9 terms of three years and until a successor takes office.

10 (b) Of the initial members of a community [AN ADVISORY] school
11 committee [BOARD] which consists of five members, one member is elected
12 for a one-year term, two members for a two-year term, and two members for
13 a three-year term, and [EACH] until a successor takes office. There-
14 after, all members are elected to terms of three years and until a
15 successor takes office.

16 (c) If a three-member community [ADVISORY] school committee [BOARD]
17 is increased to a five-member committee [ADVISORY SCHOOL BOARD], the two
18 additional members are elected for terms of two years and three years
19 respectively. Thereafter, all members are elected to three-year terms.
20 If a five-member committee [ADVISORY SCHOOL BOARD] is increased to a
21 seven-member committee [ADVISORY SCHOOL BOARD], the two additional
22 members are elected for terms of two years and three years respectively.
23 Thereafter, all members are elected to three-year terms and until a
24 successor takes office.

25 (d) Vacancies on community [ADVISORY] school committees [BOARDS]
26 will be filled by the remaining members until the next regular election.
27 At that time an election will be held for the remaining portion of the
28 term.

29 * Sec. 9. AS 14.14.200 is repealed and re-enacted to read:

1 Sec. 14.14.200. DUTIES. A community school committee shall advise
2 and assist the regional school board for the regional educational atten-
3 dance area in which it is located through the local official administer-
4 ing the school and shall do so in the manner the regional school board
5 prescribes by regulation.

6 * Sec. 10. AS 14.14.310 is amended to read:

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

8 (1) "board" means the governing body of a borough, [OR] city
9 or regional educational attendance area [SCHOOL DISTRICT, OR THE BOARD
10 OF DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

11 (2) "district" means a borough, [OR] city or regional educa-
12 tional attendance area [SCHOOL DISTRICT OR THE STATE-OPERATED SCHOOL
13 SYSTEM].

14 * Sec. 11. AS 14.17.051 is repealed and re-enacted to read:

15 Sec. 14.17.051. INSTRUCTIONAL UNIT ALLOTMENT. (a) The instruc-
16 tional unit allotment for each school district or regional educational
17 attendance area is as follows:

18 (1) if the district or area is in that part of the state
19 lying within the boundaries of election district 1, 4 or 8, the district
20 or area shall receive the base instructional allotment;

21 (2) if the district or area is in that part of the state
22 lying within the boundaries of election district 2, 3 or 7, the district
23 or area shall receive 104 per cent of the base instructional unit allot-
24 ment;

25 (3) if the district or area is in that part of the state
26 lying within the boundaries of election district 5, 9, 10 or 11, the
27 district or area shall receive 108 per cent of the base instructional
28 unit allotment;

29 (4) if the district or area is in that part of the state

1 lying within the boundaries of election district 16, south of the Arctic
2 Circle, the district or area shall receive 112 per cent of the base
3 instructional unit allotment;

4 (5) if the district or area is in that part of the state
5 lying within the boundaries of election district 6, the district or area
6 shall receive 116 per cent of the base instructional unit allotment;

7 (6) if the district or area is in that part of the state
8 lying within the boundaries of election district 12, 13 or 18, the
9 district or area shall receive 128 per cent of the base instructional
10 unit allotment;

11 (7) if the district or area is in that part of the state
12 lying within the boundaries of election district 14 or 19, the district
13 or area shall receive 132 per cent of the base instructional unit allot-
14 ment;

15 (8) if the district or area is in that part of the state
16 lying within the boundaries of election district 15, 16 (north of the
17 Arctic Circle), or 17, the district or area shall receive 136 per cent
18 of the base instructional unit allotment.

19 (b) The instructional unit allotment established in (a) of this
20 section for any school district or regional educational attendance area
21 which does not have access to Anchorage, Ketchikan or Fairbanks by road,
22 railroad or ferry shall be increased an additional five per cent above
23 its instructional unit allotment under (a)(1) - (8) of this section.

24 (c) For the purposes of this section, a school district or regional
25 educational attendance area is considered to be located in the election
26 district in which its administrative offices are located. However, if a
27 school district or a regional educational attendance area operating a
28 school in a remote area is authorized by the commissioner to calculate
29 the number of units to which that school is entitled under sec. 31(c) of

1 this chapter the commissioner may consider that school to lie in the
2 election district in which it is actually located.

3 (d) For the purposes of this section "election district" means an
4 election district designated in the governor's proclamation of reapportionment and redistricting of December 7, 1961, and retained as to the
5 House of Representatives by the governor's proclamation of September 3,
6 1965.
7

8 * Sec. 12. AS 14.17.210 is amended to read:

9 Sec. 14.17.210. STATE AID TO NEWLY ESTABLISHED DISTRICT SCHOOLS.

10 (a) A regional educational attendance area [STATE] school which becomes
11 a city or borough district school is considered a regional educational
12 attendance area [STATE] school for purposes of financial support until
13 the expiration of a complete fiscal year after the date on which the
14 school becomes a city or borough district school. This subsection does
15 not prevent a local government from spending money to contribute to the
16 financial support of a regional educational attendance area [STATE]
17 school which becomes a city or borough district school.

18 (b) For each subsequent fiscal year, the state shall disburse to
19 the city or borough school district only the money to which the district
20 is entitled under the public school foundation program.

21 [(c) IN THIS SECTION

22 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT
23 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY
24 STATE MONEY; AND

25 (2) "DISTRICT SCHOOL" MEANS A SCHOOL WHICH COMES UNDER THE
26 JURISDICTION OF A DISTRICT.]

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

28 (3) "district" means any city or borough school district [,
29 BUT DOES NOT INCLUDE SCHOOLS IN THE STATE-OPERATED SCHOOL DISTRICT];

1 * Sec. 14. 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 contract
4 for any cause which the employer determines to be adequate. However, at
5 his request, the teacher is entitled to a written statement of the cause
6 for his nonretention. The boards of city, borough and regional educa-
7 tional attendance areas [BOARD OF DIRECTORS FOR STATE SCHOOLS, AND THE
8 DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by regulation or bylaw a
9 procedure under which a nonretained teacher may, at his request, be
10 heard informally by [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR
11 MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS, AND BY] the [LOCAL
12 SCHOOL] board [IN THE CASE OF A DISTRICT SCHOOL].

13 * Sec. 15. AS 14.20.180(b) is amended to read:

14 (b) The tenure teacher may, within 15 days immediately following
15 receipt of the notification, notify the employer in writing that he
16 requests a hearing before the school board [, OR IF THE TENURE TEACHER
17 IS EMPLOYED BY THE STATE, BEFORE AN APPEAL PANEL CONSISTING OF THE
18 DIRECTOR AND TWO MEMBERS OF THE BOARD]. The tenure teacher may require
19 in the notification that

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

26 * Sec. 16. AS 14.20.180(c) is amended to read:

27 (c) Upon receipt of the notification requesting a hearing, the
28 employer shall immediately arrange for a hearing, and shall notify the
29 tenure teacher or administrator in writing of the date, time, and place

1 of the hearing. A written transcript, tape, or similar recording of the
2 proceedings shall be kept. Transcribed copies shall be furnished to the
3 tenure teacher for cost upon his request. A final decision of the school
4 board [OR THE APPEAL PANEL] requires a majority vote of the membership.
5 The vote shall be by roll call. The final decision shall be written and
6 contain specific findings of fact and conclusions of law. A written
7 notification of the decision shall be furnished to the tenure teacher
8 within 10 days of the date of the decision.

9 * Sec. 17. AS 14.20.205 is amended to read:

10 Sec. 14.20.205. JUDICIAL REVIEW. If a school board [OR APPEAL
11 PANEL] reaches a decision unfavorable to a teacher, the teacher is en-
12 titled to a de novo trial in the superior court. However, a teacher who
13 has not attained tenure rights is not entitled to judicial review ac-
14 cording to this section.

15 * Sec. 18. AS 14.20.207(2) is amended to read:

16 (2) "employer" means the school board or superintendent which
17 appoints the teacher [OR, IN THE CASE OF A TEACHER IN THE STATE-OPERATED
18 SCHOOLS, THE BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

19 * Sec. 19. AS 14.20.230 is amended to read:

20 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards of city,
21 borough and regional educational attendance areas [DISTRICT SCHOOLS AND
22 THE BOARD OF THE STATE-OPERATED SCHOOLS] shall pay a qualified school
23 administrator a salary not less than the allowable amount for his posi-
24 tion on the teachers' scale provided in sec. 220(a) - (c) of this chapter,
25 plus

26 (1) 25 per cent for the chief school administrator of a
27 district with an average daily membership of 500 or more;

28 (2) 20 per cent for the chief school administrator of a
29 district with an ADM of less than 500;

1 (3) 15 per cent for a principal or other administrator;

2 (4) 10 per cent for an assistant principal.

3 * Sec. 20. AS 14.20.550 is amended to read:

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

9 * Sec. 21. AS 14.20 is amended by adding a new section to read:

10 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)
11 Negotiations between the employees of any or all city, borough or re-
12 gional educational attendance areas and the respective district or area
13 boards may, by mutual agreement of the boards and the employee groups
14 involved, be conducted by one team representing all the certificated
15 employees, one team representing all the certificated administrative
16 personnel if they have joined together to negotiate independently as
17 provided in AS 14.20.560(f), and one team representing all the partici-
18 pating school boards.

19 (b) Each team shall consist of as many members as there are parti-
20 cipating school districts. However, each negotiating team shall consist
21 of not less than five members.

22 (c) Once negotiations have begun no district or employee group may
23 withdraw from the negotiations, and the contract resulting from the
24 coordinated negotiations shall be binding upon all participating boards
25 and employees.

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

27 (b) The board of a regional educational attendance area [STATE-
28 OPERATED SCHOOLS] shall provide for special services in a school in the
29 area [STATE-OPERATED SCHOOL DISTRICT] for exceptional children repre-

1 sented by not less than five children residing in the area served by the
2 school.

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

4 (d) A school district [OR A STATE-OPERATED SCHOOL] required by
5 secs. 10 - 305 of this chapter to provide special services for excep-
6 tional children may cooperate with one or more school districts [OR
7 STATE-OPERATED SCHOOLS] in providing special classes. If, under the
8 cooperative agreement, there are no special classes offered within a
9 school district [OR STATE-OPERATED SCHOOL], exceptional children may
10 attend special classes in the cooperating school district [OR STATE-
11 OPERATED SCHOOL] providing the special classes.

12 * Sec. 24. AS 14.30.260 is amended to read:

13 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board for
14 a district or regional educational attendance area [, OR THE BOARD OF
15 DIRECTORS FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT IN WHICH
16 SPECIAL SERVICES ARE PROVIDED FOR,] may waive part of the qualifications
17 for teachers as set out in sec. 250 of this chapter, if necessary,
18 during the first school year special services are offered in the dis-
19 trict or area [OR IN THE SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT].

20 * Sec. 25. AS 14.30 is amended by adding new sections to read:

21 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

22 Sec. 14.30.400. BILINGUAL-BICULTURAL EDUCATION. City or borough
23 district school boards and regional educational attendance area boards
24 shall provide a bilingual-bicultural education program for each school
25 in a city or borough school district or regional educational attendance
26 area which is attended by at least 10 pupils of limited English-speaking
27 ability and whose primary language is other than English. A bilingual-
28 bicultural education program shall be provided under a plan of service
29 which has been developed in accordance with regulations adopted by the

1 department. Nothing in this section precludes a bilingual-bicultural
2 education program from being provided for less than 10 pupils in a
3 school.

4 Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND. (a) There
5 is in the Department of Education a bilingual-bicultural education fund
6 which is an account in the general fund to receive money appropriated by
7 the legislature for bilingual-bicultural education and to be used for
8 bilingual-bicultural education program implementation and operation.

9 (b) The department shall adopt regulations for the determination
10 of entitlement and the distribution of bilingual-bicultural funds to
11 city and borough school districts and regional educational attendance
12 areas.

13 * Sec. 26. AS 14.33.010 is amended to read:

14 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
15 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
16 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough or
17 city school district or regional educational attendance area, or a
18 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. 27. AS 14.33.020(a) is amended to read:

22 (a) If [THE STATE DIRECTOR,] a school board, or a private or de-
23 nominational school determines that a safety patrol should be established
24 for a school, the principal of the school shall appoint pupils in the
25 school to serve as members of the patrol.

26 * Sec. 28. AS 14.60.010(5) is amended to read:

27 (5) "governing body" means the school board of a borough or
28 city school district or a regional educational attendance area [THE
29 BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOL DISTRICT];

1 * Sec. 29. AS 14.60.010(6) is amended to read:

2 (6) "school board" means the school board of a borough or
3 city school district or a regional educational attendance area [THE
4 BOARD OF DIRECTORS OF THE STATE-OPERATED SCHOOL DISTRICT];

5 * Sec. 30. AS 14.60.010(7) and (8) are repealed.

6 * Sec. 31. AS 14.60.010 is amended by adding a new paragraph to read:

7 (10) "regional educational attendance area" means a portion
8 of the unorganized borough, that may or may not include a military
9 reservation, and which contains one or more public schools of grade
10 levels K-12 or any portion of those grade levels which are to be operated
11 under the management and control of a single regional school board.

12 * Sec. 32. AS 29.33.050 is repealed and re-enacted to read:

13 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough
14 school district and establishes, maintains, and operates a system of
15 public schools on an areawide basis as provided in AS 14.14.060. A
16 military reservation within an organized borough is not part of the
17 borough school district until the military mission is terminated or until
18 inclusion in the borough school district is approved by the Department of
19 Education. However, operation of the military reservation schools by
20 the borough school district may be required by the Department of Educa-
21 tion under AS 14.14.110. If the military mission of a military reserva-
22 tion terminates or continued management and control by a regional educa-
23 tional attendance area is disapproved by the Department of Education,
24 operation, management and control of schools on military reservations
25 transfers to the borough school district in which the military reserva-
26 tion is located.

27 * Sec. 33. AS 29.41.010(a) is repealed and re-enacted to read:

28 (a) A third class borough shall exercise the areawide powers of
29 education and tax assessment and collection in the manner provided for

1 second class boroughs. Provisions of law relative to first and second
2 class organized boroughs apply with respect to third class boroughs only
3 to the extent they are consistent with this chapter. A military reserva-
4 tion within an organized borough is not part of the borough school
5 district until the military mission is terminated or until inclusion in
6 the borough school district is approved by the Department of Education.
7 However, operation of the military reservation schools by the borough
8 school district may be required by the Department of Education under
9 AS 14.14.110. If the military mission of a military reservation termi-
10 nates or continued management and control by a regional educational at-
11 tendance area is disapproved by the Department of Education, operation,
12 management and control of schools on military reservations transfers to
13 the borough school district in which the military reservation is located.

14 * Sec. 34. AS 39.05.060(a)(8) is repealed.

15 * Sec. 35. AS 39.25.110(8) is amended to read:

16 (8) certificated teachers and noncertificated employees
17 employed by the state or a regional educational attendance area to teach
18 in, administer or operate schools operated by the state or by a regional
19 educational attendance area;

20 * Sec. 36. (a) The property and assets of the state-operated schools are
21 transferred to the Department of Education for redistribution to the regional
22 educational attendance areas in the manner the department determines. The
23 debts of the state-operated schools shall be assumed by the general fund of
24 the state. All litigation, hearings, investigations and other proceedings
25 pending under a law amended for functions which may be transferred by this
26 Act, continue in effect and may be continued and completed notwithstanding a
27 transfer or amendment provided for in this Act. Certificates, orders, rules
28 or regulations issued or filed under authority of a law amended by this Act
29 or functions which may be transferred by this Act, remain in effect for the

1 term issued, unless revoked, vacated, or otherwise modified under the provi-
2 sions of this Act. All contracts or other obligations created by a law
3 amended by this Act or by virtue of functions which may be transferred by
4 this Act, and in effect on the effective date of this Act, remain in effect
5 unless revoked or modified under the provisions of this Act. All contracts
6 for the provision of utilities services to the schools of the State-Operated
7 School System shall be assumed and continued by the respective regional
8 educational attendance areas.

9 (b) All state and federal funds appropriated to the state-operated
10 school system are transferred to the department for distribution to the
11 regional educational attendance areas.

12 * Sec. 37. Insofar as practicable, the boundaries of the regional educa-
13 tional attendance areas established under AS 14.08.031, as enacted by sec. 2
14 of this Act, shall be coterminous with the boundaries of the administrative
15 regions of the state-operated schools as they existed on the effective date
16 of this Act.

17 * Sec. 38. (a) All teachers, as defined in AS 14.20.207(1), in the com-
18 munities or regional offices served by the State-Operated School System on
19 the effective date of this Act and who have been retained for the 1975-76
20 school year are subject to the provisions of AS 14.20.147.

21 (b) All permanent non-certificated employees of the State-Operated
22 School System in the communities and regional offices who are state employees
23 on the effective date of this Act and who have been retained for the 1975-76
24 school year are entitled to continued employment in their current positions.

25 (c) The Department of Education shall assist the certificated and
26 permanent non-certificated employees in the central office of the State-
27 Operated School System on the effective date of this Act in finding positions
28 for which they are qualified.

29 * Sec. 39. AS 14.08.031, 14.08.051 and 14.08.071, as enacted by sec. 2 of

1 this Act take effect immediately in accordance with AS 01.10.070(c). AS 14.-
2 08.011 - 14.08.021, 14.08.041, 14.08.061, and 14.08.081 - 14.08.151, as
3 enacted by sec. 2 of this Act and secs. 1 and 3 - 38 of this Act take effect
4 July 1, 1975.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

#