

Original sponsor: Swanson, Ose  
and Davis

Offered: 4/7/75  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR 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 AS 14.08.010 - 14.08.170 are repealed.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  
14 to provide for public education in the unorganized borough and the  
15 military 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  
18 from becoming part of or being formed into an organized political sub-  
19 division 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) Insofar as practicable, each regional educational attendance  
2 area shall contain a relatively integrated socio-economic, linguisti-  
3 cally and culturally homogeneous area. In the formation of the regional  
4 educational attendance areas, consideration shall be given to the trans-  
5 portation and communication network to facilitate the administration of  
6 education and communication between communities that comprise the area.  
7 Whenever possible, municipalities, other governmental or regional cor-  
8 porate entities, drainage basins and other identifiable geographic  
9 features shall be used in describing the boundaries of the regional  
10 school attendance areas.

11 (c) Military reservation schools shall be included in a regional  
12 educational attendance area. However, operation of military reservation  
13 schools by a city or borough school district may be required by the  
14 department under AS 14.12.020(a) and AS 14.14.110. Where the operation  
15 of the military reservation schools in a regional educational attendance  
16 area by a city or borough school district is required by the department,  
17 the military reservation shall not be considered part of the regional  
18 educational attendance area for the purposes of regional school board  
19 membership or elections.

20 (d) U. S. Bureau of Indian Affairs schools may be included in a  
21 regional educational attendance area.

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

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

29 (b) The qualified voters in each regional educational attendance

1 area shall elect a regional school board of not less than five nor more  
2 than eleven members to be elected for the same term, in the same manner  
3 and with the same qualifications as a city or borough school district  
4 board under ch. 12 of this title. The initial number of regional school  
5 board members shall be determined by the department in consultation with  
6 the local communities in the regional educational attendance areas.  
7 However, the qualified voters in a regional educational attendance area  
8 may increase or decrease the number of regional school board members  
9 established under this section by placing the question on the ballot at  
10 a regular school board election in the manner prescribed by law. A  
11 change in the number of school board members shall not be effective  
12 until the next following regular school board election.

13 (c) A regional school board shall consist of five, seven, nine or  
14 11 members.

15 (d) Regional school board members shall be elected at large by the  
16 qualified voters of the entire regional educational attendance area.  
17 However, each seat on the school board shall be designated by letter or  
18 number, and a candidate for regional school board must indicate the seat  
19 for which he is a candidate on his declaration of candidacy or other  
20 nomination papers when he files for office.

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

23 Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The commissioner in  
24 consultation with the Department of Community and Regional Affairs and  
25 the local communities may divide a regional educational attendance area  
26 into sections for the purpose of nominating and electing regional  
27 school board members. If a regional educational attendance area is  
28 divided into sections each school board member shall represent, as  
29 nearly as practicable, an equal number of persons. The basis for the

1 division of a regional educational attendance area into sections shall  
2 be the total population of the area as reported in the most recent de-  
3 cennial federal census. If the census is five years old or older, then  
4 other reliable population data, including but not limited to population  
5 estimates based on public school enrollments, public utility connections,  
6 registered voters or certified employment payrolls, shall be used as the  
7 basis for the division of the area into sections. Each section within  
8 a regional educational attendance area shall consist of compact, con-  
9 tiguous territory and, insofar as practicable, each section shall contain  
10 a relatively integrated socio-economic, linguistically and culturally  
11 homogeneous area. In the division of the regional school attendance  
12 area into sections, consideration shall be given to the transportation  
13 and communication network to facilitate the administration of education  
14 and communication between communities that comprise the area. Whenever  
15 possible, municipalities, other governmental or regional corporate en-  
16 tities, drainage basins and other identifiable geographic features shall  
17 be used in describing the boundaries of the sections.

18 (b) The division of a regional educational attendance area into  
19 sections, or subsequent recasting of the section boundaries, may be pro-  
20 posed by the regional school board or by a petition containing signatures  
21 of qualified voters in the area equal to 15 per cent of the total vote  
22 cast in the most recent regional school board election. The division of  
23 the area into sections, or subsequent recasting of section boundaries,  
24 is subject to approval by a majority of the qualified voters voting on  
25 the question in the regional educational attendance area at the next  
26 regular school board election or a special election called for that  
27 purpose, and takes effect at the next regular school board election.

28 (c) If a regional educational attendance area has been divided  
29 into sections, the commissioner shall recast the boundaries of the

1 sections within 90 days following the official reporting of the de-  
2 cennial federal census in accordance with (a) of this section.

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

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

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

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

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

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

13 or

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

15 (e) If a regional educational attendance area has been divided  
16 into sections, board members shall be residents of the section from  
17 which they are elected, but they shall be elected by the qualified  
18 voters of the entire regional educational attendance area.

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

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

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

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

29 (B) the members of the first seven-member school board

1 hold office for terms as follows: two members for a one-year term,  
2 two for a two-year term and three for a three-year term;

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

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

9 (b) If a regional educational attendance area is divided into  
10 sections under sec. 51 of this chapter where the school board formerly  
11 was elected at large, or if the number of regional school board members  
12 is increased or decreased by the qualified voters in the regional educa-  
13 tional attendance area under sec. 41(b) of this chapter, then the term  
14 of office of all members of the existing board shall terminate on the  
15 date on which the new board members take office, and the provisions of  
16 (a) of this section are applicable to the determination of the terms of  
17 office of the new members of the regional school boards.

18 (c) Nothing in this section precludes a board member from being  
19 elected.

20 Sec. 14.08.071. ELECTIONS. (a) In each regional educational  
21 attendance area in the unorganized borough, the lieutenant governor,  
22 within 60 days after the establishment of the regional educational  
23 attendance area, shall provide for the election of a regional school  
24 board.

25 (b) Except for the first election of regional school board members  
26 under (a) of this section, election shall be held annually on the first  
27 Tuesday in October at the time of regular municipal elections under  
28 AS 29.28.020. Elections shall be supervised by the director of elections  
29 in the office of the lieutenant governor, but shall be administered with-

1 in second class cities as part of the regular municipal election. The  
2 lieutenant governor shall promulgate regulations for the conduct of the  
3 election of regional school board members comparable, insofar as practi-  
4 cable, to those prescribed for election of school board members under  
5 ch. 12 of this title and AS 29.28.

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

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

13 Sec. 14.08.091. TRANSITION. The state Board of Education shall  
14 act as the regional school board for those schools in the unorganized  
15 borough and or military reservation that are not within a regional edu-  
16 cational attendance area which has been established and become opera-  
17 tional under sec. 31 of this chapter. While acting as the regional  
18 school board for those schools, the state board may exercise the powers  
19 of a regional school board under sec. 111 of this chapter and is subject  
20 to the same duties as a regional school board under sec. 121 of this  
21 chapter.

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

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

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

- 1 (1) sue and be sued;
- 2 (2) contract and be contracted with, including contracting  
3 with the department, the Bureau of Indian Affairs, or any other school  
4 district, agency, or regional board for the provision of services, faci-  
5 lities, supplies or utilities;
- 6 (3) determine its own policies and procedures for the purchase  
7 of supplies and equipment, separate from the state purchasing system;
- 8 (4) appoint, compensate and otherwise control all school em-  
9 ployees in accordance with this title; these employees are not subject  
10 to the state personnel Act (AS 39.25);
- 11 (5) adopt regulations governing organization, policies and  
12 procedures for the operation of the schools;
- 13 (6) establish maintain, operate, discontinue and combine  
14 schools subject to the approval of the commissioner;
- 15 (7) recommend to the commissioner a school construction and  
16 rehabilitation program based on an evaluation of the condition of exist-  
17 ing school facilities and a determination of the requirements for new  
18 school construction, rehabilitation or other upgrading of school facili-  
19 ties; and
- 20 (8) exercise those other functions that may be necessary for  
21 the proper performance of its responsibilities.

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

- 23 (1) provide, during the school term of each year, an educa-  
24 tional program for each school age child who is a resident of the dis-  
25 trict;
- 26 (2) develop a philosophy of education, principles and goals  
27 for its schools;
- 28 (3) employ a chief school administrator and approve the em-  
29 ployment of the professional administrators, teachers and non-certifi-

1 cated personnel necessary to operate its schools;

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

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

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

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

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

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

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

15 (2) an additional amount equal to the average local tax  
16 contributions per pupil in average daily membership (ADM) for school  
17 operating costs in the city and borough school districts in the prior  
18 fiscal year.

19 (b) Funds for the operation of the regional educational attendance  
20 area schools shall be appropriated annually to the Department of Educa-  
21 tion for distribution to the regional school boards in the manner pre-  
22 scribed in AS 14.17.160 - 14.17.180.

23 Sec. 14.08.141. CONFLICT OF INTEREST; DISQUALIFICATION FROM VOTING.  
24 A board member having a direct or indirect pecuniary interest in a con-  
25 tract for erection of buildings, heating, ventilation, furnishing or  
26 repairing the buildings or in a contract for the furnishing of supplies  
27 for a regional school is disqualified from voting on any question in-  
28 volving his pecuniary interest unless the member has disclosed that  
29 interest to the board and the remaining members have approved the mem-

1 ber's participation in the voting.

2 Sec. 14.08.151. REGIONAL RESOURCE CENTERS. A regional educational  
3 attendance area or any other school district in the state may partici-  
4 pate in regional or statewide resource centers which may be established  
5 by the department. Services provided by a resource center include, but  
6 are not limited to accounting and fiscal services, media services,  
7 instructional support services, bilingual-bicultural educational ser-  
8 vices, inservice and staff development services, student services,  
9 diagnostic services, school management and training services and school  
10 board member training. Funds for the operation and administration of a  
11 regional resource center shall be provided by the Department of Educa-  
12 tion.

13 Sec. 14.08.161. LAND AND BUILDINGS. The ownership of land and  
14 buildings used in relation to regional educational attendance area  
15 schools shall remain vested in the state, and use permits shall be given  
16 to the regional school boards. Construction required by the regional  
17 school boards shall be performed by the Department of Public Works.

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

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

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

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

24 (3) the area outside organized boroughs and outside first [,  
25 SECOND AND THIRD] class cities is divided into regional educational  
26 attendance areas [THE STATE-OPERATED SCHOOL DISTRICT].

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

28 (a) Each regional educational attendance area shall be operated on  
29 an areawide basis under the management and control of a regional school

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

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

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

19 \* Sec. 6. AS 14.12.030(d) is amended to read:

20 (d) Each city or borough school district that is operating schools  
21 on a military reservation under sec. 20(a) of this chapter has one non-  
22 voting delegate from the military reservation or reservations to the  
23 school district board to advise and assist the board in matters relating  
24 to the military reservation schools operated by the school district and  
25 to act as liaison between the board and the military community. The  
26 nonvoting delegate shall be appointed by the state Board of Education  
27 [FROM AMONG THE MEMBERSHIP OF THE ADVISORY SCHOOL BOARD IF THERE IS AN  
28 ELECTED ADVISORY BOARD], shall serve at the pleasure of the state Board  
29 of Education, and shall be an inhabitant of the area served by the

1 military reservation schools operated by the school district by con-  
2 tract. If an elected community school committee is established on a  
3 military reservation, the only inhabitants of that military reservation  
4 who are eligible for appointment as the nonvoting delegate are those  
5 inhabitants who are members of the elected school committee.

6 \* Sec. 7. AS 14.14.170 is amended to read:

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

8 (a) There may be [IS] established a community [AN ADVISORY] school  
9 committee [BOARD] in each community or military reservation served by a  
10 school operated by a regional educational attendance area [THE STATE OR  
11 BY A CITY OR BOROUGH SCHOOL DISTRICT BY CONTRACT WITH THE STATE]. If  
12 the regional educational attendance area [STATE-OPERATED] school has an  
13 average daily membership of less than 251 pupils, the community [ADVI-  
14 SORY] school committee [BOARD] consists of three members. If the average  
15 daily membership is more than 250 pupils, the community [ADVISORY]  
16 school committee [BOARD] consists of five members.

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

24 (c) In communities qualifying for three-member community [ADVISORY]  
25 school committees [BOARDS] under (a) of this section, voters qualified  
26 under sec. 180 of this chapter may increase the committee [BOARD] to five  
27 members by referendum conducted at an election coinciding with an elec-  
28 tion for community [ADVISORY] school committee [BOARD] members. In  
29 communities qualifying for five-member community [ADVISORY] school

1 committees [BOARDS] under (a) of this section, voters qualified under  
2 sec. 180 of this chapter may increase the committee [BOARD] to seven  
3 members by referendum conducted at an election coinciding with an elec-  
4 tion for community [ADVISORY] school committee [BOARD] members.

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

12 (e) Elections under (c) and (d) of this section shall be conducted  
13 upon such notice and otherwise substantially in the same manner as  
14 regular municipal elections which are held within the largest second  
15 class city in the area served by the committee [BOARD]. If there is no  
16 second class city within the area, elections shall be conducted upon at  
17 least 10 days published or posted public notice of the election and of  
18 the question or nominees to be voted on and under general rules for the  
19 elections as may be promulgated by regulation of the department [BOARD  
20 OF DIRECTORS FOR STATE-OPERATED SCHOOLS]. Elections relating to  
21 community [ADVISORY] school committees [BOARDS] shall be supervised by  
22 the regional school board [DIRECTOR OF STATE-OPERATED SCHOOLS] but shall  
23 be administered within second class cities as part of the regular muni-  
24 cipal election.

25 (f) Elected members of community [ADVISORY] school committees  
26 [BOARDS] are subject to recall in accordance with the provisions of  
27 AS 29.28.130 - 29.28.250, except that the chief school administrator of  
28 a regional educational attendance area [DIRECTOR OF STATE-OPERATED  
29 SCHOOLS] shall perform the functions of the municipal clerk, and the

1 regional school board [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS]  
2 shall perform the functions of the assembly or council under those  
3 sections.

4 \* Sec. 8. AS 14.14.180 is amended to read:

5 Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY [ADVISORY] SCHOOL  
6 COMMITTEE [BOARD] MEMBERS AND VOTERS. (a) A person may vote at an  
7 election for community [ADVISORY] school committee [BOARD] members and  
8 may be elected to membership on a community [AN ADVISORY] school  
9 committee [BOARD] who

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

11 (2) has passed his 18th birthday;

12 (3) is an inhabitant of the area served by the school for at  
13 least 30 days preceding the election.

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

16 \* Sec. 9. AS 14.14.190 is amended to read:

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

22 (b) Of the initial members of a community [AN ADVISORY] school  
23 committee [BOARD] which consists of five members, one member is elected  
24 for a one-year term, two members for a two-year term, and two members for  
25 a three-year term, and [EACH] until a successor takes office. There-  
26 after, all members are elected to terms of three years and until a  
27 successor takes office.

28 (c) If a three-member community [ADVISORY] school committee [BOARD]  
29 is increased to a five-member committee [ADVISORY SCHOOL BOARD], the two

1 additional members are elected for terms of two years and three years  
2 respectively. Thereafter, all members are elected to three-year terms.  
3 If a five-member committee [ADVISORY SCHOOL BOARD] is increased to a  
4 seven-member committee [ADVISORY SCHOOL BOARD], the two additional  
5 members are elected for terms of two years and three years respectively.  
6 Thereafter, all members are elected to three-year terms and until a  
7 successor takes office.

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

12 \* Sec. 10. AS 14.14.200 is repealed and re-enacted to read:

13 Sec. 14.14.200. DUTIES. A community school committee shall advise  
14 and assist the regional school board for the regional educational atten-  
15 dance area in which it is located through the local official administer-  
16 ing the school and shall do so in the manner the regional school board  
17 prescribes by regulation.

18 \* Sec. 11. AS 14.14.310 is amended to read:

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

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

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

26 \* Sec. 12. AS 14.17.051 is repealed and re-enacted to read:

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

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

4 (2) if the district or area is in that part of the state  
5 lying within the boundaries of election district 2, 3 or 7, the district  
6 or area shall receive 103.75 per cent of the base instructional unit  
7 allotment;

8 (3) if the district or area is in that part of the state  
9 lying within the boundaries of election district 5, 9, 10 or 11, the  
10 district or area shall receive 107.50 per cent of the base instructional  
11 unit allotment;

12 (4) if the district or area is in that part of the state  
13 lying within the boundaries of election district 16, south of the Arctic  
14 Circle, the district or area shall receive 111.25 per cent of the base  
15 instructional unit allotment;

16 (5) if the district or area is in that part of the state  
17 lying within the boundaries of election district 6, the district or area  
18 shall receive 115 per cent of the base instructional unit allotment;

19 (6) if the district or area is in that part of the state  
20 lying within the boundaries of election district 12, 13 or 18, the  
21 district or area shall receive 126.25 per cent of the base instructional  
22 unit allotment;

23 (7) if the district or area is in that part of the state  
24 lying within the boundaries of election district 14 or 19, the district  
25 or area shall receive 130 per cent of the base instructional unit allot-  
26 ment;

27 (8) if the district or area is in that part of the state  
28 lying within the boundaries of election district 15, 16 (north of the  
29 Arctic Circle), or 17, the district or area shall receive 133.75 per

1 cent of the base instructional unit allotment.

2 (b) For the purposes of this section, a school district or regional  
3 educational attendance area is considered to be located in the election  
4 district in which its administrative offices are located. However, if a  
5 school district or a regional educational attendance area operating a  
6 school in a remote area is authorized by the commissioner to calculate  
7 the number of units to which that school is entitled under sec. 31(c) of  
8 this chapter the commissioner may consider that school to lie in the  
9 election district in which it is actually located.

10 (c) For the purposes of this section "election district" means an  
11 election district designated in the governor's proclamation of reapportionment and redistricting of December 7, 1961, and retained as to the  
12 House of Representatives by the governor's proclamation of September 3,  
13 1965.  
14

15 \* Sec. 13. AS 14.17.210 is amended to read:

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

17 (a) A regional educational attendance area [STATE] school which becomes  
18 a city or borough district school is considered a regional educational  
19 attendance area [STATE] school for purposes of financial support until  
20 the expiration of a complete fiscal year after the date on which the  
21 school becomes a city or borough district school. This subsection does  
22 not prevent a local government from spending money to contribute to the  
23 financial support of a regional educational attendance area [STATE]  
24 school which becomes a city or borough district school.

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

28 [(c) IN THIS SECTION

29 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT

1 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY  
2 STATE MONEY; AND

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

5 \* Sec. 14. AS 14.17.250(3) is amended to read:

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

8 \* Sec. 15. AS 14.20.175(a) is amended to read:

9 (a) A teacher who has not acquired tenure rights is subject to  
10 nonretention for the school year following the expiration of his contract  
11 for any cause which the employer determines to be adequate. However, at  
12 his request, the teacher is entitled to a written statement of the cause  
13 for his nonretention. The boards of city, borough and regional educa-  
14 tional attendance areas [BOARD OF DIRECTORS FOR STATE SCHOOLS, AND THE  
15 DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by regulation or bylaw a  
16 procedure under which a nonretained teacher may, at his request, be  
17 heard informally by [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR  
18 MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS, AND BY] the [LOCAL  
19 SCHOOL] board [IN THE CASE OF A DISTRICT SCHOOL].

20 \* Sec. 16. AS 14.20.180(b) is amended to read:

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

- 27 (1) the hearing be either public or private,  
28 (2) the hearing be under oath or affirmation,  
29 (3) he have the right of cross-examination,

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(4) he be represented by counsel,

(5) he have the right to subpoena a person who has made allegations which are used as a basis for the decision of the employer.

\* Sec. 17. AS 14.20.180(c) is amended to read:

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

\* Sec. 18. AS 14.20.205 is amended to read:

Sec. 14.20.205. JUDICIAL REVIEW. If a school board [OR APPEAL PANEL] reaches a decision unfavorable to a teacher, the teacher is entitled to a de novo trial in the superior court. However, a teacher who has not attained tenure rights is not entitled to judicial review according to this section.

\* Sec. 19. AS 14.20.207(2) is amended to read:

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

\* Sec. 20. AS 14.20.230 is amended to read:

Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards of city, borough and regional educational attendance areas [DISTRICT SCHOOLS AND THE BOARD OF THE STATE-OPERATED SCHOOLS] shall pay a qualified school

1 administrator a salary not less than the allowable amount for his posi-  
2 tion on the teachers' scale provided in sec. 220(a) - (c) of this chapter,  
3 plus

4 (1) 25 per cent for the chief school administrator of a  
5 district with an average daily membership of 500 or more;

6 (2) 20 per cent for the chief school administrator of a  
7 district with an ADM of less than 500;

8 (3) 15 per cent for a principal or other administrator;

9 (4) 10 per cent for an assistant principal.

10 \* Sec. 21. AS 14.20.550 is amended to read:

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

16 \* Sec. 22. AS 14.20 is amended by adding a new section to read:

17 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)  
18 Negotiations between the certificated employees of the regional educa-  
19 tional attendance areas and the respective area boards shall be con-  
20 ducted by one team representing all the certificated employees, one team  
21 representing all the certificated administrative personnel if they have  
22 joined together to negotiate independently as provided in sec. 560(f)  
23 of this chapter, and one team representing all the participating school  
24 boards.

25 (b) Each team may consist of as many members as there are regional  
26 area boards. Each area board is entitled to one member on the team  
27 adopted. However, each negotiating team shall consist of not less than  
28 five members.

29 (c) A regional educational attendance area board may by resolution

1 choose to conduct its own negotiations in accordance with sec. 550 of  
2 this chapter.

3 (d) Once negotiations have begun no board or employee group may  
4 withdraw from the negotiations, and the contract resulting from the  
5 coordinated negotiations shall be binding upon all participating boards  
6 and employees.

7 \* Sec. 23. AS 14.30.186(b) is amended to read:

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

13 \* Sec. 24. AS 14.30.186(d) is amended to read:

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

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

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

1 \* Sec. 26. AS 14.30 is amended by adding new sections to read:

2 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

3 Sec. 14.30.400. BILINGUAL-BICULTURAL EDUCATION. City or borough  
4 district school boards and regional educational attendance area boards  
5 shall provide a bilingual-bicultural education program for each school  
6 in a city or borough school district or regional educational attendance  
7 area which is attended by at least eight pupils of limited English-  
8 speaking ability and whose primary language is other than English. A  
9 bilingual-bicultural education program shall be provided under a plan of  
10 service which has been developed in accordance with regulations adopted  
11 by the department. Nothing in this section precludes a bilingual-  
12 bicultural education program from being provided for less than eight  
13 pupils in a school.

14 Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND. (a) There  
15 is in the Department of Education a bilingual-bicultural education fund  
16 which is an account in the general fund to receive money appropriated by  
17 the legislature for bilingual-bicultural education and to be used for  
18 bilingual-bicultural education program implementation and operation.

19 (b) The department shall adopt regulations for the determination  
20 of entitlement and the distribution of bilingual-bicultural funds to  
21 city and borough school districts and regional educational attendance  
22 areas and regional resource centers.

23 \* Sec. 27. AS 14.33.010 is amended to read:

24 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The  
25 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE  
26 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough or  
27 city school district or regional educational attendance area, or a  
28 private or denominational school may require that school safety patrols  
29 be established to assist pupils to cross streets and highways adjacent

1 to schools in safety.

2 \* Sec. 28. AS 14.33.020(a) is amended to read:

3 (a) If [THE STATE DIRECTOR,] a school board, or a private or de-  
4 nomination school determines that a safety patrol should be established  
5 for a school, the principal of the school shall appoint pupils in the  
6 school to serve as members of the patrol.

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

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

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

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

15 \* Sec. 31. AS 14.60.010(7) and (8) are repealed.

16 \* Sec. 32. AS 14.60.010 is amended by adding a new paragraph to read:

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

22 \* Sec. 33. AS 15.65.050 is amended to read:

23 Sec. 15.65.050. APPLICATION OF SECTION 40 OF THIS CHAPTER. Sec-  
24 tion 40 of this chapter applies to all elections, general or special,  
25 held in a [ANY INCORPORATED] city, organized borough, [INCORPORATED  
26 SCHOOL DISTRICT OR] school district or regional educational attendance  
27 area in the unorganized borough [OUTSIDE OF AN INCORPORATED CITY].

28 \* Sec. 34. AS 29.33.050 is repealed and re-enacted to read:

29 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough

1 school district and establishes, maintains, and operates a system of  
2 public schools on an areawide basis as provided in AS 14.14.060. A  
3 military reservation within an organized borough is not part of the  
4 borough school district until the military mission is terminated or until  
5 inclusion in the borough school district is approved by the Department of  
6 Education. However, operation of the military reservation schools by  
7 the borough school district may be required by the Department of Educa-  
8 tion under AS 14.14.110. If the military mission of a military reserva-  
9 tion terminates or continued management and control by a regional educa-  
10 tional attendance area is disapproved by the Department of Education,  
11 operation, management and control of schools on military reservations  
12 transfers to the borough school district in which the military reserva-  
13 tion is located.

14 \* Sec. 35. AS 29.41.010(a) is repealed and re-enacted to read:

15 (a) A third class borough shall exercise the areawide powers of  
16 education and tax assessment and collection in the manner provided for  
17 second class boroughs. Provisions of law relative to first and second  
18 class organized boroughs apply with respect to third class boroughs only  
19 to the extent they are consistent with this chapter. A military reserva-  
20 tion within an organized borough is not part of the borough school  
21 district until the military mission is terminated or until inclusion in  
22 the borough school district is approved by the Department of Education.  
23 However, operation of the military reservation schools by the borough  
24 school district may be required by the Department of Education under  
25 AS 14.14.110. If the military mission of a military reservation termi-  
26 nates or continued management and control by a regional educational at-  
27 tendance area is disapproved by the Department of Education, operation,  
28 management and control of schools on military reservations transfers to  
29 the borough school district in which the military reservation is located.

1 \* Sec. 36. AS 39.05.060(a)(8) is repealed.

2 \* Sec. 37. AS 39.25.110 is amended by adding a new paragraph to read:

3 (16) certified teachers and noncertified employees employed  
4 by a regional educational attendance area organized under AS 14.08.031  
5 to teach in, administer or operate schools operated by a regional  
6 educational attendance area.

7 \* Sec. 38. (a) The property and assets of the state-operated schools are  
8 transferred to the Department of Education for redistribution to the regional  
9 educational attendance areas in the manner the department determines. The  
10 debts of the state-operated schools shall be assumed by the general fund of  
11 the state. All litigation, hearings, investigations and other proceedings  
12 pending under a law amended for functions which may be transferred by this  
13 Act, continue in effect and may be continued and completed notwithstanding a  
14 transfer or amendment provided for in this Act. Certificates, orders, rules  
15 or regulations issued or filed under authority of a law amended by this Act  
16 or functions which may be transferred by this Act, remain in effect for the  
17 term issued, unless revoked, vacated, or otherwise modified under the provi-  
18 sions of this Act. All contracts or other obligations created by a law  
19 amended by this Act or by virtue of functions which may be transferred by  
20 this Act, and in effect on the effective date of this Act, remain in effect  
21 unless revoked or modified under the provisions of this Act.

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

25 \* Sec. 39. (a) All teachers, as defined in AS 14.20.207(1), in the com-  
26 munities or regional offices served by the State-Operated School System on  
27 the effective date of this Act and who have been retained for the 1975-76  
28 school year are subject to the provisions of AS 14.20.147.

29 (b) All permanent non-certificated employees of the State-Operated

1 School System in the communities and regional offices who are state employees  
2 on the effective date of this Act and who have been retained for the 1975-76  
3 school year are entitled to continued employment in their current positions.

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

8 \* Sec. 40. The terms of office of members of the first regional school  
9 boards shall terminate as follows:

10 (1) for those with one-year terms, on the date on which a newly  
11 elected board member takes office after the regular school board election in  
12 1976;

13 (2) for those with two-year terms, on the date on which a newly  
14 elected board member takes office after the regular school board election in  
15 1977; and

16 (3) for those with three-year terms, on the date on which a newly  
17 elected board member takes office after the regular school board election in  
18 1978.

19 \* Sec. 41. Chapter 46, sec. 33, SLA 1970 is repealed.

20 \* Sec. 42. AS 14.08.031 - 14.08.071 in sec. 2 of this Act take effect  
21 immediately in accordance with AS 01.10.070(c).

22 \* Sec. 43. AS 14.08.011 - 14.08.021 and AS 14.08.081 - 14.08.151 in sec.  
23 2 of this Act and secs. 1 and 3 - 41 of this Act take effect July 1, 1975.  
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