

Original sponsor: Swanson, Ose
and Davis

Offered: 5/5/75
Referred: Rules

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 24 (2d Finance)

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 AS 14.08.010 - 14.08.170 are repealed.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 14.08 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 educational service areas.

1 (b) An educational service area established in the unorganized
2 borough under (a) of this section constitutes a regional educational
3 attendance area. Insofar as practicable, each regional educational
4 attendance area shall contain a relatively integrated socio-economic,
5 linguistically and culturally homogeneous area. In the formation of the
6 regional educational attendance areas, consideration shall be given to
7 the transportation and communication network to facilitate the adminis-
8 tration of education and communication between communities that comprise
9 the area. Whenever possible, municipalities, other governmental or
10 regional corporate entities, drainage basins and other identifiable
11 geographic features shall be used in describing the boundaries of the
12 regional school attendance areas.

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

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

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

27 (b) The qualified voters in each regional educational attendance
28 area shall elect a regional school board of not less than five nor more
29 than eleven members to be elected for the same term, in the same manner

1 and with the same qualifications as a city or borough school district
2 board under ch. 12 of this title. The initial number of regional school
3 board members shall be determined by the department in consultation with
4 the local communities in the regional educational attendance areas.
5 However, the qualified voters in a regional educational attendance area
6 may increase or decrease the number of regional school board members
7 established under this section by placing the question on the ballot at
8 a regular school board election in the manner prescribed by law. A
9 change in the number of school board members shall not be effective
10 until the next regular school board election.

11 (c) A regional school board shall consist of five, seven, nine or
12 11 members.

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

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

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

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

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

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

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

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

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

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

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

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

11 or

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

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

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

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

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

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

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

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

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

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

16 (c) Nothing in this section precludes a board member from being re-
17 elected.

18 Sec. 14.08.071. ELECTIONS. (a) In each regional educational
19 attendance area in the unorganized borough, the lieutenant governor,
20 within not less than 60, nor more than 90 days after the establishment
21 of the regional educational attendance area, shall provide for the
22 election of a regional school board.

23 (b) Except for the first election of regional school board members
24 under (a) of this section, election shall be held annually on the first
25 Tuesday in October. Elections shall be supervised by the director of
26 elections in the office of the lieutenant governor, but shall be admin-
27 istered within second class cities as part of the regular municipal
28 election. The lieutenant governor shall promulgate regulations for the
29 conduct of the election of regional school board members comparable,

1 insofar as practicable, to those prescribed for election of school board
2 members under ch. 12 of this title and AS 29.28.

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

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

10 Sec. 14.08.091. ADMINISTRATION. (a) The regional school boards
11 shall be organized in accordance with AS 14.14.070, and, before taking
12 office, each school board member shall take and sign the oath or affir-
13 mation prescribed by AS 14.12.090.

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

17 Sec. 14.08.101. POWERS. A regional school board may;

18 (1) sue and be sued;

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

23 (3) determine its own policies and procedures for the purchase
24 of supplies and equipment, separate from the state purchasing system;
25 the regional school boards are exempt from the Fiscal Procedures Act
26 (AS 37.05);

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

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

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

5 (7) recommend to the commissioner a school construction and
6 rehabilitation program based on an evaluation of the condition of exist-
7 ing school facilities and a determination of the requirements for new
8 school construction, rehabilitation or other upgrading of school facili-
9 ties; and

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

12 Sec. 14.08.111. DUTIES. A regional school board shall:

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

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

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

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

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

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

25 (7) provide for an annual audit in accordance with AS 14.14.-
26 050; and

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

29 Sec. 14.08.121. FUNDING. (a) The legislature shall fund the oper-

1 ational costs of the regional educational attendance area schools in the
2 following manner:

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

5 (2) an additional amount equal to the average local tax
6 contributions per pupil in average daily membership (ADM) for school
7 operating costs in the city and borough school districts in the prior
8 fiscal year.

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

13 Sec. 14.08.131. CONFLICT OF INTEREST; DISQUALIFICATION FROM VOTING.
14 A board member having a direct or indirect pecuniary interest in a con-
15 tract for erection of buildings, heating, ventilation, furnishing or
16 repairing the buildings or in a contract for the furnishing of supplies
17 for a regional school is disqualified from voting on any question in-
18 volving his pecuniary interest unless the member has disclosed that
19 interest to the board and the remaining members have approved the mem-
20 ber's participation in the voting.

21 Sec. 14.08.141. REGIONAL RESOURCE CENTERS. A regional educational
22 attendance area or any other school district in the state may partici-
23 pate in regional or statewide resource centers which may be established
24 by the department. Services provided by a resource center include, but
25 are not limited to accounting, payroll and other fiscal services, media
26 services, instructional support services, bilingual-bicultural educa-
27 tional services, inservice and staff development services, student
28 services, diagnostic services, school management and training services
29 and school board member training. Funds for the operation and adminis-

1 tration of a regional resource center shall be provided by the Department
2 of Education.

3 Sec. 14.08.151. LAND AND BUILDINGS. The ownership of land and
4 buildings used in relation to regional educational attendance area
5 schools shall remain vested in the state, and use permits shall be given
6 to the regional school boards. Construction required by the regional
7 school boards shall be performed by the Department of Public Works.

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

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

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

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

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

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

18 (a) Each regional educational attendance area shall be operated on
19 an areawide basis under the management and control of a regional school
20 board. The regional school board manages and controls schools on mili-
21 tary reservations within its regional educational attendance area until
22 the military mission is terminated or so long as management and control
23 by the regional educational attendance area is approved by the department.
24 However, operation of the military reservation schools by a city or
25 borough school district may be required by the department under AS 14.-
26 14.110. If the military mission of a military reservation terminates or
27 continued management and control by the regional educational attendance
28 area is disapproved by the department, operation, management and control
29 of schools on the military reservation transfers to the city or borough

1 school district in which the military reservation is located.

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

3 (c) The legislature shall provide the state money necessary to
4 maintain and operate the regional educational attendance areas [STATE-
5 OPERATED SCHOOL DISTRICT]. The borough assembly for a borough school
6 district, and the city council for a city school district, shall provide
7 the money which must be raised from local sources to maintain and operate
8 the district.

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

10 (d) Each city or borough school district that is operating schools
11 on a military reservation under sec. 20(a) of this chapter has one non-
12 voting delegate from the military reservation or reservations to the
13 school district board to advise and assist the board in matters relating
14 to the military reservation schools operated by the school district and
15 to act as liaison between the board and the military community. The
16 nonvoting delegate shall be appointed by the state Board of Education
17 [FROM AMONG THE MEMBERSHIP OF THE ADVISORY SCHOOL BOARD IF THERE IS AN
18 ELECTED ADVISORY BOARD], shall serve at the pleasure of the state Board
19 of Education, and shall be an inhabitant of the area served by the
20 military reservation schools operated by the school district by con-
21 tract. If an elected community school committee is established on a
22 military reservation, the only inhabitants of that military reservation
23 who are eligible for appointment as the nonvoting delegate are those
24 inhabitants who are members of the elected school committee.

25 * Sec. 7. AS 14.14.170 is amended to read:

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

27 (a) There may be [IS] established a community [AN ADVISORY] school
28 committee [BOARD] in each community or military reservation served by a
29 school operated by a regional educational attendance area [THE STATE OR

1 BY A CITY OR BOROUGH SCHOOL DISTRICT BY CONTRACT WITH THE STATE]. If
2 the regional educational attendance area [STATE-OPERATED] school has an
3 average daily membership of less than 251 pupils, the community [ADVI-
4 SORY] school committee [BOARD] consists of three members. If the average
5 daily membership is more than 250 pupils, the community [ADVISORY]
6 school committee [BOARD] consists of five members.

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

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

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

1 SCHOOLS].

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

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

23 * Sec. 8. AS 14.14.180 is amended to read:

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

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

1 (2) has passed his 18th birthday;

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

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

6 * Sec. 9. AS 14.14.190 is amended to read:

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

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

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

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

1 term.

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

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

8 * Sec. 11. AS 14.14.310 is amended to read:

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

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

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

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

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

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

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

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

1 unit allotment;

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

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

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

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

17 (8) if the district or area is in that part of the state
18 lying within the boundaries of election district 15, 16 (north of the
19 Arctic Circle), or 17, the district or area shall receive 133.75 per
20 cent of the base instructional unit allotment.

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

29 (c) For the purposes of this section "election district" means an

1 election district designated in the governor's proclamation of reapportionment and redistricting of December 7, 1961, and retained as to the
2 House of Representatives by the governor's proclamation of September 3,
3 1965.
4

5 * Sec. 13. AS 14.17.210 is amended to read:

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

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

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

18 [(c) IN THIS SECTION

19 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT
20 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY
21 STATE MONEY; AND

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

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

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

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

28 (a) A teacher who has not acquired tenure rights is subject to
29 nonretention for the school year following the expiration of his contract

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

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

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

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

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

24 (c) Upon receipt of the notification requesting a hearing, the
25 employer shall immediately arrange for a hearing, and shall notify the
26 tenure teacher or administrator in writing of the date, time, and place
27 of the hearing. A written transcript, tape, or similar recording of the
28 proceedings shall be kept. Transcribed copies shall be furnished to the
29 tenure teacher for cost upon his request. A final decision of the

1 school board [OR THE APPEAL PANEL] requires a majority vote of the
2 membership. The vote shall be by roll call. The final decision shall
3 be written and contain specific findings of fact and conclusions of law.
4 A written notification of the decision shall be furnished to the tenure
5 teacher within 10 days of the date of the decision.

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

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

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

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

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

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

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

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

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

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

29 * Sec. 21. AS 14.20.550 is amended to read:

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

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

7 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)
8 Negotiations between the certificated employees of the regional educa-
9 tional attendance areas and the respective regional school boards shall
10 be conducted by one team representing all the certificated employees,
11 one team representing all the certificated administrative personnel if
12 they have joined together to negotiate independently as provided in sec.
13 560(f) of this chapter, and one team representing all the participating
14 regional school boards.

15 (b) Each team may consist of as many members as there are regional
16 school boards. Each board is entitled to one member on the team.
17 However, each negotiating team shall consist of not less than five
18 members.

19 (c) A regional educational attendance area board may by resolution
20 choose to conduct its own negotiations in accordance with sec. 550 of
21 this chapter.

22 (d) Once negotiations have begun no board 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. 23. 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. 24. AS 14.30.186(d) is amended to read:

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

14 * Sec. 25. AS 14.30.260 is amended to read:

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

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

23 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

24 Sec. 14.30.400. BILINGUAL-BICULTURAL EDUCATION. City or borough
25 district school boards and regional educational attendance area boards
26 shall provide a bilingual-bicultural education program for each school
27 in a city or borough school district or regional educational attendance
28 area which is attended by at least eight pupils of limited English-
29 speaking ability and whose primary language is other than English. A

1 bilingual-bicultural education program shall be provided under a plan of
2 service which has been developed in accordance with regulations adopted
3 by the department. Nothing in this section precludes a bilingual-
4 bicultural education program from being provided for less than eight
5 pupils in a school.

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

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

15 * Sec. 27. AS 14.33.010 is amended to read:

16 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
17 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
18 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough or
19 city school district or regional educational attendance area, or a
20 private or denominational school may require that school safety patrols
21 be established to assist pupils to cross streets and highways adjacent
22 to schools in safety.

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

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

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

29 (5) "governing body" means the school board of a borough or

1 city school district or a regional educational attendance area [THE
2 BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOL DISTRICT];

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

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

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

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

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

15 * Sec. 33. AS 15.65.050 is amended to read:

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

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

22 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough
23 school district and establishes, maintains, and operates a system of
24 public schools on an areawide basis as provided in AS 14.14.060. A
25 military reservation within an organized borough is not part of the
26 borough school district until the military mission is terminated or until
27 inclusion in the borough school district is approved by the Department of
28 Education. However, operation of the military reservation schools by
29 the borough school district may be required by the Department of Educa-

1 tion under AS 14.14.110. If the military mission of a military reserva-
2 tion terminates or continued management and control by a regional educa-
3 tional attendance area is disapproved by the Department of Education,
4 operation, management and control of schools on military reservations
5 transfers to the borough school district in which the military reserva-
6 tion is located.

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

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

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

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

25 (16) certified teachers and noncertified employees employed
26 by a regional educational attendance area established and organized
27 under AS 14.08.031 - 14.08.041 to teach in, administer or operate schools
28 under the operation, control and management of a regional educational
29 attendance area school board.

1 * Sec. 38. TRANSITION: BOARD OF DIRECTORS, ALASKA STATE-OPERATED SCHOOLS.

2 (a) The members of the Board of Directors of the Alaska State-Operated
3 Schools, who are incumbents on the effective date of this Act, shall admin-
4 ister the public schools in the unorganized borough, subject to the limita-
5 tions of (d) of this section, during a one-year transition period between
6 July 1, 1975, and June 30, 1976, inclusive, until school boards in each
7 regional educational attendance area are established and organized under
8 AS 14.08.031 - 14.08.041, and become operational under sec. 39(a) of this
9 Act.

10 (b) The board of directors consists of nine members appointed by the
11 governor from the areas served, subject to confirmation by the legislature in
12 joint session. The term of office of board members is three years or until
13 June 30, 1976, whichever is earlier, on which date the authority of the board
14 terminates and the terms of office of its membership expire.

15 (c) The members of the board of directors are entitled to travel
16 expenses and per diem as provided by law for members of other boards and
17 commissions.

18 (d) During the one-year transition period prescribed in (a) of this
19 section, the board of directors shall act as the temporary regional school
20 board for schools in the unorganized borough, and for schools on a military
21 reservation that are not subject to the provisions of AS 14.12.020(a) and
22 14.14.110, that are not within a regional educational attendance area that
23 has become operational under sec. 39(a) of this Act. While acting as the
24 temporary regional school board for those schools, the board may exercise
25 the powers of, and is subject to the duties imposed upon, a regional school
26 board under this Act.

27 (e) As each regional educational attendance area is established, and
28 the regional school board organized, under AS 14.08.031 - 14.08.041, the
29 board of directors shall redistribute the property and assets of the Alaska

1 State-Operated Schools to each regional educational attendance area in the
2 manner the board determines.

3 * Sec. 39. TRANSITION: DEPARTMENT OF EDUCATION. (a) School boards for
4 the regional educational attendance areas established and organized under
5 AS 14.08.031 - 14.08.041 shall begin operation of the schools in the area
6 under their control and management on a date mutually agreed upon by the
7 regional school board and the commissioner of education, but not later than
8 July 1, 1976.

9 (b) As each regional educational attendance area is established, and
10 the regional school board organized, under AS 14.08.031 - 14.08.041, the
11 Department of Education shall redistribute all state and federal funds
12 appropriated to the Alaska State-Operated Schools to the regional educational
13 attendance area in the manner prescribed by law.

14 (c) After June 30, 1976, the remaining debts of the state-operated
15 schools shall be assumed by the state and paid from appropriations for that
16 purpose from the general fund.

17 * Sec. 40. TRANSITION: PENDING PROCEEDINGS; REGULATIONS; LEGAL OBLIGA-
18 TIONS. All litigation, hearings, investigations and other proceedings pending
19 under a law amended for functions which may be transferred by this Act, con-
20 tinue in effect and may be continued and completed notwithstanding a transfer
21 or amendment provided for in this Act. Certificates, orders, rules or regu-
22 lations issued or filed under authority of a law amended by this Act or
23 functions which may be transferred by this Act, remain in effect for the term
24 issued, unless revoked, vacated, or otherwise modified under the provisions
25 of this Act. All contracts or other obligations created by a law amended by
26 this Act or by virtue of functions which may be transferred by this Act, and
27 in effect on the effective date of this Act, remain in effect unless revoked
28 or modified under the provisions of this Act.

29 * Sec. 41. TRANSITION: PERSONNEL. (a) All teachers, as defined in

1 AS 14.20.207(1), in the communities or regional offices served by the State-
2 Operated School System on the effective date of this Act and who have been
3 retained for the 1975-76 school year are subject to the provisions of
4 AS 14.20.147.

5 (b) All permanent non-certificated employees of the State-Operated
6 School System in the communities and regional offices who are state employees
7 on the effective date of this Act shall be terminated by the state and shall
8 be rehired by the respective regional school boards or by the temporary
9 regional school board under sec. 38 of this Act.

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

14 * Sec. 42. The terms of office of members of the first regional school
15 boards shall terminate as follows:

16 (1) for those with one-year terms, on the date on which a newly
17 elected board member takes office after the regular school board election in
18 1976;

19 (2) for those with two-year terms, on the date on which a newly
20 elected board member takes office after the regular school board election in
21 1977; and

22 (3) for those with three-year terms, on the date on which a newly
23 elected board member takes office after the regular school board election in
24 1978.

25 * Sec. 43. Chapter 46, sec. 33, SLA 1970 is repealed.

26 * Sec. 44. AS 14.08.031 - 14.08.071, as enacted by sec. 2 of this Act
27 take effect immediately in accordance with AS 01.10.070(c).

28 * Sec. 45. AS 14.08.011 - 14.08.021 and AS 14.08.081 - 14.08.151 as
29 enacted by sec. 2 of this Act, and secs. 1 and 3 - 43 of this Act take effect

1 July 1, 1975.

- 2
- 3
- 4
- 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