

Introduced: 1/20/75  
Referred: Health, Education and  
Social Services and  
Finance

1 IN THE SENATE BY CHANCE

*FCS HCS*

*CS* SENATE BILL NO. 35 *am*

2 IN THE LEGISLATURE OF THE STATE OF ALASKA

3 NINTH LEGISLATURE - FIRST SESSION

4 A BILL

5 For an Act entitled: "An Act relating to public education in the  
6 unorganized borough; and providing for an effective  
7 date."  
8

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

- 10 \* Section 1. AS 14.08.010 - 14.08.170 are repealed.
- 11 \* Sec. 2. AS 14.08 is amended by adding new sections to read:

12 CHAPTER 8. ALASKA STATE-OPERATED SCHOOLS [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.

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

19 Sec. 14.08.021. AUTHORITY. Acting in its capacity as the assembly  
20 for the unorganized borough under art. X, sec. 6 of the Constitution of  
21 the State of Alaska and AS 29.03.020, the legislature delegates to  
22 school boards for each regional school attendance area the authority  
23 to operate the public schools in those areas in accordance with the  
24 provisions of this chapter, subject to the provisions of this title and  
25 the regulations promulgated under it that apply to all school districts  
26 in the state.

27 Sec. 14.08.031. REGIONAL SCHOOL ATTENDANCE AREAS. (a) The  
28 Department of Education in consultation with the Department of Community  
29 and Regional Affairs shall divide the unorganized borough into

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1 educational service areas. Insofar as practicable the boundaries of  
2 the educational service areas shall be coterminous with the boundaries  
3 of the administrative regions of the state-operated schools as they  
4 existed on the effective date of this chapter.

5 (b) An educational service area established in the unorganized  
6 borough under (a) of this section constitutes regional school  
7 attendance area.

8 Sec. 14.08.041. REGIONAL SCHOOL ATTENDANCE AREA BOARDS. (a) A  
9 regional school attendance area shall be operated on an areawide basis  
10 under the management and control of a regional school board.

11 (b) The qualified voters in each regional school attendance area  
12 shall elect a regional school board of not less than five nor more than  
13 nine members to be elected for the same term, in the same manner and  
14 with the same qualifications as a city or borough school district board  
15 under ch. 12 of this title. The initial number of regional school board  
16 members shall be determined by the department. However, the qualified  
17 voters in a regional school attendance area may increase or decrease the  
18 number of regional school board members, within the minimum and  
19 maximum number of members established by this section, by placing the  
20 question on the ballot at a regular school board election in the manner  
21 prescribed by law. A regional school attendance area board shall  
22 always consist of five, seven or nine members.

23 (c) A vacancy on a regional school attendance area board shall be  
24 filled in accordance with AS 14.12.070.

25 Sec. 14.08.051. ELECTIONS. (a) In each regional school  
26 attendance area in the unorganized borough, the lieutenant governor,  
27 within 60 days of the effective date of this chapter, shall provide for  
28 election of a regional school board.

29 (b) Members elected shall serve three-year terms, except that,

1 for the first board elected, the term of office of each member shall be  
2 determined by lot. The members of the first five-member school board  
3 hold office for terms as follows: one for a one-year term, two for a  
4 two-year term and two for a three-year term. The members of the first  
5 seven-member school board hold office for terms as follows: two for a  
6 one-year term, three for a two-year term and three for a three-year  
7 term. The members of the first nine-member school board hold office  
8 for terms as follows: three for a one-year term, three for a two-year  
9 term and three for a three-year term.

10 (c) Except for the first election of regional school board members,  
11 elections shall be held annually on the first Tuesday in October at the  
12 time of regular municipal elections under AS 29.28.020.

13 (d) The cost of each regional school board election shall be  
14 borne by the state.

15 Sec. 14.08.061. ADMINISTRATION. (a) The regional school board  
16 shall be organized in accordance with AS 14.14.070.

17 (b) The officer of the board responsible for the custody of  
18 regional school attendance area funds shall execute a bond of \$50,000  
19 with the commissioner of education.

20 (c) Each regional school board shall provide for an annual audit  
21 in accordance with AS 14.14.050.

22 (d) By May 1 of each year, a regional school board shall prepare  
23 and forward a budget to the commissioner of education for his review  
24 and comment. Within 30 days after receiving the comments of the  
25 commissioner, the board shall approve a final budget for the operation  
26 of the area during the ensuing fiscal year.

27 (e) The regional school board shall provide custodial services  
28 and routine maintenance of school buildings and shall employ, compensate  
29 and otherwise provide personnel for these purposes.

1           Sec. 18.08.071. DUTIES. Regional school attendance area boards  
2 shall:

3           (1) develop a philosophy of education, principles, and goals  
4 for the regional area schools;

5           (2) approve the employment of the professional administrators,  
6 teachers and noncertificated personnel necessary to operate the schools;

7           (3) establish the salaries to be paid its regularly employed  
8 certificated staff members;

9           (4) promulgate regulations governing organization, policies,  
10 and procedures for the operation of the schools;

11           (5) designate the administrative employees authorized to  
12 direct disbursements from the school funds of the board;

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

14           (7) establish, maintain, operate, discontinue and combine  
15 schools on the recommendation of the commissioner of education;

16           (8) pay tuition and boarding or transportation costs of  
17 secondary school students in cases in which the establishment of  
18 secondary schools in the regional school attendance area is unsound for  
19 economic or educational reasons.

20           Sec. 14.08.081. CONFLICT OF INTEREST; DISQUALIFICATION FROM  
21 VOTING. A board member having direct or indirect pecuniary interest  
22 in a contract for erection of buildings, heating, ventilation,  
23 furnishing or repairing the buildings, or in a contract for the  
24 furnishing of supplies, for a regional school is disqualified from  
25 voting on any question involving his pecuniary interest.

26           Sec. 14.08.091. CONTRACTUAL SERVICES. A regional school attendance  
27 area board may contract with the department, the Bureau of Indian  
28 Affairs, or any other school district to provide services, facilities or  
29 supplies for the regional area schools.

1           Sec. 14.08.101. COORDINATED EMPLOYEE NEGOTIATIONS. (a) Nego-  
2           tiations between the employees of the regional school attendance areas  
3           and the respective regional school attendance area boards shall be  
4           conducted by one team representing all the certificated employees, one  
5           team representing all noncertificated employees and one team representing  
6           all the regional school boards in the state.

7           (b) The boards' team and the team representing the certificated  
8           employees in the regional school attendance areas shall conduct  
9           negotiations in accordance with AS 14.20.550 - 14.20.610.

10          (c) The boards' team and the team representing the noncertificated  
11          employees in the regional school attendance areas shall conduct  
12          negotiations in accordance with the Public Employment Regulations Act  
13          (AS 23.40.070 - 23.40.260).

14          (d) Each team may consist of as many members as there are regional  
15          school attendance areas.

16          (e) The contract resulting from the coordinated statewide negotia-  
17          tions shall be binding upon all the boards and all employees in the  
18          regional school attendance areas in the state.

19           Sec. 14.08.106. OTHER SCHOOL DISTRICTS AND COORDINATED EMPLOYEE  
20           NEGOTIATIONS. (a) Any other school district board in the state may  
21           join and participate in the coordinated employee negotiations with a  
22           representative on the team of the regional school attendance area boards,  
23           and the employees of the school district may have a representative on  
24           the appropriate employee team.

25           (b) However, once negotiations have begun, no district or employee  
26           may withdraw from the negotiations, and the provisions of sec. 101(e) of  
27           this chapter apply.

28           Sec. 14.08.111. BILINGUAL EDUCATION. (a) A regional school  
29           attendance area school which is attended by at least 15 pupils whose

1 primary language is other than English shall have at least one teacher  
2 who is fluent in the native language of the area where the school is  
3 located. Written and other educational materials, when language is a  
4 factor, shall be presented in the language native to the area.

5 (b) The regional school boards shall promulgate regulations to  
6 carry out the purposes of this section.

7 Sec. 14.08.121. BILINGUAL EDUCATION FUND. (a) There is in the  
8 Department of Education a bilingual education fund which is an account  
9 in the general fund to receive money appropriated by the legislature for  
10 bilingual education and to be used for bilingual education program  
11 implementation.

12 (b) The Department of Education shall establish procedures for  
13 the distribution of bilingual education funds to eligible regional  
14 school attendance areas, eligible school districts and any other  
15 eligible agencies.

16 Sec. 14.08.131. REGIONAL RESOURCE CENTERS. A regional school  
17 attendance area and any other school district in the state may partici-  
18 pate in regional and statewide resource centers to be established by  
19 the Department of Education under AS 14.17.061.

20 Sec. 14.08.141. DEFINITIONS. In this chapter

- 21 (1) "board" means a regional school attendance area board;  
22 (2) "commissioner" means the commissioner of education;  
23 (3) "department" means the Department of Education.

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

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

- 27 (1) each first [, SECOND, AND THIRD] class city in the  
28 unorganized borough is a city school district;  
29 (2) each organized borough is a borough school district;

1 (3) the area outside organized boroughs and outside first  
2 [, SECOND, AND THIRD] class cities are [IS] the regional [STATE-OPERATED]  
3 school attendance areas [DISTRICT].

4 \* Sec. 4. AS 14.12.020(a) is amended to read:

5 (a) Operation of the state-operated schools [SCHOOL DISTRICT] is  
6 under the management and control of the board in each regional school  
7 attendance area [OF THE STATE-OPERATED SCHOOLS]. The regional school  
8 board [OF THE STATE-OPERATED SCHOOLS] manages and controls schools on  
9 military reservations located within a city or an organized borough  
10 until the military mission is terminated or [AND] so long as management  
11 and control by the state-operated schools is approved by the Department  
12 of Education. However, operation of the military reservation schools  
13 by a city or borough school district may be required by the Department  
14 of Education under AS 14.14.110, with the consent of the city or borough  
15 school district board. If the military mission of a military reserva-  
16 tion terminates or [AND] continued management and control by the state-  
17 operated schools is disapproved by the Department of Education,  
18 operation, management and control of schools on military reservations  
19 transfers to the city or borough school district in which the military  
20 reservation is located.

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

22 (c) The legislature shall provide the state money to the regional  
23 school attendance area boards necessary to maintain and operate the  
24 state-operated schools under the Public School Foundation Act (AS 14.17).  
25 However, AS 14.17.071 is inapplicable to the computation of state aid  
26 distributed to a state-operated school under that Act [SCHOOL DISTRICT].  
27 The borough assembly for a borough school district, and the city council  
28 for a city school district, shall provide the money which must be  
29 raised from local sources to maintain and operate the district.

1 \* Sec. 6. AS 14.14.170(a) is amended to read:

2 (a) There is established an advisory school board in each  
3 community or military reservation served by a school operated by the  
4 state, by a regional school attendance area or by a city or borough  
5 school district by contract with the state. If the state-operated  
6 school has an average daily membership of less than 251 pupils, the  
7 advisory school board consists of three members. If the average daily  
8 membership is more than 250 pupils, the advisory school board consists  
9 of five members.

10 \* Sec. 7. AS 14.14.170(d) is amended to read:

11 (d) The date of election for advisory school board members is the  
12 same as that for regular municipal elections in the second class city  
13 having the largest population in the area served by the board or, if  
14 there is no second class city within the area, on an annual election  
15 date for such elections fixed by regulation of the lieutenant governor  
16 [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS].

17 \* Sec. 8. AS 14.14.170(e) is amended to read:

18 (e) Elections under (c) and (d) of this section shall be conducted  
19 upon such notice and otherwise substantially in the same manner as  
20 regular municipal elections which are held within the largest second  
21 class city in the area served by the board. If there is no second class  
22 city within the area, elections shall be conducted upon at least 10 days  
23 published or posted public notice of the election and of the question  
24 or nominees to be voted on and under general rules for the elections  
25 as may be promulgated by regulation of the lieutenant governor [BOARD OF  
26 DIRECTORS FOR STATE-OPERATED SCHOOLS]. Elections relating to advisory  
27 school boards shall be supervised by the director of elections [STATE-  
28 OPERATED SCHOOLS] but shall be administered within second class cities  
29 as part of the regular municipal election.

1 \* Sec. 9. AS 14.14.170(f) is amended to read:

2 (f) Elected members of advisory school boards are subject to  
3 recall in accordance with the provisions of AS 29.28.130 - 29.28.250,  
4 except that the chief school administrator of the regional school  
5 attendance area [DIRECTOR OF STATE-OPERATED SCHOOLS] shall perform the  
6 functions of the municipal clerk, and the regional school attendance  
7 area board [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall perform  
8 the functions of the assembly or council under those sections.

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

10 Sec. 14.14.200. DUTIES. An advisory school board shall advise  
11 and make recommendations to the board of the regional school attendance  
12 area concerning the curriculum, program and general operation of the  
13 local school in the community served by the advisory board.

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

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

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

19 (2) "district" means a borough or city school district or  
20 a regional school attendance area [THE STATE-OPERATED SCHOOL SYSTEM].

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

22 Sec. 14.17.051. INSTRUCTIONAL UNIT ALLOTMENT. (a) The instruc-  
23 tional unit allotment for each school district or regional school  
24 attendance area is as follows:

25 (1) If the school district or regional school attendance  
26 area is in that part of the state lying within the boundaries of elec-  
27 tion district 1, 4 or 8, the district or area shall receive the base  
28 instructional unit allotment.

29 (2) If the school district or regional school attendance

1 area is in that part of the state lying within the boundaries of elec-  
2 tion district 2, 3 or 7, the district or area shall receive 104 per  
3 cent of the base instructional unit allotment.

4 (3) If the school district or regional school attendance  
5 area is in that part of the state lying within the boundaries of elec-  
6 tion district 5, 9, 10 or 11, the district or area shall receive 108  
7 per cent of the base instructional unit allotment.

8 (4) If the school district or regional school attendance  
9 area is in that part of the state lying within the boundaries of elec-  
10 district 16, south of the Arctic Circle, the district or area shall  
11 receive 112 per cent of the base instructional unit allotment.

12 (5) If the school district or regional school attendance  
13 area is in that part of the state lying within the boundaries of elec-  
14 tion district 6, the district or area shall receive 116 per cent of the  
15 base instructional unit allotment.

16 (6) If the school district or regional school attendance  
17 area is in that part of the state lying within the boundaries of elec-  
18 tion district 12, 13 or 18, the district or area shall receive 128 per  
19 cent of the base instructional unit allotment.

20 (7) If the school district or regional school attendance  
21 area is in that part of the state lying within the boundaries of elec-  
22 tion district 14 or 19, the district or area shall receive 132 per cent  
23 of the base instructional unit allotment.

24 (8) If the school district or regional school attendance  
25 area is in that part of the state lying within the boundaries of elec-  
26 tion district 15, 16 (north of the Arctic Circle), or 17, the district  
27 or area shall receive 116 per cent of the base instructional unit  
28 allotment.

29 (b) For the purposes of (a) of this section "election district"

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

5 (c) Regional school attendance areas shall be funded by the  
6 Public School Foundation Program on the basis of the full instructional  
7 unit allotment in accordance with the election district differentials  
8 established in (a)(1) - (8) of this section.

9 (d) The commissioner of education shall transmit public school  
10 foundation program funds to the regional school attendance areas in the  
11 same manner as to borough and city school districts.

12 (e) The instructional unit allotment established in (a)(1) - (8)  
13 of this section for any school district or regional school attendance  
14 area which does not have access to Anchorage, Ketchikan or Fairbanks  
15 by road, railroad or ferry shall be increased an additional five per  
16 cent.

17 \* Sec. 13. AS 14.17.210(c)(1) is amended to read:

18 (1) "state school" means a school operated by a regional  
19 school attendance area or by the Department of Education [OR STATE-  
20 OPERATED SCHOOL SYSTEM] and entirely financed by state money; and

21 \* Sec. 14. AS 14.20.550 is amended to read:

22 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each  
23 borough or city school district or regional school attendance area  
24 board [, AND THE BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOLS,]  
25 shall negotiate with its certificated employees in good faith on matters  
26 pertaining to their employment and the fulfillment of their professional  
27 duties.

28 \* Sec. 15. The property and assets of the state-operated schools are  
29 transferred to the Department of Education for redistribution to the regional

1 school attendance areas in the manner the department determines. The  
2 liabilities of the state-operated schools shall be assumed by the general  
3 fund of the state. All litigation, hearings, investigations and other  
4 proceedings pending under a law amended or functions which may be transferred  
5 by this Act, continue in effect and may be continued and completed notwith-  
6 standing a transfer or amendment provided for in this Act. Certificates,  
7 orders, rules or regulations issued or filed under authority of a law amended  
8 by this Act or functions which may be transferred by this Act, remain in  
9 effect for the term issued, unless revoked, vacated, or otherwise modified  
10 under the provisions of this Act. All contracts or other obligations created  
11 by a law amended by this Act or by virtue of functions which may be transferred  
12 by this Act, and in effect on the effective date of this Act, remain in  
13 effect unless revoked or modified under the provisions of this Act.

14 \* Sec. 16. (a) All certificated employees in the rural communities served  
15 by, or in the regional or central offices of, the State-Operated School  
16 System on the effective date of this Act are subject to the provisions of  
17 AS 14.20.147.

18 (b) All noncertificated employees of the State-Operated School System  
19 who are state employees on the effective date of this Act are entitled to full  
20 employment and transfer rights and privileges accorded all other state  
21 employees under state law.

22 \* Sec. 17. AS 14.08.051, as enacted by sec. 2 of this Act, takes effect  
23 immediately in accordance with AS 01.10.070(c). AS 14.08.011 - 14.08.041 and  
24 14.08.061 - 14.08.141, as enacted by sec. 2 and secs. 2 and 3 - 16 of this  
25 Act take effect July 1, 1975.  
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