

Original sponsor: Chance

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Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 35

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

8

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

9

\* Section 1. AS 14.08.010 - 14.08.170 are repealed.

10

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

11

CHAPTER 8. EDUCATION IN THE UNORGANIZED BOROUGH [ALASKA

12

STATE-OPERATED SCHOOL SYSTEM]

13

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

16

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

20

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

26

Sec. 14.08.031. REGIONAL EDUCATIONAL ATTENDANCE AREAS. (a) The  
27 Department of Education in consultation with the Department of Community  
28 and Regional Affairs and local communities shall divide the unorganized  
29 borough into 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. These areas shall consist of compact, contiguous  
4 territory and, insofar as practicable, each regional educational atten-  
5 dance area shall contain a relatively integrated socio-economic, lin-  
6 guistically and culturally homogeneous area. In the formation of the  
7 regional school attendance areas, consideration shall be given to the  
8 transportation and communication network to facilitate the administration  
9 of education and communication between communities that comprise the  
10 area. Whenever possible, municipalities, other governmental or regional  
11 corporate entities, drainage basins and other identifiable geographic  
12 features shall be used in describing the boundaries of the regional  
13 school attendance areas.

14 (c) Military reservation schools shall be included in a regional  
15 educational attendance area. However, operation of military reservation  
16 schools by a city or borough school district may be required by the  
17 department under AS 14.12.020(a) and AS 14.14.110.

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

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

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 following 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 questions in the regional educational attendance area at the next  
24 regular school board election or a special election called for that  
25 purpose.

26 (c) If a regional school attendance area has been divided into  
27 sections, the commissioner shall recast the boundaries of the sections  
28 within 90 days following the official reporting of the decennial federal  
29 census.

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

20 (b) Except for the first election of regional school board members  
21 under (a) of this section, election shall be held annually on the first  
22 Tuesday in October at the time of regular municipal elections under  
23 AS 29.28.020. Elections shall be supervised by the director of elections  
24 in the office of the lieutenant governor, but shall be administered with-  
25 in second class cities as part of the regular municipal election. The  
26 lieutenant governor shall promulgate regulations for the conduct of the  
27 election of regional school board members comparable, insofar as practi-  
28 cable, to those prescribed for election of school board members under  
29 ch. 12 of this title and AS 29.28.

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

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

8 Sec. 14.08.091. TRANSITION. The state Board of Education shall act  
9 as the regional school board for those schools in the unorganized borough  
10 and or military reservation that are not within a regional educational  
11 attendance area which has been established and become operational under  
12 sec. 31 of this chapter. While acting as the regional school board for  
13 those schools, the state board may exercise the powers of a regional  
14 school board under sec. 111 of this chapter and is subject to the same  
15 duties as a regional school board under sec. 121 of this chapter.

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

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

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

24 (1) sue and be sued;

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

29 (3) determine its own fiscal procedures including but not

1 limited to policies and procedures for the purchase of supplies and  
2 equipment; the regional school boards are exempt from the Fiscal Pro-  
3 cedures Act (AS 37.05);

4 (4) appoint, compensate and otherwise control all school em-  
5 ployees in accordance with this title; these employees are not subject  
6 to the State Personnel Act (AS 39.25);

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

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

11 (7) recommend to the commissioner a school construction and  
12 rehabilitation program based on an evaluation of the condition of exist-  
13 ing school facilities and a determination of the requirements for new  
14 school construction, rehabilitation or other upgrading of school facili-  
15 ties; and

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

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

19 (1) provide, during the school term of each year, an educational  
20 program for each school age child who is a resident of the district;

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

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

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

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

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

1 (7) provide for an annual audit in accordance with AS 14.14.-  
2 050; and,

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

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

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

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

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

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

25 Sec. 14.08.151. REGIONAL RESOURCE CENTERS. A regional educational  
26 attendance area or any other school district in the state may participate  
27 in regional or statewide resource centers which may be established by the  
28 department. Services provided by a resource center include, but are not  
29 limited to accounting and fiscal services, media services, instructional

1 support services, inservice and staff development services, student  
2 services, diagnostic services, school management and training services  
3 and school board member training.

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

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

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

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

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

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

14 (a) Each regional educational attendance area shall be operated on  
15 a districtwide basis under the management and control of a regional  
16 school board. The regional school board manages and controls schools on  
17 military reservations within its regional educational attendance area  
18 until the military mission is terminated or so long as management and  
19 control by the regional educational attendance area is approved by the  
20 department. However, operation of the military reservation schools by a  
21 city or borough school district may be required by the department under  
22 AS 14.14.110. If the military mission of a military reservation termi-  
23 nates or continued management and control by the regional educational  
24 attendance area is disapproved by the department, operation, management  
25 and control of schools on the military reservation transfers to the city  
26 or borough school district in which the military reservation is located.

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

28 (c) The legislature shall provide the state money necessary to  
29 maintain and operate the regional educational attendance areas [STATE-

1 OPERATED SCHOOL DISTRICT]. The borough assembly for a borough school  
2 district, and the city council for a city school district, shall provide  
3 the money which must be raised from local sources to maintain and operate  
4 the district.

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

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

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

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

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

1 sec. 180 of this chapter may increase the committee [BOARD] to seven  
2 members by referendum conducted at an election coinciding with an elec-  
3 tion for community [ADVISORY] school committee [BOARD] members.

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

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

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

1 shall perform the functions of the assembly or council under those  
2 sections.

3 \* Sec. 7. AS 14.14.180 is amended to read:

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

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

10 (2) has passed his 18th birthday;

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

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

15 \* Sec. 8. AS 14.14.190 is amended to read:

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

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

27 (c) If a three-member community [ADVISORY] school committee [BOARD]  
28 is increased to a five-member committee [ADVISORY SCHOOL BOARD], the two  
29 additional members are elected for terms of two years and three years

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

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

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

12 Sec. 14.14.200. DUTIES. A community school committee shall review  
13 and make recommendations to the board of the regional educational atten-  
14 dance area concerning the curriculum, program and general operation of  
15 the local school and shall exercise additional responsibilities and  
16 functions as may be delegated by the regional school board.

17 \* Sec. 10. AS 14.14.310 is amended to read:

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

19 (1) "board" means the governing body of a borough or city  
20 school district, or the board of a regional educational attendance area  
21 [DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

22 (2) "district" means a borough or city school district or  
23 a regional educational attendance area [THE STATE-OPERATED SCHOOL  
24 SYSTEM].

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

26 Sec. 14.17.051. INSTRUCTIONAL UNIT ALLOTMENT. (a) The instruc-  
27 tional unit allotment for each school district is as follows:

28 (1) if the school district is in that part of the state lying  
29 within the boundaries of election district 1, 4 or 8, the district shall

1 receive the base instructional allotment;

2 (2) if the school district is in that part of the state lying  
3 within the boundaries of election district 2, 3 or 7, the district shall  
4 receive 104 per cent of the base instructional unit allotment;

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

8 (4) if the school district is in that part of the state lying  
9 within the boundaries of election district 16, south of the Arctic  
10 Circle, the district shall receive 112 per cent of the base instructional  
11 unit allotment;

12 (5) if the school district is in that part of the state lying  
13 within the boundaries of election district 6, the district shall receive  
14 116 per cent of the base instructional unit allotment;

15 (6) if the school district is in that part of the state lying  
16 within the boundaries of election district 12, 13 or 18, the district  
17 shall receive 128 per cent of the base instructional unit allotment;

18 (7) if the school district is in that part of the state lying  
19 within the boundaries of election district 14 or 19, the district shall  
20 receive 132 per cent of the base instructional unit allotment;

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

25 (b) The instructional unit allotment established in (a) of this  
26 section for any school district which does not have access to Anchorage,  
27 Ketchikan or Fairbanks by road, railroad or ferry shall be increased an  
28 additional five per cent above its instructional unit allotment under  
29 (a)(1) - (8) of this section.

1 (c) For the purposes of this section, a school district is con-  
2 sidered to be located in the election district in which its administra-  
3 tive offices are located. However, if a school district operating a  
4 school in a remote area is authorized by the commissioner to calculate  
5 the number of units to which that school is entitled under sec. 31(c) of  
6 this chapter the commissioner may consider that school to lie in the  
7 election district in which it is actually located.

8 (d) For the purposes of this section,

9 (1) "election district" means an election district designated  
10 in the governor's proclamation of reapportionment and redistricting of  
11 December 7, 1961, and retained as to the House of Representatives by the  
12 governor's proclamation of September 3, 1965;

13 (2) "school district" means a city or borough school district  
14 or a regional educational attendance area.

15 \* Sec. 12. 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. 13. 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. 14. 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 and borough school districts  
14 and regional educational attendance areas [BOARD OF DIRECTORS FOR STATE  
15 SCHOOLS, AND THE DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by  
16 regulation or bylaw a procedure under which a nonretained teacher may,  
17 at his request, be heard informally by [A PANEL CONSISTING OF THE COM-  
18 MISSIONER AND TWO OR MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS,  
19 AND BY] the [LOCAL SCHOOL] board [IN THE CASE OF A DISTRICT SCHOOL].

20 \* Sec. 15. 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,

1 (4) he be represented by counsel,

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

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

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

16 \* Sec. 17. AS 14.20.205 is amended to read:

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

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

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

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

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

1 a qualified school administrator a salary not less than the allowable  
2 amount for his position on the teachers' scale provided in sec. 220(a) -  
3 (c) of this chapter, 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. 20. 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. 21. 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 employees of any or all city, borough or re-  
19 gional school districts and the respective district boards may, by  
20 mutual agreement of the boards and the employee groups involved, be con-  
21 ducted by one team representing all the certificated employees, one team  
22 representing all the certificated administrative personnel if they have  
23 joined together to negotiate independently as provided in AS 14.20.560(f),  
24 and one team representing all the participating school boards.

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

28 (c) Once negotiations have begun no district or employee group  
29 may withdraw from the negotiations, and the contract resulting from the

1 coordinated negotiations shall be binding upon all participating boards  
2 and employees.

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

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

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

10 (d) A school district or a regional educational attendance area  
11 [STATE-OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to  
12 provide special services for exceptional children may cooperate with one  
13 or more school districts or regional educational attendance areas  
14 [STATE-OPERATED SCHOOLS] in providing special classes. If, under the  
15 cooperative agreement, there are no special classes offered within a  
16 school district or regional educational attendance area [STATE-OPERATED  
17 SCHOOL], exceptional children may attend special classes in the cooper-  
18 ating school district or regional educational attendance area [STATE-  
19 OPERATED SCHOOL] providing the special classes.

20 \* Sec. 24. AS 14.30.260 is amended to read:

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

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

29 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

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

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

17           (b) The department shall adopt regulations for the determination  
18 of entitlement and the distribution of bilingual-bicultural funds to  
19 city and borough and regional educational attendance areas.

20 \* Sec. 26. AS 14.33.010 is amended to read:

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

28 \* Sec. 27. AS 14.33.020(a) is amended to read:

29           (a) If [THE STATE DIRECTOR,] a school board, or a private or de-

1       nominational school determines that a safety patrol should be established  
2       for a school, the principal of the school shall appoint pupils in the  
3       school to serve as members of the patrol.

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

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

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

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

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

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

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

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

21               Sec. 29.33.050. EDUCATION. Each borough constitutes a borough  
22       school district and establishes, maintains, and operates a system of  
23       public schools on an areawide basis as provided in AS 14.14.060. A  
24       military reservation within an organized borough is not part of the  
25       borough school district until the military mission is terminated or until  
26       inclusion in the borough school district is approved by the Department of  
27       Education. However, operation of the military reservation schools by  
28       the borough school district may be required by the Department of Educa-  
29       tion under AS 14.14.110. If the military mission of a military reserva-

1 tion terminates or continued management and control by a regional  
2 educational attendance area is disapproved by the Department of Educa-  
3 tion, operation, management and control of schools on military reserva-  
4 tions transfers to the borough school district in which the military  
5 reservation is located.

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

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

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

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

24 (8) certificated teachers and noncertificated employees  
25 employed by the state or a regional educational attendance area to teach  
26 in, administer or operate schools operated by the state or by a regional  
27 educational attendance area;

28 \* Sec. 36. (a) The property and assets of the state-operated schools are  
29 transferred to the Department of Education for redistribution to the regional

1 educational attendance areas in the manner the department determines. The  
2 debts of the state-operated schools shall be assumed by the general fund of  
3 the state. All litigation, hearings, investigations and other proceedings  
4 pending under a law amended for functions which may be transferred by this  
5 Act, continue in effect and may be continued and completed notwithstanding a  
6 transfer or amendment provided for in this Act. Certificates, orders, rules  
7 or regulations issued or filed under authority of a law amended by this Act  
8 or functions which may be transferred by this Act, remain in effect for the  
9 term issued, unless revoked, vacated, or otherwise modified under the provi-  
10 sions of this Act. All contracts or other obligations created by a law  
11 amended by this Act or by virtue of functions which may be transferred by  
12 this Act, and in effect on the effective date of this Act, remain in effect  
13 unless revoked or modified under the provisions of this Act. All contracts  
14 for the provision of utilities services to the schools of the State-Operated  
15 School System shall be assumed and continued by the respective regional  
16 educational attendance areas.

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

20 \* Sec. 37. (a) All teachers, as defined in AS 14.20.207(1), in the com-  
21 munities or regional offices served by the State-Operated School System on  
22 the effective date of this Act and who have been retained for the 1975-76  
23 school year are subject to the provisions of AS 14.20.147.

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

28 (c) The Department of Education shall assist the certificated and  
29 permanent non-certificated employees in the central office of the State-

1 Operated School System on the effective date of this Act in finding positions  
2 for which they are qualified.

3 \* Sec. 38. AS 14.08.031, 14.08.051 and 14.08.071, as enacted by sec. 2 of  
4 this Act take effect immediately in accordance with AS 01.10.070(c). AS 14.-  
5 08.011 - 14.08.021, 14.08.041, 14.08.061, and 14.08.081 - 14.08.151, as  
6 enacted by sec. 2 of this Act and secs. 1 and 3 - 37 of this Act take effect  
7 July 1, 1975.

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