

Original sponsor: Chance

Offered: 3/25/75
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 35 am

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 14.93 is amended by adding new sections to read:

10 CHAPTER 8. EDUCATION IN THE UNORGANIZED BOROUGH [ALASKA
11 STATE-OPERATED SCHOOL SYSTEM]

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

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

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

25 Sec. 14.08.031. REGIONAL EDUCATIONAL ATTENDANCE AREAS. (a) The
26 Department of Community and Regional Affairs in consultation with
27 the Department of Education and local communities shall
28 divide the unorganized borough into educational service areas using
29 the boundaries and/or sub-boundaries of the Regional Corporations set

1 up under the Alaska Native Claims Settlement Act, unless through local
2 option by petition a majority of the community desires to merge with
3 another contiguous area.

4 (b) An educational service area established in the unorganized
5 borough under (a) of this section constitutes a regional educational
6 attendance area. These areas shall consist of compact, contiguous
7 territory and, insofar as practicable, each regional educational
8 attendance area shall contain a relatively integrated socio-economic,
9 linguistically and culturally homogeneous area. In the formation of
10 the regional school attendance areas, consideration shall be given to
11 the transportation and communication network to facilitate the admini-
12 stration of education and communication between communities that
13 comprise the area. Whenever possible, municipalities, other govern-
14 mental or regional corporate entities, drainage basins and other
15 identifiable geographic features shall be used in describing the
16 boundaries of the regional school attendance areas.

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

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

23 (e) School boards for the regional educational attendance areas
24 established under sec. 41 of this chapter shall begin operation of the
25 schools in the region under their control on a date mutually agreed
26 upon by the board and the commissioner, but not later than July 1,
27 1976.

28 Sec. 14.08.041. REGIONAL SCHOOL BOARDS. (a) A regional education-
29 al attendance area shall be operated on an areawide basis under the

1 management and control of a regional school board.

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

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

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

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

26 Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The Department of
27 Community and Regional Affairs in consultation with the Department of
28 Education and the local communities may divide a regional educational
29 attendance area into sections for the purpose of nominating and

1 electing regional school board members. If a regional educational
2 attendance area is divided into sections only each school board member
3 shall represent, as nearly as practicable, an equal number of persons.
4 The basis for the division of a regional educational attendance area
5 into sections shall be the total population of the area as reported in
6 the most recent decennial federal census. If the census is five years
7 old or older, then other reliable population data, including but not
8 limited to population estimates based on public school enrollments,
9 public utility connections, registered voters or certified employment
10 payrolls, shall be used as the basis for the division of the area into
11 sections. Each section within a regional educational attendance area
12 shall consist of compact, contiguous territory and, insofar as practic-
13 able, each section shall contain a relatively integrated socio-
14 economic, linguistically and culturally homogeneous area. In the
15 division of the regional school attendance area into sections, considera-
16 tion shall be given to the transportation and communication network to
17 facilitate the administration of education and communication between
18 communities that comprise the area. Whenever possible, municipalities,
19 other governmental or regional corporate entities, drainage basins and
20 other identifiable geographic features shall be used in describing the
21 boundaries of the sections.

22 (b) The division of a regional educational attendance area into
23 sections, or subsequent recasting of the section boundaries, may be
24 proposed by the regional school board or by a petition containing
25 signatures of qualified voters in the area equal to 15 per cent of the
26 total vote cast in the most recent regional school board election.
27 The division of the area into sections, or subsequent recasting of
28 section boundaries, is subject to approval by a majority of the qualified
29 voters voting on the questions in the regional educational attendance

1 area at the next regular school board election or a special election
2 called for that purpose.

3 (c) If a regional school attendance area has been divided into
4 sections, the commissioner shall recast the boundaries of the sections
5 within 90 days following the official reporting of the decennial
6 federal census.

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

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

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

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

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

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

17 or

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

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

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

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

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

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

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

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

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

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

22 Sec. 14.08.071. ELECTIONS. (a) In each regional educational
23 attendance area in the unorganized borough, the lieutenant governor,
24 shall provide for the election of a regional school board on the first
25 Tuesday in October, 1975, or within 60 days after the formation of the
26 Regional Educational Attendance Areas. The following elections shall
27 be held annually on the first Tuesday in October. Elections shall be
28 supervised by the director of elections in the office of the
29 lieutenant governor, but shall be administered within second class

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

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

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

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

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

27 (b) The officer of the board responsible for the custody of re-
28 gional educational attendance area funds shall execute a bond of
29 \$50,000 with the commissioner.

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

2 (1) sue and be sued;

3 (2) contract and be contracted with, including contracting
4 with the department, the Bureau of Indian Affairs, or any other school
5 district, agency, or regional board for the provision of services,
6 facilities, supplies or utilities;

7 (3) determine its own fiscal procedures including but not
8 limited to policies and procedures for the purchase of supplies and
9 equipment; the regional school boards are exempt from the Fiscal Pro-
10 cedures Act (AS 37.05);

11 (4) appoint, compensate and otherwise control all school
12 employees in accordance with this title; these employees are not
13 subject to the State Personnel Act (AS 39.25);

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

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

18 (7) recommend to the commissioner a school construction and
19 rehabilitation program based on an evaluation of the condition of
20 existing school facilities and a determination of the requirements for
21 new school construction, rehabilitation or other upgrading of school
22 facilities; and

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

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

26 (1) provide, during the school term of each year, an educa-
27 tional program for each school age child who is a resident of the
28 district;

29 (2) develop a philosophy of education, principles and goals

1 for its schools;

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

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

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

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

9 (7) provide for an annual audit in accordance with AS 14.14.-
10 050; and,

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

13 Sec. 14.08.131. FUNDING. (a) The legislature shall fund the
14 operational costs of the regional educational attendance area schools
15 in the following manner:

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

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

21 (b) Funds for the operation of the regional educational attendance
22 area schools shall be appropriated annually to the Department of
23 Education for distribution to the regional school boards in the manner
24 prescribed in AS 14.17.160 - 14.17.180.

25 Sec. 14.08.141. CONFLICT OF INTEREST; DISQUALIFICATION FROM
26 VOTING. A board member having a direct or indirect pecuniary interest
27 in a contract for erection of buildings, heating, ventilation, furnishing
28 or repairing the buildings or in a contract for the furnishing of
29 supplies for a regional school is disqualified from voting on any

1 question involving his pecuniary interest unless the member has dis-
2 closed that interest to the board and the remaining members have
3 approved the member's participation in the voting.

4 Sec. 14.08.151. REGIONAL RESOURCE CENTERS. A regional educational
5 attendance area or any other school district in the state may participate
6 in regional or statewide resource centers which may be established by
7 the department. Services provided by a resource center include, but
8 are not limited to accounting and fiscal services, media services,
9 instructional support services, inservice and staff development services,
10 student services, diagnostic services, school management and training
11 services and school board member training.

12 * Sec. 2. AS 14.12.010 is amended to read:

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

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

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

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

21 * Sec. 3. AS 14.12.020(a) is repealed and re-enacted to read:

22 (a) Each regional educational attendance area shall be operated
23 on a districtwide basis under the management and control of a regional
24 school board. The regional school board manages and controls schools
25 on military reservations within its regional educational attendance
26 area until the military mission is terminated or so long as management
27 and control by the regional educational attendance area is approved by
28 the department. However, operation of the military reservation schools
29 by a city or borough school district may be required by the department

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

7 * Sec. 4. AS 14.12.020(c) is amended to read:

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

14 * Sec. 5. AS 14.14.170 is amended to read:

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

16 (a) There is established a community [AN ADVISORY] school committee
17 [BOARD] in each community or military reservation served by a school
18 operated by a regional educational attendance area [THE STATE OR BY A
19 CITY OR BOROUGH SCHOOL DISTRICT BY CONTRACT WITH THE STATE]. If the
20 regional educational attendance area [STATE-OPERATED] school has an
21 average daily membership of less than 251 pupils, the community [AD-
22 VISORY] school committee [BOARD] consists of three members. If the
23 average daily membership is more than 250 pupils, the community [AD-
24 VISORY] school committee [BOARD] consists of five members.

25 [(b) VOTERS QUALIFIED UNDER SEC. 180 OF THIS CHAPTER, AT AN ELEC-
26 TION, MAY CREATE AN ON-BASE ADVISORY SCHOOL BOARD WHICH SHALL BE
27 ADVISORY TO THE GOVERNING BODY OF THE SCHOOL DISTRICT THAT OPERATES
28 THE ON-BASE SCHOOLS. THE DATE OF ELECTION FOR ON-BASE ADVISORY SCHOOL
29 BOARD MEMBERS, WHERE THE SCHOOLS ARE OPERATED BY A CITY OR BOROUGH

1 SCHOOL DISTRICT BY CONTRACT, SHALL BE THE SAME AS THAT FOR THE REGULAR
2 MUNICIPAL ELECTION IN THE CONTRACTING CITY OR BOROUGH.]

3 (c) In communities qualifying for three-member community [ADVISORY]
4 school committees [BOARDS] under (a) of this section, voters qualified
5 under sec. 180 of this chapter may increase the committee [BOARD] to
6 five members by referendum conducted at an election coinciding with an
7 election for community [ADVISORY] school committee [BOARD] members.
8 In communities qualifying for five-member community [ADVISORY] school
9 committees [BOARDS] under (a) of this section, voters qualified under
10 sec. 180 of this chapter may increase the committee [BOARD] to seven
11 members by referendum conducted at an election coinciding with an
12 election for community [ADVISORY] school committee [BOARD] members.

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

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

1 by the regional school board [DIRECTOR OF STATE-OPERATED SCHOOLS] but
2 shall be administered within second class cities as part of the regular
3 municipal election.

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

12 * Sec. 6. AS 14.14.180 is amended to read:

13 Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY [ADVISORY] SCHOOL
14 COMMITTEE [BOARD] MEMBERS AND VOTERS. (a) A person may vote at an
15 election for community [ADVISORY] school committee [BOARD] members and
16 may be elected to membership on a community [AN ADVISORY] school
17 committee [BOARD] who

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

19 (2) has passed his 18th birthday;

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

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

24 * Sec. 7. AS 14.14.190 is amended to read:

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

1 (b) Of the initial members of a community [AN ADVISORY] school
2 committee [BOARD] which consists of five members, one member is elected
3 for a one-year term, two members for a two-year term, and two members
4 for a three-year term, and [EACH] until a successor takes office.
5 Thereafter, all members are elected to terms of three years and until
6 a successor takes office.

7 (c) If a three-member community [ADVISORY] school committee
8 [BOARD] is increased to a five-member committee [ADVISORY SCHOOL
9 BOARD], the two additional members are elected for terms of two years
10 and three years respectively. Thereafter, all members are elected to
11 three-year terms. If a five-member committee [ADVISORY SCHOOL BOARD]
12 is increased to a seven-member committee [ADVISORY SCHOOL BOARD], the
13 two additional members are elected for terms of two years and three
14 years respectively. Thereafter, all members are elected to three-year
15 terms and until a successor takes office.

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

20 * Sec. 8. AS 14.14.200 is repealed and re-enacted to read:

21 Sec. 14.14.200. DUTIES. A community school committee shall
22 review and make recommendations to the board of the regional educational
23 attendance area concerning the curriculum, program and general operation
24 of the local school and shall exercise additional responsibilities and
25 functions as may be delegated by the regional school board.

26 * Sec. 9. AS 14.14.310 is amended to read:

27 Sec. 14.14.310. DEFINITIONS. In secs. 250 - 310 of this chapter
28 (1) "board" means the governing body of a borough or city
29 school district, or the board of a regional educational attendance

1 area [DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

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

5 * Sec. 10. AS 14.17.051 is repealed and re-enacted to read:

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

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

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

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

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

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

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

29 (7) if the school district is in that part of the state

1 lying within the boundaries of election district 14 or 19, the district
2 shall receive 132 per cent of the base instructional unit allotment;

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

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

12 (c) For the purposes of this section, a school district is con-
13 sidered to be located in the election district in which its administra-
14 tive offices are located. However, if a school district operating a
15 school in a remote area is authorized by the commissioner to calculate
16 the number of units to which that school is entitled under sec. 31(c)
17 of this chapter the commissioner may consider that school to lie in
18 the election district in which it is actually located.

19 (d) For the purposes of this section,

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

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

26 * Sec. 11. AS 14.17.210 is amended to read:

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

28 (a) A regional educational attendance area [STATE] school which
29 becomes a city or borough district school is considered a regional

1 educational attendance area [STATE] school for purposes of financial
2 support until the expiration of a complete fiscal year after the date
3 on which the school becomes a city or borough district school. This
4 subsection does not prevent a local government from spending money to
5 contribute to the financial support of a regional educational attendance
6 area [STATE] school which becomes a city or borough district school.

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

10 [(c) IN THIS SECTION

11 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT
12 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY
13 STATE MONEY; AND

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

16 * Sec. 12. AS 14.17.250(3) is amended to read:

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

19 * Sec. 13. AS 14.20.175(a) is amended to read:

20 (a) A teacher who has not acquired tenure rights is subject to
21 nonretention for the school year following the expiration of his
22 contract for any cause which the employer determines to be adequate.
23 However, at his request, the teacher is entitled to a written statement
24 of the cause for his nonretention. The boards of city and borough
25 school districts and regional educational attendance areas [BOARD OF
26 DIRECTORS FOR STATE SCHOOLS, AND THE DISTRICTS FOR DISTRICT SCHOOLS,]
27 shall provide by regulation or bylaw a procedure under which a non-
28 retained teacher may, at his request, be heard informally by [A PANEL
29 CONSISTING OF THE COMMISSIONER AND TWO OR MORE BOARD MEMBERS IN THE

1 CASE OF STATE SCHOOLS, AND BY] the [LOCAL SCHOOL] board [IN THE CASE
2 OF A DISTRICT SCHOOL].

3 * Sec. 14. AS 14.20.180(b) is amended to read:

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

10 (1) the hearing be either public or private,

11 (2) the hearing be under oath or affirmation,

12 (3) he have the right of cross-examination,

13 (4) he be represented by counsel,

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

16 * Sec. 15. AS 14.20.180(c) is amended to read:

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

28 * Sec. 16. AS 14.20.205 is amended to read:

29 Sec. 14.20.205. JUDICIAL REVIEW. If a school board [OR APPEAL

1 PANEL] reaches a decision unfavorable to a teacher, the teacher is en-
2 titled to a de novo trial in the superior court. However, a teacher
3 who has not attained tenure rights is not entitled to judicial review
4 according to this section.

5 * Sec. 17. AS 14.20.207(2) is amended to read:

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

9 * Sec. 18. AS 14.20.230 is amended to read:

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

16 (1) 25 per cent for the chief school administrator of a
17 district with an average daily membership of 500 or more;

18 (2) 20 per cent for the chief school administrator of a
19 district with an ADM of less than 500;

20 (3) 15 per cent for a principal or other administrator;

21 (4) 10 per cent for an assistant principal.

22 * Sec. 19. AS 14.20.550 is amended to read:

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

28 * Sec. 20. AS 14.20 is amended by adding a new section to read:

29 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)

1 Negotiations between the employees of any or all city, borough or re-
2 gional school districts and the respective district boards may, by
3 mutual agreement of the boards and the employee groups involved, be
4 conducted by one team representing all the certificated employees, one
5 team representing all the certificated administrative personnel if
6 they have joined together to negotiate independently as provided in
7 AS 14.20.560(f), and one team representing all the participating
8 school boards.

9 (b) Each team shall consist of as many members as there are
10 participating school districts. However, each negotiating team shall
11 consist of not less than five members.

12 (c) Once negotiations have begun no district or employee group
13 may withdraw from the negotiations, and the contract resulting from
14 the coordinated negotiations shall be binding upon all participating
15 boards and employees.

16 * Sec. 21. AS 14.30.186(b) is amended to read:

17 (b) The board of a regional educational attendance area [STATE-
18 OPERATED SCHOOLS] shall provide for special services in a school in
19 the area [STATE-OPERATED SCHOOL DISTRICT] for exceptional children
20 represented by not less than five children residing in the area served
21 by the school.

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

23 (d) A school district or a regional educational attendance area
24 [STATE-OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to
25 provide special services for exceptional children may cooperate with
26 one or more school districts or regional educational attendance areas
27 [STATE-OPERATED SCHOOLS] in providing special classes. If, under the
28 cooperative agreement, there are no special classes offered within a
29 school district or regional educational attendance area [STATE-OPERATED

1 SCHOOL], exceptional children may attend special classes in the cooper-
2 ating school district or regional educational attendance area [STATE-
3 OPERATED SCHOOL] providing the special classes.

4 * Sec. 23. AS 14.30.260 is amended to read:

5 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
6 for a district or regional educational attendance area [, OR THE
7 BOARD OF DIRECTORS FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT
8 IN WHICH SPECIAL SERVICES ARE PROVIDED FOR,] may waive part of the
9 qualifications for teachers as set out in sec. 250 of this chapter, if
10 necessary, during the first school year special services are offered
11 in the district or area [OR IN THE SCHOOL IN THE STATE-OPERATED SCHOOL
12 DISTRICT].

13 * Sec. 24. AS 14.30 is amended by adding new sections to read:

14 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

15 Sec. 14.30.400. BILINGUAL-BICULTURAL EDUCATION. City and borough
16 district school boards and regional educational attendance area boards
17 shall provide a bilingual-bicultural education program for each school
18 in a city or borough school district and regional educational attendance
19 area which is attended by at least 10 pupils of limited English-
20 speaking ability and whose primary language is other than English. A
21 bilingual-bicultural education program shall be provided under a plan
22 of service which has been developed in accordance with regulations
23 adopted by the department. Nothing in this section precludes a bilingual-
24 bicultural education program from being provided for less than 10
25 pupils in a school.

26 Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND. (a) There
27 is in the Department of Education a bilingual-bicultural education
28 fund which is an account in the general fund to receive money appro-
29 priated by the legislature for bilingual-bicultural education and to

1 be used for bilingual-bicultural education program implementation and
2 operation, including but not limited to the establishment of a state-
3 wide bilingual-bicultural educational center.

4 (b) The department shall adopt regulations for the determination
5 of entitlement and the distribution of bilingual-bicultural funds to
6 city and borough and regional educational attendance areas, and the
7 state wide center.

8 * Sec. 25. AS 14.33.010 is amended to read:

9 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
10 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN
11 THE STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough
12 or city school district or regional educational attendance area, or a
13 private or denominational school may require that school safety patrols
14 be established to assist pupils to cross streets and highways adjacent
15 to schools in safety.

16 * Sec. 26. AS 14.33.020(a) is amended to read:

17 (a) If [THE STATE DIRECTOR,] a school board, or a private or de-
18 nominational school determines that a safety patrol should be estab-
19 lished for a school, the principal of the school shall appoint pupils
20 in the school to serve as members of the patrol.

21 * Sec. 27. AS 14.60.010(5) is amended to read:

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

25 * Sec. 28. AS 14.60.010(6) is amended to read:

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

29 * Sec. 29. AS 14.60.010(7) and (8) are repealed.

1 * Sec. 30. AS 14.60.010 is amended by adding a new paragraph to read:

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

8 * Sec. 31. AS 29.33.050 is repealed and re-enacted to read:

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

23 * Sec. 32. AS 29.41.010(a) is repealed and re-enacted to read:

24 (a) A third class borough shall exercise the areawide powers of
25 education and tax assessment and collection in the manner provided for
26 second class boroughs. Provisions of law relative to first and second
27 class organized boroughs apply with respect to third class boroughs
28 only to the extent they are consistent with this chapter. A military
29 reservation within an organized borough is not part of the borough

1 school district until the military mission is terminated or until
2 inclusion in the borough school district is approved by the Department
3 of Education. However, operation of the military reservation schools
4 by the borough school district may be required by the Department of
5 Education under AS 14.14.110. If the military mission of a military
6 reservation terminates or continued management and control by a regional
7 educational attendance area is disapproved by the Department of Educa-
8 tion, operation, management and control of schools on military reserva-
9 tions transfers to the borough school district in which the military
10 reservation is located.

11 * Sec. 33. AS 39.05.060(a)(8) is repealed.

12 * Sec. 34. AS 39.25.110(8) is amended to read:

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

17 * Sec. 35. (a) The property and assets of the state-operated schools
18 remain with the Alaska State-Operated School system. Redistribution to the
19 regional educational attendance areas will be done in the manner as the Alaska
20 State-Operated School System determines. The debts of the state-operated
21 schools shall be assumed by the general fund of the state. All litigation,
22 hearings, investigations and other proceedings pending under a law amended
23 for functions which may be transferred by this Act, continue in effect and
24 may be continued and completed notwithstanding a transfer or amendment
25 provided for in this Act. Certificates, orders, rules or regulations
26 issued or filed under authority of a law amended by this Act or functions
27 which may be transferred by this Act, remain in effect for the term issued,
28 unless revoked, vacated, or otherwise modified under the provisions of this
29 Act. All contracts or other obligations created by a law amended by this