

Original sponsor: Chance

Offered: 5/30/75

1 IN THE SENATE BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE CS FOR 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 AS 14.08.010 - 14.08.170 are repealed.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 14.08 is amended by adding new sections to read:

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

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

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

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

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

1 boundaries of the regional corporations established under the Alaska
2 Native Claims Settlement Act, unless by referendum a community votes to
3 merge with another community contiguous to it but within the boundaries
4 or sub-boundaries of another regional corporation.

5 (b) An educational service area established in the unorganized
6 borough under (a) of this section constitutes a regional educational
7 attendance area. As far as practicable, each regional educational
8 attendance area shall contain an integrated socio-economic, linguistic-
9 ally and culturally homogeneous area. In the formation of the regional
10 educational attendance areas, consideration shall be given to the
11 transportation and communication network to facilitate the adminis-
12 tration of education and communication between communities that comprise
13 the area. Whenever possible, municipalities, other governmental or
14 regional corporate entities, drainage basins and other identifiable
15 geographic features shall be used in describing the boundaries of the
16 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. Where the operation
21 of the military reservation schools in a regional educational attendance
22 area by a city or borough school district is required by the department,
23 the military reservation shall not be considered part of the regional
24 educational attendance area for the purposes of regional school board
25 membership or elections.

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

28 Sec. 14.08.041. REGIONAL SCHOOL BOARDS. (a) A regional educa-
29 tional 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 in each regional educational attendance area shall elect a
4 regional school board of not less than five nor more than eleven members
5 to be elected for the same term, in the same manner and with the same
6 qualifications as a city or borough school district board under ch. 12
7 of this title. The initial number of regional school board members
8 shall be determined by the department in consultation with the local
9 communities in the regional educational attendance areas. However, the
10 qualified voters in a regional educational attendance area may increase
11 or decrease the number of regional school board members established
12 under this section by placing the question on the ballot at a regular
13 school board election in the manner prescribed by law. A change in the
14 number of school board members shall not be effective until the next
15 regular school board election.

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

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

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

27 Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The commissioner in
28 consultation with the Department of Community and Regional Affairs and
29 the local communities may divide a regional educational attendance area

1 into sections only for the purpose of nominating and electing regional
2 school board members. If a regional educational attendance area is
3 divided into sections each school board member shall represent, as
4 nearly as practicable, an equal number of persons. The basis for the
5 division of a regional educational attendance area into sections shall
6 be the total population of the area as reported in the most recent de-
7 cennial federal census. If the census is five years old or older, then
8 other reliable population data, including but not limited to population
9 estimates based on public school enrollments, public utility connections,
10 registered voters or certified employment payrolls, shall be used as the
11 basis for the division of the area into sections. Each section within
12 a regional educational attendance area shall consist of compact, con-
13 tiguous territory and, as far as practicable, each section shall contain
14 an integrated socio-economic, linguistically and culturally homogeneous
15 area. In the division of the regional school attendance area into
16 sections, consideration shall be given to the transportation and com-
17 munication network to facilitate the administration of education and
18 communication between communities that comprise the area. Whenever
19 possible, municipalities, other governmental or regional corporate en-
20 tities, drainage basins and other identifiable geographic features shall
21 be used in describing the 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 pro-
24 posed by the regional school board or by a petition containing signa-
25 tures of qualified voters in the area equal to 15 per cent of the total
26 vote cast in the most recent regional school board election. The
27 division of the area into sections, or subsequent recasting of section
28 boundaries, is subject to approval by a majority of the qualified voters
29 voting on the question in the regional educational attendance area at

1 the next regular school board election or a special election called for
2 that purpose, and takes effect at the next regular school board elec-
3 tion.

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

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

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

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

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

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

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

18 or

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

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

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

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

29 (2) for the first board elected, the term of office of each

1 member shall be determined by lot, according to the following schedule:

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

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

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

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

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

23 (c) Nothing in this section precludes a board member from being
24 reelected.

25 Sec. 14.08.071. ELECTIONS. (a) In each regional educational
26 attendance area in the unorganized borough, the lieutenant governor,
27 within not less than 60, nor more than 90 days after the establishment
28 of the regional educational attendance area, shall provide for the
29 election of a regional school board.

1 (b) Except for the first election of regional school board members
2 under (a) of this section, election shall be held annually on the first
3 Tuesday in October. Elections shall be supervised by the director of
4 elections in the office of the lieutenant governor, but shall be admin-
5 istered within second class cities as part of the regular municipal
6 election. The lieutenant governor shall promulgate regulations for the
7 conduct of the election of regional school board members comparable, as
8 far as practicable, to those prescribed for election of school board
9 members under ch. 12 of this title and AS 29.28.

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

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

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

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

24 Sec. 14.08.101. POWERS. A regional school board may

- 25 (1) sue and be sued;
- 26 (2) contract with the department, the Bureau of Indian
27 Affairs, or any other school district, agency, or regional board for the
28 provision of services, facilities, 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. 14.08.111. DUTIES. A regional school board shall:

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

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

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

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

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

- 1 (6) submit the reports prescribed for all school districts;
2 (7) provide for an annual audit in accordance with AS 14.14.-
3 050; and
4 (8) provide custodial services and routine maintenance of
5 school buildings and facilities.

6 Sec. 14.08.121. FUNDING. (a) The legislature shall fund the oper-
7 ational costs of the regional educational attendance area schools in the
8 following manner:

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

11 (2) an additional amount equal to the average local tax
12 contributions per pupil in average daily membership (ADM) for school
13 operating costs in the city and borough school districts in the prior
14 fiscal year.

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

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

27 Sec. 14.08.141. REGIONAL RESOURCE CENTERS. A regional educational
28 attendance area or any other school district in the state may partici-
29 pate in regional or statewide resource centers which may be established

1 by the department. Services provided by a resource center include, but
2 are not limited to accounting, payroll and other fiscal services, media
3 services, instructional support services, bilingual-bicultural educa-
4 tional services, inservice and staff development services, student
5 services, diagnostic services, school management and training services
6 and school board member training. Funds for the operation and adminis-
7 tration of a regional resource center shall be provided by the depart-
8 ment.

9 Sec. 14.08.151. LAND AND BUILDINGS. The ownership of land and
10 buildings used in relation to regional educational attendance area
11 schools shall remain vested in the state, and use permits shall be given
12 to the regional school boards.

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

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

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

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

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

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

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

1 borough school district may be required by the department under AS 14.-
2 14.110. If the military mission of a military reservation terminates or
3 continued management and control by the regional educational attendance
4 area is disapproved by the department, operation, management and control
5 of schools on the military reservation transfers to the city or borough
6 school district in which the military reservation is located.

7 * Sec. 5. 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 provide
12 the money which must be raised from local sources to maintain and operate
13 the district.

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

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

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

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

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

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

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

29 (d) The date of election for community [ADVISORY] school committee

1 [BOARD] members is the same as that for regular municipal elections in
2 the second class city having the largest population in the area served by
3 the committee [BOARD] or, if there is no second class city within the
4 area, on an annual election date for such elections fixed by regulations
5 [REGULATION] of the department [BOARD OF DIRECTORS FOR STATE-OPERATED
6 SCHOOLS].

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

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

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

29 Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY [ADVISORY] SCHOOL

1 COMMITTEE [BOARD] MEMBERS AND VOTERS. (a) A person may vote at an
2 election for community [ADVISORY] school committee [BOARD] members and
3 may be elected to membership on a community [AN ADVISORY] school
4 committee [BOARD] who

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

6 (2) has passed his 18th birthday;

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

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

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

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

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

23 (c) If a three-member community [ADVISORY] school committee [BOARD]
24 is increased to a five-member committee [ADVISORY SCHOOL BOARD], the two
25 additional members are elected for terms of two years and three years
26 respectively. Thereafter, all members are elected to three-year terms.
27 If a five-member committee [ADVISORY SCHOOL BOARD] is increased to a
28 seven-member committee [ADVISORY SCHOOL BOARD], the two additional
29 members are elected for terms of two years and three years respectively.

1 Thereafter, all members are elected to three-year terms and until a
2 successor takes office.

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

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

8 Sec. 14.14.200. DUTIES. A community school committee shall review
9 and make recommendations to the board of the regional educational
10 attendance area concerning the curriculum, program and general operation
11 of the local school and shall exercise additional responsibilities and
12 functions as may be delegated by the regional school board.

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

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

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

18 (2) "district" means a borough, [OR] city or regional educa-
19 tional attendance area [SCHOOL DISTRICT OR THE STATE-OPERATED SCHOOL
20 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 educational
24 attendance area is as follows:

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

28 (2) if the district or area is in that part of the state
29 lying within the boundaries of election district 2, 3 or 7, the district

1 or area shall receive 103.75 per cent of the base instructional unit
2 allotment;

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

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

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

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

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

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

26 (b) If a school district or regional educational attendance area
27 is entitled to less than 25 total instructional units under sec. 31 of
28 this chapter, the school district shall receive no less than 107.50 per
29 cent of the base instructional unit allotment, notwithstanding the pro-

1 visions of (a)(1) - (2) of this section.

2 (c) The instructional unit allotment established in (a) of this
3 section for any school district which does not have access to Anchorage,
4 Ketchikan or Fairbanks by road, railroad or Alaska State Ferry System
5 shall be increased an additional five per cent above its instructional
6 unit allotment under (a)(1) - (8) of this section.

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

15 (e) For the purposes of this section "election district" means an
16 election district designated in the governor's proclamation of reapportionment
17 and redistricting of December 7, 1961, and retained as to the
18 house of representatives by the governor's proclamation of September 3,
19 1965.

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

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

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

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

4 [(c) IN THIS SECTION

5 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT
6 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY
7 STATE MONEY; AND

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

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

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

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

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

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

26 (b) The tenure teacher may, within 15 days immediately following
27 receipt of the notification, notify the employer in writing that he
28 requests a hearing before the school board [, OR IF THE TENURE TEACHER
29 IS EMPLOYED BY THE STATE, BEFORE AN APPEAL PANEL CONSISTING OF THE

1 DIRECTOR AND TWO MEMBERS OF THE BOARD]. The tenure teacher may require
2 in the notification that

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

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

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

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

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

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

28 (2) "employer" means the school board or superintendent which
29 appoints the teacher [OR, IN THE CASE OF A TEACHER IN THE STATE-OPERATED

1 SCHOOLS, THE BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

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

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

9 (1) 25 per cent for the chief school administrator of a
10 district with an average daily membership of 500 or more;

11 (2) 20 per cent for the chief school administrator of a
12 district with an ADM of less than 500;

13 (3) 15 per cent for a principal or other administrator;

14 (4) 10 per cent for an assistant principal.

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

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

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

22 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)
23 Negotiations between the certificated employees of the regional educa-
24 tional attendance areas and the respective regional school boards shall
25 be conducted by one team representing all the certificated employees,
26 one team representing all the certificated administrative personnel if
27 they have joined together to negotiate independently as provided in sec.
28 560(f) of this chapter, and one team representing all the participating
29 regional school boards.

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

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

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

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

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

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

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

26 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board for
27 a district or regional educational attendance area [, OR THE BOARD OF
28 DIRECTORS FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT IN WHICH
29 SPECIAL SERVICES ARE PROVIDED FOR,] may waive part of the qualifications

1 for teachers as set out in sec. 250 of this chapter, if necessary,
2 during the first school year special services are offered in the dis-
3 trict or area [OR IN THE SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT].

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

5 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

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

17 Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND. (a) There
18 is in the Department of Education a bilingual-bicultural education fund
19 which is an account in the general fund to receive money appropriated by
20 the legislature for bilingual-bicultural education and to be used for
21 bilingual-bicultural education program implementation and operation,
22 including but not limited to the establishment of a statewide bilin-
23 gual-bicultural educational center.

24 (b) The department shall adopt regulations for the determination
25 of entitlement and the distribution of bilingual-bicultural funds to
26 city and borough school districts and regional educational attendance
27 areas and the statewide center.

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

29 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The

1 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
2 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough or
3 city school district or regional educational attendance area, or a
4 private or denominational school may require that school safety patrols
5 be established to assist pupils to cross streets and highways adjacent
6 to schools in safety.

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

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

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

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

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

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

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

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

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

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

29 Sec. 15.65.050. APPLICATION OF SECTION 40 OF THIS CHAPTER. Sec-

1 tion 40 of this chapter applies to all elections, general or special,
2 held in a [ANY INCORPORATED] city, organized borough, [INCORPORATED
3 SCHOOL DISTRICT OR] school district or regional educational attendance
4 area in the unorganized borough [OUTSIDE OF AN INCORPORATED CITY].

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

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

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

21 (a) A third class borough shall exercise the areawide powers of
22 education and tax assessment and collection in the manner provided for
23 second class boroughs. Provisions of law relative to first and second
24 class organized boroughs apply with respect to third class boroughs only
25 to the extent they are consistent with this chapter. A military reserva-
26 tion within an organized borough is not part of the borough school
27 district until the military mission is terminated or until inclusion in
28 the borough school district is approved by the Department of Education.
29 However, operation of the military reservation schools by the borough

1 school district may be required by the Department of Education under
2 AS 14.14.110. If the military mission of a military reservation termi-
3 nates or continued management and control by a regional educational at-
4 tendance area is disapproved by the Department of Education, operation,
5 management and control of schools on military reservations transfers to
6 the borough school district in which the military reservation is located.

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

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

9 (16) certified teachers and noncertified employees employed
10 by a regional educational attendance area established and organized
11 under AS 14.08.031 - 14.08.041 to teach in, administer or operate schools
12 under the operation, control and management of a regional educational
13 attendance area school board.

14 * Sec. 38. TRANSITION: BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS.

15 (a) The members of the Board of Directors for State-Operated Schools, who
16 are incumbents on the effective date of this Act, shall administer the public
17 schools in the unorganized borough, subject to the limitations of (d) of this
18 section, during a one-year transition period between July 1, 1975, and
19 June 30, 1976, inclusive, until school boards in each regional educational
20 attendance area are established and organized under AS 14.08.031 - 14.08.041,
21 and become operational under sec. 39(a) of this Act.

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

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

1 (d) During the one-year transition period prescribed in (a) of this
2 section, the board of directors shall act as the temporary regional school
3 board for schools in the unorganized borough, and for schools on a military
4 reservation that are not subject to the provisions of AS 14.12.020(a) and
5 14.14.110, that are not within a regional educational attendance area that
6 has become operational under sec. 39(a) of this Act. While acting as the
7 temporary regional school board for those schools, the board may exercise
8 the powers of, and is subject to the duties imposed upon, a regional school
9 board under this Act.

10 (e) As each regional educational attendance area is established and the
11 regional school board organized under AS 14.08.031 - 14.08.041, the board of
12 directors shall redistribute the property and assets of the State-Operated
13 School System to each regional educational attendance area in the manner the
14 board determines.

15 * Sec. 39. TRANSITION: DEPARTMENT OF EDUCATION. (a) School boards for
16 the regional educational attendance areas established and organized under
17 AS 14.08.031 - 14.08.041 shall begin operation of the schools in the area
18 under their control and management on a date mutually agreed upon by the
19 regional school board and the commissioner of education in consultation with
20 the Board of Directors for State-Operated Schools, but not later than July 1,
21 1976.

22 (b) As each regional educational attendance area is established and the
23 regional school board organized under AS 14.08.031 - 14.08.041, the Depart-
24 ment of Education shall redistribute all state and federal funds appropriated
25 to the State-Operated School System to the regional educational attendance
26 area in the manner prescribed by law.

27 (c) After June 30, 1976, the remaining debts of the State-Operated
28 School System shall be assumed by the state and paid from appropriations for
29 that purpose from the general fund.

1 * Sec. 40. TRANSITION: PENDING PROCEEDINGS; REGULATIONS; LEGAL OBLIGA-
2 TIONS. All litigation, hearings, investigations and other proceedings pending
3 under a law amended for functions which may be transferred by this Act, con-
4 tinue in effect and may be continued and completed notwithstanding a transfer
5 or amendment provided for in this Act. Certificates, orders, rules or regu-
6 lations issued or filed under authority of a law amended by this Act or
7 functions which may be transferred by this Act, remain in effect for the term
8 issued, unless revoked, vacated, or otherwise modified under the provisions
9 of this Act. All contracts or other obligations created by a law amended by
10 this Act or by virtue of functions which may be transferred by this Act, and
11 in effect on the effective date of this Act, remain in effect unless revoked
12 or modified under the provisions of this Act.

13 * Sec. 41. TRANSITION: PERSONNEL. (a) All teachers, as defined in
14 AS 14.20.207(1), in the communities or regional offices served by the State-
15 Operated School System on the effective date of this Act and who have been
16 retained for the 1975-76 school year are subject to the provisions of
17 AS 14.20.147.

18 (b) All permanent noncertificated employees of the State-Operated
19 School System in the communities and regional offices who are state employees
20 on the effective date of this Act shall be terminated by the state and shall
21 be rehired by the respective regional school boards or by the temporary
22 regional school board under sec. 38 of this Act.

23 (c) The Department of Education shall assist the certificated and
24 permanent noncertificated employees in the central office of the State-
25 Operated School System on the effective date of this Act in finding positions
26 for which they are qualified.

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

29 (1) for those with one-year terms, on the date on which a newly

1 elected board member takes office after the regular school board election in
2 1976;

3 (2) for those with two-year terms, on the date on which a newly
4 elected board member takes office after the regular school board election in
5 1977; and

6 (3) for those with three-year terms, on the date on which a newly
7 elected board member takes office after the regular school board election in
8 1978.

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

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

12 * Sec. 45. AS 14.08.011 - 14.08.021 and AS 14.08.081 - 14.08.151 as
13 enacted by sec. 2 of this Act, and secs. 1 and 3 - 43 of this Act take effect
14 July 1, 1975.

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