

Introduced: 1/29/75  
Referred: Health, Education  
and Social Services and  
Finance

BY THE RULES COMMITTEE BY REQUEST  
OF THE INTERIM COMMITTEE ON THE  
UNORGANIZED BOROUGH

1 IN THE SENATE

2 SENATE BILL NO.95

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 unorgan-  
7 ized borough; and providing for an effective date."

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

9 \*Section 1. AS 14 is amended by adding a new chapter to read:

10 CHAPTER 11. EDUCATION IN THE UNORGANIZED BOROUGH.

11 Sec. 14.11.010. PURPOSE. (a) It is the purpose of this chapter  
12 to provide for public education in the unorganized borough in a manner  
13 that will encourage maximum public participation in the state's public  
14 education system and ensure that the system as it operates in rural  
15 Alaska will be responsive and accountable to the constituency it serves.

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

20 Sec. 14.11.020. ESTABLISHMENT OF EDUCATIONAL SERVICE AREAS. The  
21 department in consultation with the Department of Community and Regional  
22 Affairs shall divide the unorganized borough into educational service  
23 areas. Insofar as practicable, the boundaries of the educational  
24 service areas shall be coterminous with the boundaries of the regions  
25 of the state-operated schools as they existed on the effective date of  
26 this chapter.

27 Sec. 14.11.030. REGIONAL SCHOOL DISTRICTS. An educational service  
28 area established in the unorganized borough under sec. 20 of this  
29 chapter constitutes a regional school district. A regional school

1 district shall be operated on a district-wide basis under the manage-  
2 ment and control of a regional school board.

3 Sec. 14.11.040. REGIONAL SCHOOL DISTRICT GOVERNANCE. (a) A  
4 regional school district shall elect a regional school district board  
5 of not less than five nor more than nine members to be elected for the  
6 same term, in the same manner and with the same qualifications as a  
7 city or borough school district under ch. 12 of this title. The  
8 initial number of regional school district board members shall be  
9 determined by the department. However, the qualified voters in a  
10 regional school district may increase or decrease that number, within  
11 the minimum and maximum number of members established by this section,  
12 by placing the question on the ballot at a regular school district  
13 election in the manner prescribed by law. A regional school district  
14 board shall always consist of five, seven or nine members.

15 (b) A vacancy on a regional school district board shall be  
16 filled by a person qualified for election to the board. That person  
17 shall be selected by a majority vote of the remaining members of the  
18 board.

19 Sec. 14.11.050. ELECTIONS. In each regional school district in  
20 the unorganized borough, the lieutenant governor, within 60 days of the  
21 effective date of this chapter, shall provide for election of a  
22 regional school district board. Members elected shall serve three-year  
23 terms, except that, for the first board elected, the term of office of  
24 each member shall be determined by lot. Except for the first election  
25 of board members, elections shall be held annually on the first  
26 Tuesday in October at the time of regular municipal elections under  
27 AS 29.28.020. The cost of each board election shall be borne by the  
28 state.

29 Sec. 14.11.060. POWERS AND DUTIES. A regional school district

1 board has the same powers and duties as a city or borough school  
2 district board under chs. 12 and 14 of this title.

3 Sec. 14.11.070. FINANCE; FISCAL PROCEDURES. A regional school  
4 district shall submit its budget for each fiscal year to the depart-  
5 ment under the Executive Budget Act (AS 37.07).

6 \* Sec. 2. AS 14.12.010 is amended to read:

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

9 (1) each first [, SECOND, AND THIRD] class city in the  
10 unorganized borough is a city school district;

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

12 (3) the area outside organized boroughs and outside first  
13 [, SECOND, AND THIRD] class cities shall be divided into educational  
14 service areas in the manner prescribed in ch. 11 of this title [IS THE  
15 STATE-OPERATED SCHOOL DISTRICT].

16 \* Sec. 3. AS 14.12.020(a) is amended to read:

17 (a) Operation of the regional [STATE-OPERATED] school district  
18 is under the management and control of the regional school district  
19 board [OF THE STATE-OPERATED SCHOOLS]. The board [OF THE STATE-OPERATED  
20 SCHOOLS] manages and controls schools on military reservations located  
21 within a city or an organized borough until the military mission is  
22 terminated or [AND] so long as management and control by the regional  
23 school district [STATE-OPERATED SCHOOLS] is approved by the Department  
24 of Education. However, operation of the military reservation schools  
25 by a city or borough school district may be required by the Department  
26 of Education under AS 14.14.110, with the consent of the city or  
27 borough school district board. If the military mission of a military  
28 reservation terminates or [AND] continued management and control by the  
29 regional school district [STATE-OPERATED SCHOOLS] is disapproved by

1 the Department of Education, operation, management and control of  
2 schools on military reservations transfers to the city or borough  
3 school district in which the military reservation is located.

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

5 (c) The legislature shall provide the state money necessary to  
6 maintain and operate the regional [STATE-OPERATED] school districts  
7 [DISTRICT] under the Public School Foundation Act (AS 14.17). However,  
8 (1) nothing in this subsection prohibits a regional school district  
9 from raising supplemental funds for educational purposes; and (2)  
10 AS 14.17.071 is inapplicable to the computation of state aid distributed  
11 to a regional school district under that Act. The borough assembly for  
12 a borough school district, and the city council for a city school  
13 district, shall provide the money which must be raised from local  
14 sources to maintain and operate the district.

15 \* Sec. 5. AS 14.14.170(a) is amended to read:

16 (a) There is established an advisory school board in each  
17 community or military reservation served by a school operated by a  
18 regional school district, by the state or by a city or borough school  
19 district by contract with the state. If the regional school district-  
20 operated or state-operated school has an average daily membership of  
21 less than 251 pupils, the advisory school board consists of three  
22 members. If the average daily membership is more than 250 pupils,  
23 the advisory school board consists of five members.

24 \* Sec. 6. AS 14.14.170(e) is amended to read:

25 (e) Elections under (c) and (d) of this section shall be conduct-  
26 ed upon that [SUCH] notice and otherwise substantially in the same  
27 manner as regular municipal elections which are held within the largest  
28 second class city in the area served by the board. If there is no  
29 second class city within the area, elections shall be conducted upon

1 at least 10 days published or posted public notice of the election and  
2 of the question or nominees to be voted on and under general rules for  
3 the elections as may be promulgated by regulations of the office of the  
4 Lieutenant Governor [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS].  
5 Elections relating to advisory school board shall be supervised by the  
6 director of elections [DIRECTOR OF STATE-OPERATED SCHOOLS] but shall be  
7 administered within second class cities as part of the regular municipal  
8 election.

9 \* Sec. 7. AS 14.14.170(f) is amended to read:

10 (f) Elected members of advisory school boards are subject to  
11 recall in accordance with the provisions of AS 29.28.130 - 29.28.250,  
12 except that the Lieutenant Governor [DIRECTOR OF STATE-OPERATED SCHOOLS]  
13 shall perform the functions of the municipal clerk, and the regional  
14 school district board [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS]  
15 shall perform the functions of the assembly or council under those  
16 sections.

17 \* Sec. 8. AS 14.14.200 is amended to read:

18 Sec. 14.14.200. DUTIES. An advisory school board shall advise  
19 and assist the regional school district board [BOARD OF DIRECTORS FOR  
20 THE STATE-OPERATED SCHOOLS] through the local official administering  
21 the school, and shall do so in the manner the board [OF DIRECTORS]  
22 prescribes by regulation.

23 \* Sec. 9. AS 14.17.210 (c)(1) is amended to read:

24 (1) "state school" means a school operated by a regional  
25 school district or by the Department of Education and entirely financed  
26 by state money; and

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

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

29 (1) "board" means the governing body of a borough, [OR] city

1 or regional school district [, OR THE BOARD OF DIRECTORS FOR THE STATE--  
2 OPERATED SCHOOLS];

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

5 \* Sec. 11. AS 14.20.550 is amended to read:

6 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each  
7 school board [, AND THE BOARD OF DIRECTORS FOR THE STATE-OPERATED  
8 SCHOOLS,] shall negotiate with its certificated employees in good faith  
9 on matters pertaining to their employment and the fulfillment of their  
10 professional duties.

11 \* Sec. 12. The property and assets of the State-Operated Schools are  
12 transferred to the Department of Education for redistribution to the regional  
13 school district board in each educational service area in the manner the  
14 department determines. The liabilities of the State-Operated Schools shall  
15 be assumed by the general fund of the state. All litigation, hearings, in-  
16 vestigations and other proceedings pending under a law amended or functions  
17 which may be transferred by this Act, continue in effect and may be continued  
18 and completed notwithstanding a transfer or amendment provided for in this  
19 Act. Certificates, orders, rules or regulations issued or filed under  
20 authority of a law amended by this Act or functions which may be transferred  
21 by this Act, remain in effect for the term issued, unless revoked, vacated,  
22 or otherwise modified under the provisions of this Act. All contracts or  
23 other obligations created by a law amended by this Act or by virtue of  
24 functions which may be transferred by this Act, and in effect on the effec-  
25 tive date of this Act, remain in effect unless revoked, or modified under the  
26 provisions of this Act.

27 \* Sec. 13. PENDING INCORPORATIONS; INCORPORATION OF NEW MUNICIPALITIES.

28 (a) Nothing in this Act affects a city or borough incorporation  
29 petition now pending, or pending in the future, before the Local Boundary

1 Commission. However, in considering any incorporation petition, the commis-  
2 sion shall consider the boundaries, organization, operations and activities  
3 that a regional school district has undertaken and completed under this Act.

4 (b) If by July 1, 1985, an organized city or borough has not been  
5 incorporated by a local option under AS 29.18.010 - 29.18.150 within an  
6 educational service area established under AS 14.11.020, the operation,  
7 management and control of the public schools in the regional school district  
8 shall be transferred to the Department of Education and the district dis-  
9 solved.

10 (c) If a portion of any educational service area established  
11 under AS 14.11.020 is incorporated by local option before July 1, 1985, and  
12 the remaining portion of the educational service area meets the standards  
13 for incorporation, the Department of Community and Regional Affairs shall  
14 make a finding to that effect, and the remaining portion shall be annexed to  
15 an existing city or borough or incorporated as an organized borough of the  
16 second class or a city of the first class. If the remaining portion of the  
17 educational service area does not meet the standards for incorporation, the  
18 Department of Community and Regional Affairs shall make a finding to that  
19 effect, and the remaining portion shall be annexed to an existing educational  
20 service area, and the operation, management and control of the public schools  
21 in the area to be annexed shall be transferred to the regional school district  
22 board for the existing educational service area, or the operation, management  
23 and control of the public schools in the remainder of that regional school  
24 district shall be transferred to the Department of Education.

25 \* Sec. 14. AS 14.08 is repealed.

26 \* Sec. 15. This Act takes effect July 1, 1975.  
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