

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 530 am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the establishment and operation
of a state boarding school by the Department of
Education; and providing for an effective date."

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

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

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CHAPTER 16. SPECIAL SCHOOLS.

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Sec. 14.16.010. ESTABLISHMENT OF STATE BOARDING SCHOOL. The

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department may establish and operate a boarding school, to be known as
the Mt. Edgecumbe High School, to be managed in accordance with this
chapter. The state boarding school must offer a secondary education
curriculum to students enrolled in it, and must provide domiciliary
services for students needing such services.

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Sec. 14.16.020. OPERATION OF STATE BOARDING SCHOOL. In the

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management of the state boarding school, the board shall

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(1) adopt a philosophy of education for the state boarding
school;

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(2) employ a chief school administrator and approve the
employment of other personnel necessary to operate the state boarding
school;

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(3) establish the salaries and benefits to be paid teachers,
excluding administrators, of the state boarding school;

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(4) designate the employees authorized to direct disburse-
ments from the money appropriated for the operation of the state
boarding school and for the construction of its facilities;

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1 (5) provide custodial services and routine maintenance of
2 the state boarding school's physical facilities;

3 (6) establish procedures for the development and implementa-
4 tion of curriculum and the selection and use of textbooks and instruc-
5 tional materials at the state boarding school;

6 (7) prescribe health evaluation and placement screening
7 programs for newly admitted students;

8 (8) establish procedures for staff evaluation; and

9 (9) provide staff training.

10 Sec. 14.16.030. ADMISSION TO SCHOOL. (a) The state boarding
11 school may admit students who are qualified in accordance with appli-
12 cable admission standards. Preference for enrollment must be given to
13 students currently enrolled at the boarding school and to students
14 whose educational, emotional, or family requirements warrant atten-
15 dance in a domiciliary environment.

16 (b) The board shall prescribe admission standards and procedures
17 by regulation. Admission standards shall not discriminate in favor of
18 or against any resident based on race, sex, creed, national origin, or
19 the location or type of residence within the state.

20 Sec. 14.16.040. STATUS OF STATE BOARDING SCHOOL. The state
21 boarding school is a public school of the state.

22 Sec. 14.16.050. APPLICABILITY OF EDUCATION LAWS. (a) The
23 following provisions apply with respect to the operation and manage-
24 ment of the state boarding school as if it were a school district:

25 (1) requirements relating to school district operations:

26 (A) AS 14.03.030 -- 14.03.050 (defining the school
27 term, day in session, and school holidays);

28 (B) AS 14.03.083 -- 14.03.140 (miscellaneous provisions
29 applicable to school district operations);

1 (C) regulations adopted by the board under authority of
2 AS 14.07.020(a) that are applicable to school districts and their
3 schools, unless the board specifically exempts the state boarding
4 school from compliance with a regulation;

5 (D) AS 14.12.150 (authorizing school districts to
6 establish and participate in the services of a regional resource
7 center);

8 (E) AS 14.14.050 (imposing the requirement of an annual
9 audit);

10 (F) AS 14.14.110 (authorizing cooperation with other
11 school districts);

12 (G) AS 14.14.130 (directing the employment of a chief
13 school administrator);

14 (H) AS 14.14.140(b) (establishing a prohibition on
15 employment of a relative of the chief school administrator);

16 (I) AS 14.18 (prohibiting discrimination based on sex
17 in public education);

18 (2) requirements relating to state financial assistance for
19 education and the receipt and expenditure of that assistance:

20 (A) AS 14.17.080 (relating to student count esti-
21 mates);

22 (B) AS 14.17.082 (relating to school operating fund
23 balances);

24 (C) AS 14.17.160 -- 14.17.220 (setting out the proce-
25 dure for payment of financial assistance, and imposing general
26 requirements and limits on money paid);

27 (3) requirements relating to teacher employment and retire-
28 ment:

29 (A) AS 14.14.105 and 14.14.107 (relating to sick

1 leave);

2 (B) AS 14.20.095 -- 14.20.210 (relating to the employ-
3 ment and tenure of teachers);

4 (C) AS 14.20.220 (relating to the salaries of teachers
5 employed);

6 (D) AS 14.20.280 -- 14.20.350 (relating to sabbatical
7 leave provisions for teachers);

8 (E) AS 14.20.550 -- 14.20.610 (authorizing collective
9 bargaining, negotiation, and mediation by certificated employ-
10 ees), except with regard to teachers who are administrators and
11 except that the board may delegate some or all of its respon-
12 sibilities under those statutes;

13 (F) AS 14.25 (provisions regarding the teachers' re-
14 tirement system);

15 (4) requirements relating to students and educational pro-
16 grams:

17 (A) AS 14.30.180 -- 14.30.350 (relating to educational
18 services for exceptional children);

19 (B) AS 14.30.360 -- 14.30.370 (establishing health
20 education program standards);

21 (C) AS 14.30.400 -- 14.30.410 (relating to bilingual
22 and bicultural education).

23 (b) A person employed as a teacher at Mt. Edgecumbe High School
24 on the effective date of this section acquires tenure rights in accor-
25 dance with AS 14.20.150 and 14.20.155 as though the person had been
26 employed by a school district.

27 Sec. 14.16.060. STATUS OF EMPLOYEES. The employees of the state
28 boarding school are state employees.

29 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. The Public

1 Employment Relations Act (AS 23.40.070 -- 23.40.260) applies to the
2 employees of the state boarding school who are not subject to
3 AS 14.20.

4 Sec. 14.16.080. FINANCIAL PROVISIONS APPLICABLE TO STATE BOARD-
5 ING SCHOOL. (a) AS 14.17.024 applies to the calculation of state aid
6 payable for operation of the state boarding school.

7 (b) In the transmittals required by AS 37.07.060 -- 37.07.062,
8 the governor shall request amounts for the expenses of construction,
9 rehabilitation, and improvement of the facilities of the state board-
10 ing school.

11 (c) Unless specified otherwise in an appropriation bill, AS
12 37.25.010 does not apply to an appropriation made for the purposes of
13 (a) of this section.

14 (d) AS 37.25.020 applies to money appropriated for the purposes
15 of (b) of this section.

16 (e) For purposes of application for and receipt of federal aid
17 to education, the state boarding school constitutes a "local educa-
18 tional agency."

19 * Sec. 2. AS 14.17.010(a) is amended to read:

20 (a) The public school foundation account is established. The
21 account consists of appropriations for distribution to school dis-
22 tricts, the state boarding school, and for centralized correspondence
23 study programs under this chapter.

24 * Sec. 3. AS 14.17 is amended by adding a new section to read:

25 Sec. 14.17.024. MONEY FOR STATE BOARDING SCHOOL. (a) Money for
26 the instructional services provided in a fiscal year by the state
27 boarding school established under AS 14.16.010 includes an allocation
28 from the public school foundation account in an amount calculated by

29 (1) multiplying the instructional unit value in AS 14.17.056

1 by the total number of instructional units under AS 14.17.031 for that
2 fiscal year, as determined by treating the school as if it were a
3 school district consisting of a single funding community;

4 (2) multiplying the product determined under (1) of this
5 subsection by the area cost differential that is applicable to calcu-
6 lation of the entitlement for the adjacent school district under AS
7 14.17.051; and

8 (3) adding 10 percent of the eligible federal impact aid
9 received for that fiscal year on behalf of the school plus any federal
10 impact aid received on behalf of the school which the state, under
11 P.L. 81-874 (20 U.S.C. 236 -- 244), as amended, and regulations adopt-
12 ed under it, could not consider as local resources if the school were
13 considered a school district.

14 (b) In addition to the amount calculated and payable under (a)
15 of this section, the governor shall request from the legislature
16 appropriation of any program receipts or federal food service reim-
17 bursements or other federal aid, other than aid under P.L. 81-874 (20
18 U.S.C. 236 -- 244), as amended, received on behalf of the school, and
19 other amounts necessary for the expenses of operating the state board-
20 ing school, including

21 (1) domiciliary services, including room, board, custodial
22 services, and other reasonable expenses related to the operation and
23 maintenance of dormitory and other residential facilities for stu-
24 dents;

25 (2) student transportation services, to include one round
26 trip for each student between the student's place of residence and the
27 site of the state boarding school during each school year; and

28 (3) maintenance and operation of the school's physical
29 plant.

1 (c) Money received by the state boarding school for purposes
2 described in (a) of this section may be used for the purposes de-
3 scribed in (b) of this section, and money received for the purposes
4 described in (b) may be used for the purposes described in (a).

5 * Sec. 4. AS 14.30.010(b)(10) is amended to read:

6 (10) is enrolled in

7 (A) the state boarding school (AS 14.16); or

8 (B) a full-time program of correspondence study ap-
9 proved by the department; in those school districts providing an
10 approved correspondence study program, a student may be enrolled
11 either in the district correspondence program or in the cen-
12 tralized correspondence study program;

13 * Sec. 5. AS 36.30.850(b) is amended by adding a new paragraph to read:

14 (14) operation of the state boarding school (AS 14.16), if
15 the State Board of Education or the commissioner of education adopts
16 regulations for use by the state boarding school in procurement and
17 contracting.

18 * Sec. 6. TRANSITION; PENDING MATTERS. (a) All litigation, hearings,
19 investigations, and other proceedings pending under law for functions
20 affected by this Act continue in effect and may be continued and completed
21 notwithstanding the provisions of this Act.

22 (b) All contracts and other obligations created by law affected by
23 this Act and in effect on the effective date of this Act remain in effect
24 unless specifically revoked or modified by the provisions of this Act.

25 * Sec. 7. Sections 1, 2, and 4 -- 6 of this Act take effect immediately
26 under AS 01.10.070(c).

27 * Sec. 8. Section 3 of this Act takes effect July 1, 1988.