

HOUSE BILL NO. 84

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/22/93

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act implementing certain recommendations of Alaska 2000 to improve the
2 state's education system; and providing for an effective date."

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

4 * Section 1. **PURPOSE.** The purpose of this Act is to

5 (1) implement certain recommendations of Alaska 2000, a comprehensive
6 statewide effort of Alaskans to improve the state's education system for the future;

7 (2) build a state education system with the flexibility to be more responsive
8 to the needs of students and society;

9 (3) set high expectations and tailor educational standards to meet the diverse
10 needs of Alaska's children;

11 (4) change the state education system so that Alaska educators can do their
12 very best and so that the best educators are teaching in our schools;

13 (5) provide increased opportunity for our children to achieve higher educational
14 performance; and

1 (6) structure our education system to facilitate accomplishment of national,
2 state, and local goals for the education of Alaska's children.

3 * Sec. 2. AS 14.03.030 is amended to read:

4 Sec. 14.03.030. SCHOOL TERM. A school term begins and ends on the dates
5 fixed by the governing body of a school district. A school term shall include not less
6 than 183 [180] days in session, unless, with the approval of the commissioner,

7 (1) a day used for in-service training of teachers is substituted for a day
8 in session, up to a maximum of 10 days;

9 (2) an "emergency closure day" is substituted for a day in session
10 because of conditions posing a threat to the health or safety of students; or

11 (3) a school board adopts a school term of not less than 153 [150] days
12 for abating asbestos health hazards in the school, or not less than 163 [160] days for
13 other purposes, and the commissioner finds that

14 (A) the shorter term is necessary;

15 (B) the school board has submitted an acceptable plan under
16 which students will receive the educational equivalent of 183 days in session;
17 or [HOURS OF INSTRUCTIONAL TIME CONTAINED IN A 180-DAY
18 TERM]; and

19 (C) the school board has exhausted other remedies that would
20 have allowed retention of a 183-day [180-DAY] school term.

21 * Sec. 3. AS 14.03.030 is amended by adding a new subsection to read:

22 (b) The required number of school days in a school term as set out in (a) of
23 this section, and all other numbers referring to days of a school term appearing in
24 (a)(3) of this section, automatically increase by three days in each of the three school
25 years that begin in 1995, 1996, and 1997, and increase by four days in each of the two
26 school years that begin in 1998 and 1999. The increases in the number of school days
27 in a school term made by (a) of this section and by this subsection result in a
28 cumulative increase of 20 school days by the year 2000.

29 * Sec. 4. AS 14.03.125(a) is amended to read:

30 (a) The fund for the improvement of school performance is created as an
31 account in the general fund. The fund shall be used by the commissioner to make

1 grants [TO A DISTRICT LOCATED IN THE STATE] for the purpose of improving
2 public school performance. The fund consists of money appropriated by the
3 legislature, including appropriations from the earnings of the public school trust
4 fund (AS 37.14.110). The commissioner shall annually determine the amount
5 requested for grants under this section and shall include the amount in the department's
6 budget request.

7 * Sec. 5. AS 14.03.125(b) is amended to read:

8 (b) A governing body, district advisory board, or nonprofit organization located
9 in the state, or a teacher or principal employed by a public school in the state, may
10 apply for a grant [OF UP TO \$50,000] to improve school performance by submitting
11 an application to the commissioner.

12 * Sec. 6. AS 14.03.125(c) is amended to read:

13 (c) A grant may be awarded to the same grantee in consecutive fiscal years,
14 but may not be awarded to the same grantee for more than three [TWO] fiscal years
15 within a five-year period.

16 * Sec. 7. AS 14.03.125 is amended by adding a new subsection to read:

17 (f) The board shall adopt regulations concerning grants and grant award
18 procedures under this section.

19 * Sec. 8. AS 14.12.035 is repealed and reenacted to read:

20 Sec. 14.12.035. ADVISORY BOARDS IN SCHOOL DISTRICTS. (a) A city
21 or borough school district board shall establish an advisory board at each school in
22 each community within the district if the community has more than 50 permanent
23 residents. The school district board shall set standards for the manner of selection and
24 organization of the advisory boards, and, in a manner consistent with (b) of this
25 section, shall prescribe advisory board powers and duties. A school district that has
26 only one school and has a school board is exempt from the requirements of this
27 section.

28 (b) An advisory board shall advise the school district board on any matter
29 concerning schools in the district in which the advisory board is established.

30 (c) The commissioner may allow an advisory board to serve more than one
31 school upon request by a school district board.

1 * **Sec. 9.** AS 14.20.150 is repealed and reenacted to read:

2 **Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS.** (a) Except as
3 provided in (c) of this section, a teacher acquires tenure rights in a district when the
4 teacher

5 (1) has applied for tenure under AS 14.20.151;

6 (2) has been employed as a teacher in that district continuously for two
7 full school years under a standard or provisional teaching certificate and is reemployed
8 in that district for the school year immediately following the two full school years;

9 (3) has been considered for tenure by the local tenure review committee
10 under AS 14.20.153; and

11 (4) has been approved for tenure by the local school board.

12 (b) The tenure rights acquired under (a) of this section take effect on the
13 first day the teacher performs teaching services in the district described in (a) of this
14 section after all of the requirements of (a) of this section have been met.

15 (c) A teacher who was hired by a district before July 1, 1993, who had not yet
16 acquired tenure rights on June 30, 1993, and who was continuously employed by that
17 district from the date of hire acquires tenure rights in that district in accordance with
18 AS 14.20.150 as it existed on June 30, 1993.

19 * **Sec. 10.** AS 14.20 is amended by adding new sections to read:

20 **Sec. 14.20.151. APPLICATION FOR TENURE.** (a) A teacher may apply for
21 tenure when the teacher has been offered a third consecutive full-year contract with the
22 same local school district.

23 (b) A teacher may apply for tenure by submitting to the superintendent of that
24 district a written request for tenure, along with copies of all written evaluations for
25 each year that the teacher has taught in that district, recommendations regarding tenure
26 by the teacher's supervisor, and other material the teacher considers informative
27 regarding the teacher's qualifications for tenure. The superintendent shall forward to
28 the local school board and the local tenure review committee copies of the teacher's
29 request and all material submitted with the request.

30 (c) Failure of a teacher to acquire tenure does not affect any existing contract
31 between the teacher and the school district.

1 (d) A teacher for whom tenure is disapproved may submit another request for
2 tenure no earlier than 120 days after the date of the local school board's disapproval
3 under AS 14.20.154.

4 Sec. 14.20.152. LOCAL TENURE REVIEW COMMITTEE. (a) A local
5 school board shall appoint one or more local tenure review committees composed of
6 at least five, but no more than nine members. A tenure committee serves at the
7 pleasure of the board.

8 (b) A local tenure review committee shall include two parents, two teachers,
9 and one student over the age of 16. Any remaining members appointed to the
10 committee must be involved in or must have been involved in the district's educational
11 program. Each member of a committee serves for a term of three years unless the
12 member is removed by the local school board or no longer meets the qualification
13 requirement under which the person was appointed.

14 (c) The local school board may not serve as a local tenure review committee.

15 (d) A majority of the members appointed to a local tenure review committee
16 constitutes a quorum.

17 Sec. 14.20.153. DUTIES OF A LOCAL TENURE REVIEW COMMITTEE.

18 (a) A local tenure review committee shall elect a chairperson from among its
19 members.

20 (b) The committee shall meet at least once every six months if any requests
21 for tenure are pending, and at the call of the chair or on petition of a majority of its
22 members. The committee shall meet at a time and place that will facilitate public
23 participation.

24 (c) The committee shall publish notice of its meetings in the manner that
25 notice is provided for regularly scheduled local school board meetings in the district.
26 The notice must contain a list of the names of teachers who have requested tenure and
27 must state that comments may be provided to the committee before the meeting. Any
28 comments regarding a teacher that are received by the committee must be provided to
29 the teacher.

30 (d) Notwithstanding AS 44.62.310, after allowing public comment at the public
31 meeting on tenure requests, the committee shall deliberate on each request in executive

1 session unless a teacher requests a public discussion on that teacher's request. A
2 teacher may be present during an executive session in which the committee considers
3 that teacher's tenure request.

4 (e) Notwithstanding AS 09.25.120, a teacher's evaluations submitted under
5 AS 14.20.151 are not public records unless authorized for release by the teacher.

6 (f) By vote in a public meeting, the committee shall determine whether it is
7 in the best interests of the students in the district to recommend approval or to
8 recommend disapproval of tenure for a teacher. The vote shall be by roll call of the
9 members present.

10 (g) The committee shall furnish written notification of its recommendation to
11 the teacher, the school district superintendent, and the local school board within 10
12 working days after the date of the vote on the recommendation. A recommendation
13 to disapprove tenure must include the reasons for the recommendation. The
14 committee's recommendation is not binding on the local school board.

15 Sec. 14.20.154. BOARD REVIEW OF COMMITTEE
16 RECOMMENDATIONS. After consideration of a teacher's request for tenure and
17 material submitted with the request, and consideration of the recommendation of the
18 local tenure review committee under AS 14.20.153, the local school board shall
19 approve or disapprove tenure for a teacher who applies under AS 14.20.151. If the
20 local school board disapproves tenure for a teacher, that board shall set out in writing
21 the reasons for the disapproval.

22 * Sec. 11. AS 14.20.215 is amended by adding new paragraphs to read:

23 (8) "board" means the local borough or city school board or a regional
24 school board;

25 (9) "committee" means the local tenure review committee;

26 (10) "parent" means biological, adoptive, or foster parent, or an adult
27 who acts as guardian of a child and makes decisions related to the child's safety,
28 education, and welfare.

29 * Sec. 12. ESTABLISHMENT OF CHARTER SCHOOLS. (a) A charter school may be
30 established as provided under secs. 12 - 19 of this Act upon the application of the initial board
31 of directors of a charter school and the approval of the local school board and the state Board

1 of Education. The state Board of Education may not approve more than 40 charter schools
2 to operate in the state at any one time.

3 (b) Each local school board shall prescribe a procedure by which an initial board of
4 directors may apply for the establishment of a charter school in that school district. The
5 procedure may include a proposed form for a contract between a charter school and the local
6 school board, setting out the contract elements required under sec. 13(e) of this Act.

7 (c) A local school board shall forward to the state Board of Education applications for
8 a charter school that have been approved or denied.

9 * Sec. 13. ORGANIZATION AND OPERATION OF A CHARTER SCHOOL. (a) A
10 charter school operates as a school in the local school district except that the charter school
11 (1) is exempt from the local school district's textbook, program, curriculum, and scheduling
12 requirements, and (2) operates under the charter school's annual program budget as set out in
13 the contract between the local school board and the charter school. The charter school is
14 exempt from other local school district requirements if exemption is authorized by the local
15 school board in the contract. A board of directors for the charter school shall oversee the
16 operation of that school.

17 (b) The initial board of directors of a charter school shall organize informally. An
18 initial board of directors for the charter school shall consist of at least five but no more than
19 nine members, and shall include at least one parent of a prospective student of the charter
20 school and one person who is a prospective teacher at that school. Remaining members must
21 be a parent of a prospective student, a prospective teacher, or a prospective student of that
22 school.

23 (c) The initial board of directors shall develop the program of the charter school,
24 apply to the local school board for approval of the school's establishment, and, upon approval
25 of the application, negotiate a contract with the local school board as required by (e) of this
26 section.

27 (d) After approval of a charter school by the state Board of Education and after the
28 charter school begins classes, a permanent charter school board shall be elected by a majority
29 vote of the teachers of, and parents of students of, the charter school. The permanent charter
30 school board must meet the membership requirements of (b) of this section, with those
31 requirements read without the term "prospective." The permanent charter school board shall

- 1 (1) keep financial records of the charter school;
2 (2) oversee the operation of the charter school to ensure that the terms of the
3 contract required by (e) of this section are being met; and
4 (3) meet regularly with teachers of the charter school to review, evaluate, and
5 improve operations of the charter school.

6 (e) A charter school shall operate under a contract between the permanent charter
7 school board and the local school board. A contract must contain the following provisions:

- 8 (1) description of the educational program;
9 (2) specific levels of achievement for the education program;
10 (3) admission policies and procedures;
11 (4) administrative policies;
12 (5) statement of the charter school's funding allocation from the local school
13 board and costs assignable to the charter school program budget;
14 (6) method by which the charter school will account for receipts and
15 expenditures;
16 (7) location and description of the facility;
17 (8) name of the teacher, or teachers, who, by agreement between the permanent
18 charter school board and the teacher, will teach in the charter school;
19 (9) teacher-to-student ratio;
20 (10) number of students served;
21 (11) the term of the contract, not to exceed a term of three years;
22 (12) a termination clause providing that the contract may be terminated by the
23 local school board for the failure of the charter school to meet educational achievement goals
24 or fiscal management standards, or for other good cause;
25 (13) a statement that the charter school will comply with all state and federal
26 requirements for receipt and use of public money;
27 (14) other requirements or exemptions agreed upon by the permanent charter
28 school board and the local school board.

29 * Sec. 14. FUNDING FOR CHARTER SCHOOL. (a) A local school board shall provide
30 an approved charter school with an annual program budget. The budget shall be not less than
31 the amount generated by the students enrolled in the charter school less administrative costs

1 retained by the local school district, determined by applying the indirect cost rate approved
2 by the Department of Education. The "amount generated by students enrolled in the charter
3 school" is to be determined in the same manner as it would be for a student enrolled in any
4 other public school in that school district.

5 (b) The program budget of a charter school is to be used for operating expenses of
6 the educational program of the charter school, including purchasing textbooks, classroom
7 materials, and instructional aids.

8 (c) The initial and permanent boards of a charter school shall provide all financial and
9 accounting information requested by the local school board or the Department of Education,
10 and shall cooperate with the local school district or the department in complying with the
11 requirements of AS 14.17.190.

12 * Sec. 15. ADMISSION. (a) The program of a charter school may be designed to serve

13 (1) students within an age group or grade level; or

14 (2) students who will benefit from a particular teaching method or curriculum.

15 (b) A charter school shall enroll all eligible students who submit a timely application,
16 unless the number of those applications exceeds the capacity of the program, class, grade
17 level, or building. In the event of an excess of those applications, the charter school and the
18 local school board shall attempt to accommodate all of those applicants by considering
19 providing additional classroom space and assigning additional teachers from the district to the
20 charter school. If it is not possible to accommodate all eligible students who submit a timely
21 application, students must be accepted by random drawing.

22 (c) In addition to other requirements of law, a charter school may not discriminate in
23 selection of students on the basis of intelligence, achievement, aptitude, or athletic ability.

24 * Sec. 16. TEACHER TRANSFERS AND EVALUATIONS. (a) No teacher may be
25 assigned to teach in a charter school unless the teacher consents to the assignment.

26 (b) After June 30, 1993, a local school board may not negotiate or renew a provision
27 in a negotiated agreement or collective bargaining agreement that grants a teacher a right to
28 transfer to a charter school based on seniority.

29 (c) A teacher in a charter school must be evaluated in the same manner as all other
30 teachers in the district, except that if there is no administrator assigned to the charter school,
31 the local school board, with the agreement of the permanent charter school board, shall

1 designate a school district administrator in that district to evaluate a teacher in a charter
2 school.

3 * Sec. 17. CONTRACTS; DURATION. A contract for a charter school may be for a term
4 of no more than three years and may not extend beyond July 1, 1999. No more than one
5 contract for a particular charter school may be entered into under secs. 12 - 19 of this Act.

6 * Sec. 18. REGULATIONS. The state Board of Education may adopt regulations
7 necessary to implement secs. 12 - 19 of this Act.

8 * Sec. 19. DEFINITIONS. In secs. 12 - 19 of this Act,

9 (1) "charter school" means a school established under secs. 12 - 19 of this Act;

10 (2) "local school board" means a borough or city school board or a regional
11 school board;

12 (3) "parent" means a biological, adoptive, or foster parent, or an adult who acts
13 as guardian of a child and makes decisions related to the child's safety, education, and
14 welfare;

15 (4) "permanent charter school board" means the permanent board of directors
16 of a charter school;

17 (5) "teacher" means a person who serves a school district in a teaching,
18 counseling, or administrative capacity and is required to be certificated in order to hold the
19 position.

20 * Sec. 20. Sections 12 - 19 of this Act are repealed.

21 * Sec. 21. TRANSITION. Notwithstanding secs. 23 - 25 of this Act, the state Board of
22 Education may proceed to adopt regulations necessary to implement this Act. The regulations
23 take effect under the Administrative Procedure Act, but not before the respective effective date
24 of the relevant section or sections of this Act.

25 * Sec. 22. Section 21 of this Act takes effect immediately under AS 01.10.070(c).

26 * Sec. 23. Sections 1 and 4 - 19 of this Act take effect July 1, 1993.

27 * Sec. 24. Sections 2 and 3 of this Act take effect July 1, 1994.

28 * Sec. 25. Section 20 of this Act takes effect July 1, 1996.