

COMMITTEE REPORT

3/25/75

SENATE

Mr. President:

Date _____

The Committee on FINANCE has had SB 35 relating to public education in the unorganized northern under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- (x) recommends it BE REPLACED WITH CS FOR SB 35 AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____ Chairman

The Legislature of the State of Alaska
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. SB #35

Title: Relating to Public Education in the Unorganized Borough

Requested by: Senate HESS Committee

Date: 1-31-75

Return Date Requested: ASAP

Agency: _____ Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See Attached.

IV. ATTACHMENTS

V. DATE: 2/5/75

PREPARED BY: William A. Thomas

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

ATTACHMENT IA

Rural ASOSS Schools	FY 75 (1st Quarter)	FY 76 (Projected)
Enrollment	7522	8304
Regular Instructional Units	715	785
Special Ed. Instructional Units (Est.)	75	100
Vocational Ed. Instructional Units (Est.)	<u>40</u>	<u>50</u>
Total Instructional Units	830	935

Formula:

For FY 75:

Instructional Unit Value of \$21,750 x Weighted Instructional Unit allotment of 1.32 (as defined in Sec. 14.17.051 in SB #35)* x Total Instructional Units, or $\$21,750 \times 1.32 \times 830 = \$23,800.0$

For FY 76:

$\$21,750 \times 1.32 \times 935 = \$26,800.0$

Assume increase in Instructional Unit Value of \$23,500, or
 $\$23,500 \times 1.32 \times 935 = \$29,000.0$

- * Weighted Instructional Unit allotment (IUA) is established by applying appropriate percentages of base instructional unit allotments x Instructional units generated in the applicable election districts, and averaging.

ASSOS FY 75 authorization and revised from ASSOS Budget Submission

Instruction K - 12	\$11,936.6
Food Service	2,593.2
Building Maintenance	1,658.6
Building Operation	6,235.1
Administration & Support	647.6
Exceptional Children (General Fund)	<u>380.9</u>
Total FY 75 ASSOS Revised Authorization	\$23,452.0

ATTACHMENT IAA

ASOSS On-Base Schools	FY 75 (1st Quarter)	FY 76 (Projected)
Enrollment	<u>7,000</u>	<u>6,869</u>
Total Instructional Units (Includes Special Ed. & Vocational Ed.)	398	398
Weighted Instructional Unit Allotment*	1.08	1.08

Formula:

For FY 75:

Instructional Unit Value of \$21,750 x Weighted Instructional Unit
allotment of 1.08 (as defined in Sec. 14.17.051 in SB #35)* x
Total Instructional Units, or $\$21,750 \times 1.08 \times 398 = \$9,349.0$ Total

For FY 76:

$\$21,750 \times 1.08 \times 398 = \$9,349.0$

Assume ISU increase of \$23,500, or
 $\$23,500 \times 1.08 \times 398 = \$10,101.2$

* Weighted Instructional Unit allotment (IUA) is established by
applying appropriate percentages of base instructional unit allotments
x Instructional Units generated in the applicable election districts,
and averaging.

ASOSS FY 75 authorization and revised from ASOSS Budget Submission

Instruction K - 12	\$7,955.4
Food Service (General Fund)	194.8
Building Maintenance	479.7
Building Operation	7,420.2
Administration & Support	298.7
Exceptional Children (General Fund)	<u>380.9</u>
Total ASOSS On-Base FY 75 Revised Authorization	\$9,720.7

REGIONAL SERVICES

SB #35 also provides for certain obligations of the Department of Education, the Department of Regional and Community Affairs, and the Lieutenant Governor's office to perform. Furthermore, the bill provides for a Bilingual Education Fund which is applicable to all districts throughout the State. In addition, certain services performed by ASOSS require further analysis, before a specific dollar amount can be established. The DOE will provide the appropriate fiscal information as it becomes available.

Service	Military	Rural	City & Borough
Regionalization*	TBD	TBD	NA
Bilingual Fund	TBD	TBD	TBD
Tuition**	1,321.3	1,198.8	NA
Pupil transportation	426.7	547.8	NA
Elections	TBD	TBD	NA
Contingency	TBD	TBD	NA
Total Regional Services	TBD	TBD	TBD

*Regionalization is defined as:

1. Establishing regional school attendance areas. (Sec. 14.08.031) SB #35 reference
2. " " " boards. (Sec. 14.08.041) "
3. " " " administration. (Sec. 14.08.061) "
4. Coordinated Employee Negotiations. (Sec. 14.08.101) "
5. Division of Assets and Liabilities of ASOSS (Sec. 15) "
6. Instructional Media Services (PERCY)

**ASOSS Revised Authorization FY 75

Abbreviations:

TBD = To Be Determined

NA = Not Applicable

Original sponsor: Chance

Offered: 3/25/75
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 35

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 14.93 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 to
14 provide for public education in the unorganized borough and the military
15 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 from
18 becoming part of or being formed into an organized political subdivision
19 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 Education in consultation with the Department of Community
28 and Regional Affairs and local communities shall divide the unorganized
29 borough into educational service areas.

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

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

18 (d) U. S. Bureau of Indian Affairs schools may be included in a
19 regional educational attendance area.

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

24 Sec. 14.08.041. REGIONAL SCHOOL BOARDS. (a) A regional education-
25 al attendance area shall be operated on an areawide basis under the
26 management and control of a regional school board.

27 (b) The qualified voters in each regional educational attendance
28 area shall elect a regional school board of not less than five nor more
29 than eleven members to be elected for the same term, in the same manner

1 and with the same qualifications as a city or borough school district
2 board under ch. 12 of this title. The initial number of regional school
3 board members shall be determined by the department in consultation with
4 the local communities in the regional educational attendance areas.
5 However, the qualified voters in a regional educational attendance area
6 may increase or decrease the number of regional school board members
7 established under this section by placing the question on the ballot at
8 a regular school board election in the manner prescribed by law. A
9 change in the number of school board members shall not be effective
10 until the next following regular school board election.

11 (c) A regional school board shall consist of five, seven, nine or
12 11 members.

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

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

21 Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The commissioner in
22 consultation with the Department of Community and Regional Affairs and
23 the local communities may divide a regional educational attendance area
24 into sections for the purpose of nominating and electing regional
25 school board members. If a regional educational attendance area is
26 divided into sections each school board member shall represent, as
27 nearly as practicable, an equal number of persons. The basis for the
28 division of a regional educational attendance area into sections shall
29 be the total population of the area as reported in the most recent de-

1 cennial federal census. If the census is five years old or older, then
2 other reliable population data, including but not limited to population
3 estimates based on public school enrollments, public utility connections,
4 registered voters or certified employment payrolls, shall be used as the
5 basis for the division of the area into sections. Each section within
6 a regional educational attendance area shall consist of compact, con-
7 tiguous territory and, insofar as practicable, each section shall contain
8 a relatively integrated socio-economic, linguistically and culturally
9 homogeneous area. In the division of the regional school attendance
10 area into sections, consideration shall be given to the transportation
11 and communication network to facilitate the administration of education
12 and communication between communities that comprise the area. Whenever
13 possible, municipalities, other governmental or regional corporate en-
14 tities, drainage basins and other identifiable geographic features shall
15 be used in describing the boundaries of the sections.

16 (b) The division of a regional educational attendance area into
17 sections, or subsequent recasting of the section boundaries, may be pro-
18 posed by the regional school board or by a petition containing signatures
19 of qualified voters in the area equal to 15 per cent of the total vote
20 cast in the most recent regional school board election. The division of
21 the area into sections, or subsequent recasting of section boundaries,
22 is subject to approval by a majority of the qualified voters voting on
23 the questions in the regional educational attendance area at the next
24 regular school board election or a special election called for that
25 purpose.

26 (c) If a regional school attendance area has been divided into
27 sections, the commissioner shall recast the boundaries of the sections
28 within 90 days following the official reporting of the decennial federal
29 census.

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

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

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

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

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

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

11 or

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

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

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

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

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

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

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

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

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

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

16 Sec. 14.08.071. ELECTIONS. (a) In each regional educational
17 attendance area in the unorganized borough, the lieutenant governor,
18 within 60 days of the effective date of this section, shall provide for
19 the election of a regional school board.

20 (b) Except for the first election of regional school board members
21 under (a) of this section, election shall be held annually on the first
22 Tuesday in October ~~at the time of regular municipal elections under~~
23 ~~AS 29.28.020.~~ Elections shall be supervised by the director of elections
24 in the office of the lieutenant governor, but shall be administered with-
25 in second class cities as part of the regular municipal election. The
26 lieutenant governor shall promulgate regulations for the conduct of the
27 election of regional school board members comparable, insofar as practi-
28 cable, to those prescribed for election of school board members under
29 ch. 12 of this title and AS 29.28.

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

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

8 Sec. 14.08.091. TRANSITION. The state Board of Education shall act
9 as the regional school board for those schools in the unorganized borough
10 and or military reservation that are not within a regional educational
11 attendance area which has been established and become operational under
12 sec. 31 of this chapter. While acting as the regional school board for
13 those schools, the state board may exercise the powers of a regional
14 school board under sec. 111 of this chapter and is subject to the same
15 duties as a regional school board under sec. 121 of this chapter.

16 Sec. 14.08.101. ADMINISTRATION. (a) The regional school boards
17 shall be organized in accordance with AS 14.14.070, and, before taking
18 office, each school board member shall take and sign the oath or affir-
19 mation prescribed by AS 14.12.090.

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

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

24 (1) sue and be sued;

25 (2) contract and be contracted with, including contracting
26 with the department, the Bureau of Indian Affairs, or any other school
27 district, agency, or regional board for the provision of services, faci-
28 lities, 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. 14.08.121. DUTIES. A regional school board shall:

19 (1) provide, during the school term of each year, an educational
20 program for each school age child who is a resident of the district;

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

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

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

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

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

1 (7) provide for an annual audit in accordance with AS 14.14.-
2 050; and,

3 (8) provide custodial services and routine maintenance of
4 school buildings and facilities.

5 Sec. 14.08.131. FUNDING. (a) The legislature shall fund the oper-
6 ational costs of the regional educational attendance area schools in the
7 following manner:

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

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

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

17 Sec. 14.08.141. CONFLICT OF INTEREST; DISQUALIFICATION FROM VOTING.
18 A board member having a direct or indirect pecuniary interest in a con-
19 tract for erection of buildings, heating, ventilation, furnishing or
20 repairing the buildings or in a contract for the furnishing of supplies
21 for a regional school is disqualified from voting on any question in-
22 volving his pecuniary interest unless the member has disclosed that
23 interest to the board and the remaining members have approved the mem-
24 ber's participation in the voting.

25 Sec. 14.08.151. REGIONAL RESOURCE CENTERS. A regional educational
26 attendance area or any other school district in the state may participate
27 in regional or statewide resource centers which may be established by the
28 department. Services provided by a resource center include, but are not
29 limited to accounting and fiscal services, media services, instructional

1 support services, inservice and staff development services, student
2 services, diagnostic services, school management and training services
3 and school board member training.

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

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

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

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

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

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

14 (a) Each regional educational attendance area shall be operated on
15 a districtwide basis under the management and control of a regional
16 school board. The regional school board manages and controls schools on
17 military reservations within its regional educational attendance area
18 until the military mission is terminated or so long as management and
19 control by the regional educational attendance area is approved by the
20 department. However, operation of the military reservation schools by a
21 city or borough school district may be required by the department under
22 AS 14.14.110. If the military mission of a military reservation termi-
23 nates or continued management and control by the regional educational
24 attendance area is disapproved by the department, operation, management
25 and control of schools on the military reservation transfers to the city
26 or borough school district in which the military reservation is located.

27 * Sec. 5. AS 14.12.020(c) is amended to read:

28 (c) The legislature shall provide the state money necessary to
29 maintain and operate the regional educational attendance areas [STATE-

1 OPERATED SCHOOL DISTRICT]. The borough assembly for a borough school
2 district, and the city council for a city school district, shall provide
3 the money which must be raised from local sources to maintain and operate
4 the district.

5 * Sec. 6. AS 14.14.170 is amended to read:

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

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

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

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

1 sec. 180 of this chapter may increase the committee [BOARD] to seven
2 members by referendum conducted at an election coinciding with an elec-
3 tion for community [ADVISORY] school committee [BOARD] members.

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

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

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

1 shall perform the functions of the assembly or council under those
2 sections.

3 * Sec. 7. AS 14.14.180 is amended to read:

4 Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY [ADVISORY] SCHOOL
5 COMMITTEE [BOARD] MEMBERS AND VOTERS. (a) A person may vote at an
6 election for community [ADVISORY] school committee [BOARD] members and
7 may be elected to membership on a community [AN ADVISORY] school
8 committee [BOARD] who

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

10 (2) has passed his 18th birthday;

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

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

15 * Sec. 8. AS 14.14.190 is amended to read:

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

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

27 (c) If a three-member community [ADVISORY] school committee [BOARD]
28 is increased to a five-member committee [ADVISORY SCHOOL BOARD], the two
29 additional members are elected for terms of two years and three years

1 respectively. Thereafter, all members are elected to three-year terms.
2 If a five-member committee [ADVISORY SCHOOL BOARD] is increased to a
3 seven-member committee [ADVISORY SCHOOL BOARD], the two additional
4 members are elected for terms of two years and three years respectively.
5 Thereafter, all members are elected to three-year terms and until a
6 successor takes office.

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

11 * Sec. 9. AS 14.14.200 is repealed and re-enacted to read:

12 Sec. 14.14.200. DUTIES. A community school committee shall review
13 and make recommendations to the board of the regional educational atten-
14 dance area concerning the curriculum, program and general operation of
15 the local school and shall exercise additional responsibilities and
16 functions as may be delegated by the regional school board.

17 * Sec. 10. AS 14.14.310 is amended to read:

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

19 (1) "board" means the governing body of a borough or city
20 school district, or the board of a regional educational attendance area
21 [DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

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

25 * Sec. 11. AS 14.17.051 is repealed and re-enacted to read:

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

28 (1) if the school district is in that part of the state lying
29 within the boundaries of election district 1, 4 or 8, the district shall

1 receive the base instructional allotment;

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

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

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

12 (5) if the school district is in that part of the state lying
13 within the boundaries of election district 6, the district shall receive
14 116 per cent of the base instructional unit allotment;

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

18 (7) if the school district is in that part of the state lying
19 within the boundaries of election district 14 or 19, the district shall
20 receive 132 per cent of the base instructional unit allotment;

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

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

1 (c) For the purposes of this section, a school district is con-
2 sidered to be located in the election district in which its administra-
3 tive offices are located. However, if a school district operating a
4 school in a remote area is authorized by the commissioner to calculate
5 the number of units to which that school is entitled under sec. 31(c) of
6 this chapter the commissioner may consider that school to lie in the
7 election district in which it is actually located.

8 (d) For the purposes of this section,

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

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

15 * Sec. 12. AS 14.17.210 is amended to read:

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

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

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

28 [(c) IN THIS SECTION

29 (1) "STATE SCHOOL" MEANS A SCHOOL OPERATED BY THE DEPARTMENT

1 OF EDUCATION OR STATE-OPERATED SCHOOL SYSTEM AND ENTIRELY FINANCED BY
2 STATE MONEY; AND

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

5 * Sec. 13. AS 14.17.250(3) is amended to read:

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

8 * Sec. 14. AS 14.20.175(a) is amended to read:

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

20 * Sec. 15. AS 14.20.180(b) is amended to read:

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

- 27 (1) the hearing be either public or private,
28 (2) the hearing be under oath or affirmation,
29 (3) he have the right of cross-examination,

1 (4) he be represented by counsel,

2 (5) he have the right to subpoena a person who has made alle-
3 gations which are used as a basis for the decision of the employer.

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

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

16 * Sec. 17. AS 14.20.205 is amended to read:

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

22 * Sec. 18. AS 14.20.207(2) is amended to read:

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

26 * Sec. 19. AS 14.20.230 is amended to read:

27 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards of city and
28 borough school districts and regional educational attendance areas
29 [DISTRICT SCHOOLS AND THE BOARD OF THE STATE-OPERATED SCHOOLS] shall pay

1 a qualified school administrator a salary not less than the allowable
2 amount for his position on the teachers' scale provided in sec. 220(a) -
3 (c) of this chapter, plus

4 (1) 25 per cent for the chief school administrator of a
5 district with an average daily membership of 500 or more;

6 (2) 20 per cent for the chief school administrator of a
7 district with an ADM of less than 500;

8 (3) 15 per cent for a principal or other administrator;

9 (4) 10 per cent for an assistant principal.

10 * Sec. 20. AS 14.20.550 is amended to read:

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

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

17 Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a)
18 Negotiations between the employees of any or all city, borough or re-
19 gional school districts and the respective district boards may, by
20 mutual agreement of the boards and the employee groups involved, be con-
21 ducted by one team representing all the certificated employees, one team
22 representing all the certificated administrative personnel if they have
23 joined together to negotiate independently as provided in AS 14.20.560(f),
24 and one team representing all the participating school boards.

25 (b) Each team shall consist of as many members as there are parti-
26 cipating school districts. However, each negotiating team shall consist
27 of not less than five members.

28 (c) Once negotiations have begun no district or employee group
29 may withdraw from the negotiations, and the contract resulting from the

1 coordinated negotiations shall be binding upon all participating boards
2 and employees.

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

4 (b) The board of a regional educational attendance area [STATE-
5 OPERATED SCHOOLS] shall provide for special services in a school in the
6 area [STATE-OPERATED SCHOOL DISTRICT] for exceptional children repre-
7 sented by not less than five children residing in the area served by the
8 school.

9 * Sec. 23. AS 14.30.186(d) is amended to read:

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

20 * Sec. 24. AS 14.30.260 is amended to read:

21 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board for
22 a district or a regional educational attendance area [, OR THE BOARD OF
23 DIRECTORS FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT IN WHICH
24 SPECIAL SERVICES ARE PROVIDED FOR,] may waive part of the qualifications
25 for teachers as set out in sec. 250 of this chapter, if necessary,
26 during the first school year special services are offered in the dis-
27 trict or area [OR IN THE SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT].

28 * Sec. 25. AS 14.30 is amended by adding new sections to read:

29 ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

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

12 Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND. (a) There
13 is in the Department of Education a bilingual-bicultural education fund
14 which is an account in the general fund to receive money appropriated by
15 the legislature for bilingual-bicultural education and to be used for
16 bilingual-bicultural education program implementation and operation.

17 (b) The department shall adopt regulations for the determination
18 of entitlement and the distribution of bilingual-bicultural funds to
19 city and borough and regional educational attendance areas.

20 * Sec. 26. AS 14.33.010 is amended to read:

21 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
22 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
23 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough or
24 city school district or regional educational attendance area, or a
25 private or denominational school may require that school safety patrols
26 be established to assist pupils to cross streets and highways adjacent
27 to schools in safety.

28 * Sec. 27. AS 14.33.020(a) is amended to read:

29 (a) If [THE STATE DIRECTOR,] a school board, or a private or de-

1 nominational school determines that a safety patrol should be established
2 for a school, the principal of the school shall appoint pupils in the
3 school to serve as members of the patrol.

4 * Sec. 28. AS 14.60.010(5) is amended to read:

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

8 * Sec. 29. AS 14.60.010(6) is amended to read:

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

12 * Sec. 30. AS 14.60.010(7) and (8) are repealed.

13 * Sec. 31. AS 14.60.010 is amended by adding a new paragraph to read:

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

20 * Sec. 32. AS 29.33.050 is repealed and re-enacted to read:

21 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough
22 school district and establishes, maintains, and operates a system of
23 public schools on an areawide basis as provided in AS 14.14.060. A
24 military reservation within an organized borough is not part of the
25 borough school district until the military mission is terminated or until
26 inclusion in the borough school district is approved by the Department of
27 Education. However, operation of the military reservation schools by
28 the borough school district may be required by the Department of Educa-
29 tion under AS 14.14.110. If the military mission of a military reserva-

1 tion terminates or continued management and control by a regional
2 educational attendance area is disapproved by the Department of Educa-
3 tion, operation, management and control of schools on military reserva-
4 tions transfers to the borough school district in which the military
5 reservation is located.

6 * Sec. 33. AS 29.41.010(a) is repealed and re-enacted to read:

7 (a) A third class borough shall exercise the areawide powers of
8 education and tax assessment and collection in the manner provided for
9 second class boroughs. Provisions of law relative to first and second
10 class organized boroughs apply with respect to third class boroughs only
11 to the extent they are consistent with this chapter. A military reserva-
12 tion within an organized borough is not part of the borough school
13 district until the military mission is terminated or until inclusion in
14 the borough school district is approved by the Department of Education.
15 However, operation of the military reservation schools by the borough
16 school district may be required by the Department of Education under
17 AS 14.14.110. If the military mission of a military reservation termi-
18 nates or continued management and control by a regional educational
19 attendance area is disapproved by the Department of Education, operation,
20 management and control of schools on military reservations transfers to
21 the borough school district in which the military reservation is located.

22 * Sec. 34. AS 39.05.060(a)(8) is repealed.

23 * Sec. 35. AS 39.25.110(8) is amended to read:

24 (8) certificated teachers and noncertificated employees
25 employed by the state or a regional educational attendance area to teach
26 in, administer or operate schools operated by the state or by a regional
27 educational attendance area;

28 * Sec. 36. (a) The property and assets of the state-operated schools are
29 transferred to the Department of Education for redistribution to the regional

1 educational attendance areas in the manner the department determines. The
2 debts of the state-operated schools shall be assumed by the general fund of
3 the state. All litigation, hearings, investigations and other proceedings
4 pending under a law amended for functions which may be transferred by this
5 Act, continue in effect and may be continued and completed notwithstanding a
6 transfer or amendment provided for in this Act. Certificates, orders, rules
7 or regulations issued or filed under authority of a law amended by this Act
8 or functions which may be transferred by this Act, remain in effect for the
9 term issued, unless revoked, vacated, or otherwise modified under the provi-
10 sions of this Act. All contracts or other obligations created by a law
11 amended by this Act or by virtue of functions which may be transferred by
12 this Act, and in effect on the effective date of this Act, remain in effect
13 unless revoked or modified under the provisions of this Act. All contracts
14 for the provision of utilities services to the schools of the State-Operated
15 School System shall be assumed and continued by the respective regional
16 educational attendance areas.

17 (b) All state and federal funds appropriated to the state-operated
18 school system are transferred to the department for distribution to the
19 regional educational attendance areas.

20 * Sec. 37. (a) All teachers, as defined in AS 14.20.207(1), in the com-
21 munities or regional offices served by the State-Operated School System on
22 the effective date of this Act and who have been retained for the 1975-76
23 school year are subject to the provisions of AS 14.20.147.

24 (b) All permanent non-certificated employees of the State-Operated
25 School System in the communities and regional offices who are state employees
26 on the effective date of this Act and who have been retained for the 1975-76
27 school year are entitled to continued employment in their current positions.

28 (c) The Department of Education shall assist the certificated and
29 permanent non-certificated employees in the central office of the State-

1 Operated School System on the effective date of this Act in finding positions
2 for which they are qualified.

3 * Sec. 38. AS 14.08.031, 14.08.051 and 14.08.071, as enacted by sec. 2 of
4 this Act take effect immediately in accordance with AS 01.10.070(c). AS 14.-
5 08.011 - 14.08.021, 14.08.041, 14.08.061, and 14.08.081 - 14.08.151, as
6 enacted by sec. 2 of this Act and secs. 1 and 3 - 37 of this Act take effect
7 July 1, 1975.

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STATE
of ALASKA


MEMORANDUM

ANSWER - FILE WITH BILL

TO: The Honorable Bill Ray
Chairman
Senate Finance Committee

DATE : April 28, 1975

FROM:

Lowell Thomas, Jr. 
Lieutenant Governor
Office of the Lieutenant Governor

SUBJECT: CS for Senate Bill 35

The CS for Senate Bill 35 provides for the election of regional school boards by the Lieutenant Governor.

Sec. 14.08.071 (a) provides that within 60 days of the effective date of this section, elections for regional school boards shall be held. The regional educational attendance area should be established prior to the elections. If CS for Senate Bill 35 is enacted, all the elections must be held within 60 days. In some of the regional attendance area, we anticipate a mail problem in sending and receiving petitions for the filings of school board candidates. Language similar to that in AS. 29.-28.120 would allow sufficient time for candidates to file and for ballots and supplies to be printed and returned for the election.

SUGGESTED LANGUAGE: Page 6, line 15: after "within" add "not less than" and after "60" add "nor more than 90". Delete "of the effective date of this section", after "days" insert "after the establishment of the regional educational attendance area".

Sec. 14.08.071 (a) would read: "In each regional educational attendance area in the unorganized borough, the Lieutenant Governor, within not less than 60 nor more than 90 days after the establishment of the regional educational attendance area, shall provide for the election of a regional school board".

Sec. 14.08.071 (b) requires the annual election of school board members "on the first Tuesday in October at the time of regular municipal election under AS. 29.28.020". AS. 29.28.020 provides that the regular municipal election will occur on "the first Tuesday of October annually, or on a date of election or at an interval of years provided by ordinance." The Directory of Borough & City Officials published by the Department of Community & Regional Affairs, lists 39 second class cities with municipal elections held at times other than the first Tuesday in October. The Division of Elections recommends that all regional school board elections occur at the same time.

SUGGESTED LANGUAGE: Page 6, lines 27 and 28, delete the following: "at the time of regular municipal elections under AS. 29.28.020".

FILE WITH BILL

TELEGRAM

WCA ALASKA COMMUNICATIONS, INC.

PHONE: 588-6440

JUNEAU, ALASKA 99801

1975 APR 23 PM 1 45

#

02022 ANCHORAGE AK 113 04-23 1033A ADT

PMS SENATE FINANCE COMMITTEE MEMBERS

2348
RM 423 CAPITOL BLDG

JUN

FOLLOWING IS TEXT OF TWO TELEGRAMS RECEIVED IN OUR OFFICE THIS MORNING FROM FT YUKON SCHOOL BOARD AND FROM GWITCHA GWITCHIN GINHKEYE REGARDING SB 35, RELATING TO EDUCATION IN THE UNORGANIZED BOROUGH:

"THIS IS IN SUPPORT OF SB 35 WHICH WILL GREATLY BENEFIT THE RURAL EDUCATION AREA. SINCE EDUCATION IS THE ROOT OF ALL RURAL RESIDENTS, THIS IS IN SUPPORT OF HOUSE AND SENATE FINANCE COMMITTEES TO CONSIDER SB 35 AS FIRST PRIORITY AND PASS IT THIS YEAR."

HB 24 AND SB 35 RECEIVED HIGH PRIORITY ENDORSEMENT FROM STATEWIDE CONFERENCE ON RURAL LEGISLATIVE PRIORITIES HELD IN JUNEAU LAST MONTH. REQUEST COMMITTEE ACTION TO MOVE BILLS TO A FLOOR VOTE. THANK YOU.

PHIL SMITH EXECUTIVE DIRECTOR RURA CAP

FILE WITH BILL
TELEGRAM

MOA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6440
JUNEAU, ALASKA 99801

1975 APR 22 PM 6 33

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02027 ANCHORAGE AK 169 04-22 215P ADT

PMS SEN BILL RAY

JUN

2235

FOR YOUR INFORMATION AND USE THE ALASKA FEDERATION OF NATIVES INC. HUMAN RESOURCES COMMITTEE MET IN ANCHORAGE ALASKA ON APRIL 15 1975 TO DISCUSS A NUMBER OF IMPORTANT ISSUES, DURING THE MEETING THEY STRONGLY ENDORSED SEVERAL PIECES OF PENDING STATE LEGISLATION. ONE OF THE MORE IMPORTANT ONES STRONGLY ENDORSED INCLUDED SB35 AS AMENDED REGARDING EDUCATION IN THE UNORGANIZED BOROUGH. WE UNDERSTAND THIS BILL IS LODGED IN THE FINANCE COMMITTEE AND WOULD STRONGLY RECOMMEND SOME ACTION. THE LONGER YOU WAIT THE MORE CONFUSION WILL RESULT WITH VALUABLE TIME LOST IN TRANSITIONAL ACTIVITIES.

THE AFN HUMAN RESOURCES COMMITTEE IS COMPOSED OF A REPRESENTATIVE FROM EACH ALASKA NATIVE NON PROFIT REGIONAL CORPORATION AND CHARGED BY THE AFN CONVENTION AND BOARD WITH THE HUGE RESPONSIBILITY OF SEEKING SOLUTIONS TO STATEWIDE PROBLEMS IN THE AREAS OF HEALTH, EDUCATION, SOCIAL SERVICES, MANPOWER, AND OTHERS. PASSAGE OF SB35 IS INCLUDED IN OUR ACTIVITIES TOWARD THE OVERALL GOAL TO ADVOCATE A MORE RESPONSIVE AND EFFECTIVE STATE EDUCATION DELIVERY SYSTEM IN ALASKA.

GORDON JACKSON EXECUTIVE VICE PRESIDENT HUMAN RESOURCES
ADMINISTRATION ALASKA FEDERATION OF NATIVES INC

**SOUTHEASTERN ALASKA
COMMUNITY
ACTION PROGRAM**

FILE WITH BILLS



JUNEAU CENTER
P.O. BOX 449
JUNEAU, ALASKA 99801
PHONE: 907 586-1880

April 22, 1975

Senator Bill Ray
Pouch V
Juneau, Alaska 99811

Dear Senator,

We urge your active support for bills S.B. 35 and S.B. 136 and S.B. 239. These bills are very essential to the future welfare of our villages. They will help assure better education for our rural schools which is one of our goals in the war on poverty.

Respectfully Yours,

A handwritten signature in cursive script that reads "William A. Marsh".

William A. Marsh
South East Alaska Community Action

Introduced: 1/20/75
Referred: Health, Education and
Social Services and
Finance

1 IN THE SENATE

BY CHANCE

2 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
7 unorganized borough; and providing for an effective
8 date."

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

10 * Section 1. AS 14.08.010 - 14.08.170 are repealed.

11 * Sec. 2. AS 14.08 is amended by adding new sections to read:

12 CHAPTER 8. ALASKA STATE-OPERATED SCHOOLS [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.

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

19 Sec. 14.08.021. AUTHORITY. Acting in its capacity as the assembly
20 for the unorganized borough under art. X, sec. 6 of the Constitution of
21 the State of Alaska and AS 29.03.020, the legislature delegates to
22 school boards for each regional school attendance area the authority
23 to operate the public schools in those areas in accordance with the
24 provisions of this chapter, subject to the provisions of this title and
25 the regulations promulgated under it that apply to all school districts
26 in the state.

27 Sec. 14.08.031. REGIONAL SCHOOL ATTENDANCE AREAS. (a) The
28 Department of Education in consultation with the Department of Community
29 and Regional Affairs shall divide the unorganized borough into

1 educational service areas. Insofar as practicable the boundaries of
2 the educational service areas shall be coterminous with the boundaries
3 of the administrative regions of the state-operated schools as they
4 existed on the effective date of this chapter.

5 (b) An educational service area established in the unorganized
6 borough under (a) of this section constitutes regional school
7 attendance area.

8 Sec. 14.08.041. REGIONAL SCHOOL ATTENDANCE AREA BOARDS. (a) A
9 regional school attendance area shall be operated on an areawide basis
10 under the management and control of a regional school board.

11 (b) The qualified voters in each regional school attendance area
12 shall elect a regional school board of not less than five nor more than
13 nine members to be elected for the same term, in the same manner and
14 with the same qualifications as a city or borough school district board
15 under ch. 12 of this title. The initial number of regional school board
16 members shall be determined by the department. However, the qualified
17 voters in a regional school attendance area may increase or decrease the
18 number of regional school board members, within the minimum and
19 maximum number of members established by this section, by placing the
20 question on the ballot at a regular school board election in the manner
21 prescribed by law. A regional school attendance area board shall
22 always consist of five, seven or nine members.

23 (c) A vacancy on a regional school attendance area board shall be
24 filled in accordance with AS 14.12.070.

25 Sec. 14.08.051. ELECTIONS. (a) In each regional school
26 attendance area in the unorganized borough, the lieutenant governor,
27 within 60 days of the effective date of this chapter, shall provide for
28 election of a regional school board.

29 (b) Members elected shall serve three-year terms, except that,

1 for the first board elected, the term of office of each member shall be
2 determined by lot. The members of the first five-member school board
3 hold office for terms as follows: one for a one-year term, two for a
4 two-year term and two for a three-year term. The members of the first
5 seven-member school board hold office for terms as follows: two for a
6 one-year term, three for a two-year term and three for a three-year
7 term. The members of the first nine-member school board hold office
8 for terms as follows: three for a one-year term, three for a two-year
9 term and three for a three-year term.

10 (c) Except for the first election of regional school board members,
11 elections shall be held annually on the first Tuesday in October at the
12 time of regular municipal elections under AS 29.28.020.

13 (d) The cost of each regional school board election shall be
14 borne by the state.

15 Sec. 14.08.061. ADMINISTRATION. (a) The regional school board
16 shall be organized in accordance with AS 14.14.070.

17 (b) The officer of the board responsible for the custody of
18 regional school attendance area funds shall execute a bond of \$50,000
19 with the commissioner of education.

20 (c) Each regional school board shall provide for an annual audit
21 in accordance with AS 14.14.050.

22 (d) By May 1 of each year, a regional school board shall prepare
23 and forward a budget to the commissioner of education for his review
24 and comment. Within 30 days after receiving the comments of the
25 commissioner, the board shall approve a final budget for the operation
26 of the area during the ensuing fiscal year.

27 (e) The regional school board shall provide custodial services
28 and routine maintenance of school buildings and shall employ, compensate
29 and otherwise provide personnel for these purposes.

1 Sec. 18.08.071. DUTIES. Regional school attendance area boards
2 shall:

3 (1) develop a philosophy of education, principles, and goals
4 for the regional area schools;

5 (2) approve the employment of the professional administrators,
6 teachers and noncertificated personnel necessary to operate the schools;

7 (3) establish the salaries to be paid its regularly employed
8 certificated staff members;

9 (4) promulgate regulations governing organization, policies,
10 and procedures for the operation of the schools;

11 (5) designate the administrative employees authorized to
12 direct disbursements from the school funds of the board;

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

14 (7) establish, maintain, operate, discontinue and combine
15 schools on the recommendation of the commissioner of education;

16 (8) pay tuition and boarding or transportation costs of
17 secondary school students in cases in which the establishment of
18 secondary schools in the regional school attendance area is unsound for
19 economic or educational reasons.

20 Sec. 14.08.081. CONFLICT OF INTEREST; DISQUALIFICATION FROM
21 VOTING. A board member having direct or indirect pecuniary interest
22 in a contract for erection of buildings, heating, ventilation,
23 furnishing or repairing the buildings, or in a contract for the
24 furnishing of supplies, for a regional school is disqualified from
25 voting on any question involving his pecuniary interest.

26 Sec. 14.08.091. CONTRACTUAL SERVICES. A regional school attendance
27 area board may contract with the department, the Bureau of Indian
28 Affairs, or any other school district to provide services, facilities or
29 supplies for the regional area schools.

1 Sec. 14.08.101. COORDINATED EMPLOYEE NEGOTIATIONS. (a) Nego-
2 tations between the employees of the regional school attendance areas
3 and the respective regional school attendance area boards shall be
4 conducted by one team representing all the certificated employees, one
5 team representing all noncertificated employees and one team representing
6 all the regional school boards in the state.

7 (b) The boards' team and the team representing the certificated
8 employees in the regional school attendance areas shall conduct
9 negotiations in accordance with AS 14.20.550 - 14.20.610.

10 (c) The boards' team and the team representing the noncertificated
11 employees in the regional school attendance areas shall conduct
12 negotiations in accordance with the Public Employment Regulations Act
13 (AS 23.40.070 - 23.40.260).

14 (d) Each team may consist of as many members as there are regional
15 school attendance areas.

16 (e) The contract resulting from the coordinated statewide negotia-
17 tions shall be binding upon all the boards and all employees in the
18 regional school attendance areas in the state.

19 Sec. 14.08.106. OTHER SCHOOL DISTRICTS AND COORDINATED EMPLOYEE
20 NEGOTIATIONS. (a) Any other school district board in the state may
21 join and participate in the coordinated employee negotiations with a
22 representative on the team of the regional school attendance area boards,
23 and the employees of the school district may have a representative on
24 the appropriate employee team.

 (b) However, once negotiations have begun, no district or employee
 may withdraw from the negotiations, and the provisions of sec. 101(e) of
 this chapter apply.

 Sec. 14.08.111. BILINGUAL EDUCATION. (a) A regional school
 attendance area school which is attended by at least 15 pupils whose

1 primary language is other than English shall have at least one teacher
2 who is fluent in the native language of the area where the school is
3 located. Written and other educational materials, when language is a
4 factor, shall be presented in the language native to the area.

5 (b) The regional school boards shall promulgate regulations to
6 carry out the purposes of this section.

7 Sec. 14.08.121. BILINGUAL EDUCATION FUND. (a) There is in the
8 Department of Education a bilingual education fund which is an account
9 in the general fund to receive money appropriated by the legislature for
10 bilingual education and to be used for bilingual education program
11 implementation.

12 (b) The Department of Education shall establish procedures for
13 the distribution of bilingual education funds to eligible regional
14 school attendance areas, eligible school districts and any other
15 eligible agencies.

16 Sec. 14.08.131. REGIONAL RESOURCE CENTERS. A regional school
17 attendance area and any other school district in the state may partici-
18 pate in regional and statewide resource centers to be established by
19 the Department of Education under AS 14.17.061.

20 Sec. 14.08.141. DEFINITIONS. In this chapter

- 21 (1) "board" means a regional school attendance area board;
22 (2) "commissioner" means the commissioner of education;
23 (3) "department" means the Department of Education.

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

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

- 27 (1) each first [, SECOND, AND THIRD] class city in the
28 unorganized borough is a city school district;
29 (2) each organized borough is a borough school district;

1 (3) the area outside organized boroughs and outside first
2 [, SECOND, AND THIRD] class cities are [IS] the regional [STATE-OPERATED]
3 school attendance areas [DISTRICT].

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

5 (a) Operation of the state-operated schools [SCHOOL DISTRICT] is
6 under the management and control of the board in each regional school
7 attendance area [OF THE STATE-OPERATED SCHOOLS]. The regional school
8 board [OF THE STATE-OPERATED SCHOOLS] manages and controls schools on
9 military reservations located within a city or an organized borough
10 until the military mission is terminated or [AND] so long as management
11 and control by the state-operated schools is approved by the Department
12 of Education. However, operation of the military reservation schools
13 by a city or borough school district may be required by the Department
14 of Education under AS 14.14.110, with the consent of the city or borough
15 school district board. If the military mission of a military reserva-
16 tion terminates or [AND] continued management and control by the state-
17 operated schools is disapproved by the Department of Education,
18 operation, management and control of schools on military reservations
19 transfers to the city or borough school district in which the military
20 reservation is located.

21 * Sec. 5. AS 14.12.020(c) is amended to read:

22 (c) The legislature shall provide the state money to the regional
23 school attendance area boards necessary to maintain and operate the
24 state-operated schools under the Public School Foundation Act (AS 14.17).
25 However, AS 14.17.071 is inapplicable to the computation of state aid
26 distributed to a state-operated school under that Act [SCHOOL DISTRICT].
27 The borough assembly for a borough school district, and the city council
28 for a city school district, shall provide the money which must be
29 raised from local sources to maintain and operate the district.

1 * Sec. 6. AS 14.14.170(a) is amended to read:

2 (a) There is established an advisory school board in each
3 community or military reservation served by a school operated by the
4 state, by a regional school attendance area or by a city or borough
5 school district by contract with the state. If the state-operated
6 school has an average daily membership of less than 251 pupils, the
7 advisory school board consists of three members. If the average daily
8 membership is more than 250 pupils, the advisory school board consists
9 of five members.

10 * Sec. 7. AS 14.14.170(d) is amended to read:

11 (d) The date of election for advisory school board members is the
12 same as that for regular municipal elections in the second class city
13 having the largest population in the area served by the board or, if
14 there is no second class city within the area, on an annual election
15 date for such elections fixed by regulation of the lieutenant governor
16 [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS].

17 * Sec. 8. AS 14.14.170(e) is amended to read:

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

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

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

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

10 Sec. 14.14.200. DUTIES. An advisory school board shall advise
11 and make recommendations to the board of the regional school attendance
12 area concerning the curriculum, program and general operation of the
13 local school in the community served by the advisory board.

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

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

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

19 (2) "district" means a borough or city school district or
20 a regional school attendance area [THE STATE-OPERATED SCHOOL 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 school
24 attendance area is as follows:

25 (1) If the school district or regional school attendance
26 area is in that part of the state lying within the boundaries of elec-
27 tion district 1, 4 or 8, the district or area shall receive the base
28 instructional unit allotment.

29 (2) If the school district or regional school attendance

1 area is in that part of the state lying within the boundaries of elec-
2 tion district 2, 3 or 7, the district or area shall receive 104 per
3 cent of the base instructional unit allotment.

4 (3) If the school district or regional school attendance
5 area is in that part of the state lying within the boundaries of elec-
6 tion district 5, 9, 10 or 11, the district or area shall receive 108
7 per cent of the base instructional unit allotment.

8 (4) If the school district or regional school attendance
9 area is in that part of the state lying within the boundaries of elec-
10 tion district 16, south of the Arctic Circle, the district or area shall
11 receive 112 per cent of the base instructional unit allotment.

12 (5) If the school district or regional school attendance
13 area is in that part of the state lying within the boundaries of elec-
14 tion district 6, the district or area shall receive 116 per cent of the
15 base instructional unit allotment.

16 (6) If the school district or regional school attendance
17 area is in that part of the state lying within the boundaries of elec-
18 tion district 12, 13 or 18, the district or area shall receive 128 per
19 cent of the base instructional unit allotment.

20 (7) If the school district or regional school attendance
21 area is in that part of the state lying within the boundaries of elec-
22 tion district 14 or 19, the district or area shall receive 132 per cent
23 of the base instructional unit allotment.

24 (8) If the school district or regional school attendance
25 area is in that part of the state lying within the boundaries of elec-
26 tion district 15, 16 (north of the Arctic Circle), or 17, the district
27 or area shall receive 116 per cent of the base instructional unit
28 allotment.

29 (b) For the purposes of (a) of this section "election district"

1 means an election district designated in the governor's proclamation of
2 reapportionment and redistricting of December 7, 1961 and retained as
3 to the House of Representatives by the governor's proclamation of
4 September 3, 1965.

5 (c) Regional school attendance areas shall be funded by the
6 Public School Foundation Program on the basis of the full instructional
7 unit allotment in accordance with the election district differentials
8 established in (a)(1) - (8) of this section.

9 (d) The commissioner of education shall transmit public school
10 foundation program funds to the regional school attendance areas in the
11 same manner as to borough and city school districts.

12 (e) The instructional unit allotment established in (a)(1) - (8)
13 of this section for any school district or regional school attendance
14 area which does not have access to Anchorage, Ketchikan or Fairbanks
15 by road, railroad or ferry shall be increased an additional five per
16 cent.

17 * Sec. 13. AS 14.17.210(c)(1) is amended to read:

18 (1) "state school" means a school operated by a regional
19 school attendance area or by the Department of Education [OR STATE-
20 OPERATED SCHOOL SYSTEM] and entirely financed by state money; and

21 * Sec. 14. AS 14.20.550 is amended to read:

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

28 * Sec. 15. The property and assets of the state-operated schools are
29 transferred to the Department of Education for redistribution to the regional

1 school attendance areas in the manner the department determines. The
2 liabilities of the state-operated schools shall be assumed by the general
3 fund of the state. All litigation, hearings, investigations and other
4 proceedings pending under a law amended or functions which may be transferred
5 by this Act, continue in effect and may be continued and completed notwith-
6 standing a transfer or amendment provided for in this Act. Certificates,
7 orders, rules or regulations issued or filed under authority of a law amended
8 by this Act or functions which may be transferred by this Act, remain in
9 effect for the term issued, unless revoked, vacated, or otherwise modified
10 under the provisions of this Act. All contracts or other obligations created
11 by a law amended by this Act or by virtue of functions which may be transferred
12 by this Act, and in effect on the effective date of this Act, remain in
13 effect unless revoked or modified under the provisions of this Act.

14 * Sec. 16. (a) All certificated employees in the rural communities served
15 by, or in the regional or central offices of, the State-Operated School
16 System on the effective date of this Act are subject to the provisions of
17 AS 14.20.147.

18 (b) All noncertificated employees of the State-Operated School System
19 who are state employees on the effective date of this Act are entitled to full
20 employment and transfer rights and privileges accorded all other state
21 employees under state law.

22 * Sec. 17. AS 14.08.051, as enacted by sec. 2 of this Act, takes effect
23 immediately in accordance with AS 01.10.070(c). AS 14.08.011 - 14.08.041 and
24 14.08.061 - 14.08.141, as enacted by sec. 2 and secs. 2 and 3 - 16 of this
25 Act take effect July 1, 1975.
26
27
28
29

Jim
ANSWER - N.C.

TELEGRAM

BOE ALASKA COMMUNICATIONS, INC.
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PMS SEN BILL RAY

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JUN

WE WOULD APPRECIATE YOUR INFORMING US OF HEARINGS

AND PROBLEMS YOU MIGHT ENCOUNTER WITH SENATE BILL 35

WE STRONGLY SUPPORT THE SUBSTANCE OF THIS BILL AND WOULD

LIKE TO SEE ITS ENACTMENT AS SOON AS POSSIBLE

GORDON JACKSON EXECUTIVE VICE PRESIDENT HUMAN RESOURCES

ADMINISTRATION ALASKA FEDERATION OF NATIVES INCORPORATED

Change agreed (prepared by DOT)

- 2) An additional amount not to exceed one and one half percent of basic need for all regional attendance area schools may be appropriated by the Legislature to the Department of Education for distribution to the regional attendance areas. In distributing these funds, the Commissioner shall take into account the following:
- a) the amount of funds that would be available to the regional educational attendance areas under a(1) of this section;
 - b) identification of the categorical ^{non-supplementary} federal funds available to the regional educational attendance areas;
 - c) the amount of funds that would be necessary to fund special programs or activities that either are not under the general scope of programs that are provided by school districts utilizing foundation funds or that have unique cost factors which do not lend themselves to formula. Such cost factors ~~include~~ ^{but are not} limited to electrical rates, water & sewer rates and food service expenditures.
- The Department of Education shall adopt regulations for the determination and distribution of funds under this provision.