

HB-24

M E M O R A N D U M

TO: Senator George Hohman, Jr., Chairman  
Senate Health, Education & Social Services Committee

Senator Genie Chance, Vice Chairman  
Senate Health, Education & Social Services Committee

Rep. Susan Sullivan, Vice Chairman  
House Health, Education & Social Services Committee

FROM: Stuart C. Hall, Legislative Counsel  
Ronald W. Lorensen, Assistant Attorney General

SUBJECT: Amendments to CSSB 35 (Public Education in the Unorganized  
Borough)

We recommend consideration of a series of amendments to the legislation presently under consideration that would decentralize the State-Operated Schools into regional educational attendance areas. In some instances we have prepared specific language to take care of particular problems which we see in the pending legislation; in others, we recommend that the respective committees consider the policy questions involved, and then we will draft the specific language required to carry out the policy decision.

Amendment No. 1

The Director of Elections, Mrs. Patty Ann Polley, points out that as presently conceived the three-year term for regional school board members will complicate the administration of elections during the regular election year (even-numbered years) because it would require the state to administer a school election between the Primary and the General Election. She suggests consideration of a four-year staggered term with elections being held in the odd-numbered year. This would require an amendment to page 6, line 21, or therabouts. Also she points out it is unclear when the redivision of a regional educational attendance area into sections becomes effective (page 4). On page 6, line 18, some adjustment in the reference to the number of days in which the Lieutenant Governor's office has to prepare for an election after the statute is effective must be made. She suggests 90 days, instead of 60, after the effective date of the Act; or, <sup>within</sup> 60 days *Amel# 1* after the establishment of the regional educational attendance

areas, a recommendation of the Department of Education.

Amendment No. 2

Expiration of terms of office. Some modification in the present language (p. 6, proposed AS 14.08.061(b)) should be made, with a possible cross-reference to AS 14.14.070 and 14.12.000, with respect to the expiration of terms of office following the next regular school board election. We will draft whatever language seems appropriate to accomplish this.

Amendment No. 3

School construction. The committee should address the question as to whether the Department of Public Works or the regional educational attendance area is to be charged with the responsibility for school construction. It is presently lodged in the Department, per sec. 33, ch. 46, SLA 1970, which established the State-Operated Schools. If you decided to retain the Department of Public Works for that purpose, then the language in that section should be repealed and codified in the body of AS 14, as amended by this bill, by adding a new section: AS 14.08.161. The committee might also want to consider incorporation of HB 319 or some variant of that scheme in this bill.

Amendment No. 4

The committee should address itself to the question of whether the residents of military reservations whose schools are contracted to a city or borough school district should be permitted to vote for members of regional educational attendance area boards. If the answer is "no", they should not be able to vote, then an amendment to AS 14.08.031(c) (page 2, line 17, after "14.14.110", insert the following new sentence) ~~XXXX~~ "Where the operation of the military reservation schools in a regional educational attendance area by a city or borough school district is required by the

department, the military reservation shall not be considered part of the regional educational attendance area for the purposes of regional school board membership or elections."

In this same subsection, it may be necessary to exempt military reservations from the requirement of contiguity that appears in the previous subsection (b). E.g., both Elmendorf AFB and Ft. Richardson are entirely surrounded by either the Kenai, Mat-Su or Greater Anchorage Area Boroughs; thus it may become necessary to attach those bases to another regional educational attendance area, or one would have to be established for those bases alone. If the former, an amendment to page 2, line 15, after "area", insert the following:

"that need not be contiguous to the reservation notwithstanding the provisions of (b) of this section"

Amendment No. 5

A technical correction: On page 2, line 7, strike out "school" and insert "educational"

Amendment No. 6

If you exclude military reservations from the regional educational attendance area for electoral purposes, their population should be excluded for redistricting purposes: thus an amendment to page 4, line 1 would be necessary.

Amendment No. 7

A provision should be made in AS 14.08.051, which relates to sectioning of regional educational attendance areas, to make it possible for the voters in an area to eliminate sectioning altogether if it exists in the area, as well as voting for sectioning or for changing section boundaries. An amendment to accomplish this would read as follows:

page 4, line 17 - after "sections," delete "or" and insert "the"  
- after "section boundaries," insert "or the  
elimination of all sections in the regional  
educational attendance area"

Page 4, line 21 - after "sections," delete "or"

page 4, line 22 - before "is subject" insert "or the elimination  
of all sections in the regional educational  
attendance area"

#### Amendment No. 8

A technical correction of a typographical error: On page 4, <sup>line 10</sup> ~~line 23~~,  
strike out "questions", and insert: "question"

#### Amendment No. 9

Due to an amendment made on the Senate floor to SCSHB 188 am S  
(ch. 13, SLA 1975), an amendment to AS 14.12.030(d) is required  
to clarify the legislature's apparent intent. The legislature  
desired to eliminate the mandatory on-base advisory school board  
where the schools were contracted; however, as now written the  
only individuals eligible for appointment as the non-voting dele-  
gate to the city or borough school board are members of those  
advisory boards. This creates problems where, as in Anchorage,  
there are two separate bases. Was the intention that there be  
one advisory board for both bases, or could there be one board  
on each base? What if one base has a board and the other does  
not, who then is eligible for appointment as the delegate? As  
we see it, it's a matter of reconstructing the syntax, and we  
propose an amendment to page 11, between lines 4 and 5, inserting  
the following:

*Amendment #9*  
"\* Sec. 6. AS 14.12.030(d) is amended to read:

(d) Each city or borough school district that is  
operating schools on a military reservation under sec. 20(a) of  
this chapter has one nonvoting delegate from the military reser-  
vation or reservations to the school district board to advise and

assist the board in matters relating to the military reservation schools and assist the board in matters relating to the military reservation schools operated by the school district and to act as liaison between the board and the military community. The nonvoting delegate shall be appointed by the state Board of Education [FROM AMONG THE MEMBERSHIP OF THE ADVISORY SCHOOL BOARD IF THERE IS AN ELECTED ADVISORY BOARD], shall serve at the pleasure of the state Board of Education, and shall be an inhabitant of the area served by the military reservation schools operated by the school district by contract. If an elected community school committee is established on a military reservation, the only inhabitants of that military reservation who are eligible for appointment as the nonvoting delegate are those inhabitants who are members of the elected school committee."

) Amd #9

Remember bill sections accordingly.

If this wording does not correctly set out the intention of the legislature, we will, with your direction, draft language to do so.

Amendment No. 10

The Department of Education and the Attorney General find difficulty with the formulation of language amendatory of AS 39.25.110(8) which, at present, exempts the certificated employees of the State-Operated Schools, but which as proposed for amendment in Section 35 of the bill would complicate administration of personnel employed at the department-operated school at the Seward Skill Center. Accordingly, we propose deleting the entirety of Sec. 35, and replacing it as follows: On page 23, strike out lines 23-27, inclusive, and insert:

Amd #10

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

(16) certificated teachers and noncertificated employees employed by a regional educational attendance area organized under AS 14.08.031 to teach in, administer or operate schools

operated by a regional educational attendance area." ) *Amd #10*

Amendment No. 11 *Check w Hall*

A technical amendment to ensure the applicability of the Elections Code (AS 15) to regional educational attendance area elections:

On page 22, between lines 19 and 20, insert:

"\* Sec. 32. AS 15.60.010(2) is amended to read:

(2) "local election" means an [ANY] election held by a borough, city, or by or in another [OTHER LOCAL] unit of local government, including a service area or regional educational attendance area.

*Amd #11*  
\* Sec. 33. AS 15.65.050 is amended to read:

*11(b) pg. 22 before line 12 - renumber sections*  
Sec. 15.65.050. APPLICATION OF SECTION 40 OF THIS CHAPTER. Section 40 of this chapter applies to all elections, general or special, held in a [ANY INCORPORATED] city, organized borough, [INCORPORATED SCHOOL DISTRICT OR] school district or regional educational attendance area in the unorganized borough [OUTSIDE OF AN INCORPORATED CITY]. ) *Amd #11*

Renumber bill sections accordingly.

Amendment No. 12

A technical amendment to correct a drafting error; no change in substance.

On page 19, line <sup>11</sup>10, after "the", insert: "certificated"

On page 19, line 19, ~~strike out "districts and the respective district boards", and insert: "boards"~~

On page 19, line <sup>20</sup>20, after "districts", insert: "or regional"

educational attendance areas"

Amendment No. 13

A technical amendment to ensure that all of the provisions of this Act relating to elections are effective immediately, on page 25, the following series of amendments: *(to the final enactment section)*

On page <sup>24</sup>~~25~~, line <sup>29</sup>3, strike out ", 14.08.051 and", and insert a dash (" - ").

On page 25, line <sup>2</sup>1, strike out ", 14.08.041, 14.08.061," *accepted*

"An Act relating to public education in the unorganized borough; and providing for an effective date."

# COMMITTEE REPORT

3/5/75

HOUSE

FINANCE

Mr. Speaker:

Date

April 2, 1975

The Committee on NESS has had SSFB 24

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)

() recommends it BE REPLACED WITH CS FOR SHB 4 AND THAT

CS FOR SSFB 24 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

Susan Sullivan \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends: NO REC.

\_\_\_\_\_ recommends: NO REC.

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

Susan Sullivan Chairman



# CAMP ALASKA

ALASKAN WILDERNESS EXPERIENCES  
AND CONSERVATION LEADERSHIP SCHOOL

HB  
24

Wood River, Alaska  
Mail: P.O. Box 1516  
Fairbanks, Alaska 99707

March 6, 1975

Mr. Sullivan,  
Chairman, Health, Education and Social Services Committee  
House of Representatives  
Juneau, Alaska 99801

Dear Mr. Sullivan,

REFERENCE: HB 24  
SB 35 and 95

What an unwieldy quagmire this set of bills would create. + understand the principles involved and feel that they are noteworthy, i.e., so that the educational system would be accountable to the constituency it serves. However, to those of us who care about education directly, it already is accessible and reasonably accountable. If you create a series of regional and advisory boards, you have too many amateurs trying to do the work of paid and responsible professionals. Not to mention the expenses and logistical problems of such a series of regional boards!

KEEP EDUCATION CENTRALIZED and controllable. One State Advisory Board (public) is control enough. We already have a Borough School Board in areas of major utilization. Perhaps a better solution to the rural and unorganized borough "communication" problems would be to see that the State Board adequately represents these needs.

Samantha Castle

*Samantha Castle*



# Alaska State Legislature

## House

JUNEAU ALASKA

HESS COMMITTEE MEETING

3-26-75

Members Present:

Ose	Parr
Hackney	Sullivan
Osterback	Swanson
Ostrosky	

Chairman Sullivan called the meeting to order at 7:00pm. to take up a continuation of HB 24. HB 78 was also briefly considered.

HB 78

Mr. Wesley from SOS gave briefing of the bill. SOS classifies income as restricted income. The problem we have is that in order to honor our contracts (pupil teacher ratio) the commitments have to be able to be made in advance. It is impossible to reduce the program to 2.2 million because of contracts already made.

Hackney You say \$300,000 was found in the budget? If you had gotten the shortfall for this year would you still have found the \$300,000?

Wesley No, we would not have been able to reduce the costs, or have reasoning to do so. 75% of this budget is under Federal regulation 874. 7 or 8% of 874 appropriations are included in present SOS.

Hackney AVEC utilities did not go up this year?

Wesley Yes, they remained at the same rate of fiscal 74.

Hackney I don't understand why the utilities go up on the Bases?

Wesley The military command has the power to raise the utilities and did so of about 30%. AVEC changes their structure, the utilities went up only at the sites where there were multiple buildings.

Swanson I find it strange that under the sale of electricity to AVEC by SOS.... at one time the Legislature had to set the regulations by resolution, it seems to be changed to what it was three years ago.

Wesley AVEC did not raise the rates, when a new building was added the utility costs were increased.

HB 24

Senator Ferguson:

These are feelings of my own concerning the SOS Program. One problem I see is that there is not sufficient time for the transition. At least one years time

fall to let all Region 10 areas take care of themselves. I think we should allow SOS to continue to run for exactly one more year. Commissioner Lind in consultation with CRA could change regional attendance areas into sections allowing them to run their own schools. My amendments to the bill are as follows:

- 1) Pg. 1 Line 9 - Delete Repealer and put it on the last page where it would repeal it on July 1, 1976.  
Line 29- Using Boundaries
- 2) Pg. 2 Line 5 - Delete 'may' and include 'shall'  
Line 9 - Delete everything after control and add on 'July 1, 1976'. Propose that no area take over their own schools until that date.
- 3) Pg. 3 Line 11- Add 'only' after into sections'  
Line 21- Add Sect. B after period
- 4) Pg. 6 Line 5 - Delete '60 days' and add 'Oct. 1976'
- 5) Pg. 23 Sec. 36 - Add 'remain in the regional educational attendance areas...'

Clark Do you propose that this is mandatory to wait a full year before the districts can transfer over?

Ferguson Yes, with the Oct. 76 date in mind. I fear that if we allow small regional attendance areas to be created all over the state there will be problems.

Hackney How would you propose to handle the chain?

Ferguson That could be done by the ALeut, their boundaries would be a Regional Board and set up subsections where the Regional School Board could delegate the powers. It is my understanding that first class cities can<sup>not</sup> participate in the regional attendance areas.

Mr. Files Representing SOS Teachers from District I  
Submitted amendment to the bill. (see attached)

Hackney Do any of the SOS representatives have any comments about extending the phase out for one more year?

Clark The only problem I see is when you try to have people phase themselves out. Working members now in SOS will be abit reluctant to phase out their own positions. The statewide trend is using the existing regional boundaries.

Parr On page 21, you mentioned Statewide Resource Center, what is that?

Clark One thing they may do is provide bilingual education type services.

Parr Does not mean that they will deal only with bilingual education services?

Clark Correct. I will go over all of my proposed amendments one more time for clarity purposes. (See attached)

Parr In the resource centers we're talking about three or four of them across the state.

Hackney I would like to request that we ask Rich Guthrie to check on AVEC situation to find the possible problems there.

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3-26-75

SOS continued

Van Houte At the top of page 24, We can not drop this out because of the existing contracts. This would make us liable for law suits.

Parr Who pays AVEC bills now?

Clark SOS does, they have contracts out on all these.

Sullivan Some SOS contracts include things such as buildings, etc. and I'm sure they don't expire on July 1?

Van Houte If the State has a lease they are their responsibility. The leases would have to be examined on an individual basis.

Mr. Hayes SOS Representative

The lease agreement, for example, on the SOS building in Anchorage is for three years. We have talked to the owner and he has made it clear that he is willing to compromise. Based on your bill it would be a year before these buildings would be evacuated. I personally don't see this as a problem to this bill.

Sullivan My intentions are to give Stu Hall all the proposed amendments and get his opinion in the legal area, then meet again to put it all together and complete this bill.

Meeting was adjourned at 9:30. Bill will be reconsidered on April 1, 1975.



JUNEAU ALASKA

Alaska State Legislature  
House

January 31, 1975

Mr. Robert Van Houte  
Executive Secretary  
H.E.A. Alaska, Inc.  
207 Seward Building  
Juneau, Alaska 99801

Dear Bob:

We have in the House Health Education and Social Services Committee the following bills; HB 24, HB 56, HB 59, and HB 83. These bills concern your organization and we hope to have them on our agenda in the next few weeks.

We would appreciate any background information that you feel would be relevant in our hearings.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairperson  
Health Education & Social  
Services

Pouch V  
Juneau, Alaska 99801

SS/lm



JUNEAU ALASKA

# Alaska State Legislature House

January 31, 1975

Jeff Jeffers, Director  
Educational Program Support  
Pouch F  
Juneau, Alaska 99801

Dear Mr. Jeffers:

We have in the House Health Education and Social Services Committee the following bills; HB 24, HB 56, HB 59 and HB 83. We feel that these bills concern your Department and hope to have them on our agenda in the next few weeks.

We would appreciate any background information that you feel would be relevant in our meetings.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairperson  
Health Education & Social  
Services

Pouch V  
Juneau, Alaska 99801

SS/ln



# Alaska State Legislature

## House

JUNEAU ALASKA

HOUSE HESS MEETING

3-25-75

Members Present:

Beirne	Ostrosky
Davis	Parr
Hackney	Sullivan
Osterback	Swanson

Chairman Sullivan called the meeting to order at 7:00pm.

SSHB 24

Chairman asked Mr. Van Houte if he wanted to testify and he answered that he would be available for any questions of the Committee

Mr. Clark Our changes to this bill correspond pretty much with SB 35.

1) Pg 2 Line 14 (b) delete ' in each regional' and add 'of the communities receiving educational service from an attendance area' etc.

2) Pg 14 Sect. 14.14.200 - to read- shall review and make recommendations to the Board of Regional Educational attendance area concerning the curriculum, program and general operation of the local schools and shall exercise additional responsibilities and function as may be delegated by the regional school board.

3)Pg. 20 Line 4 - delet ( or State Operated School) and insert 'or regional educational attendance area'.

Line 6, 9, 10, same as above.

4)Pg. 20 Line 26 - delete through line 27 to (.)

5)Pg. 21 Line 12 - After 'areas' add ' and a State wide Center.'

6)Pg. 24 Line 5 - After(.) delet rest of paragraph through Line 8.  
Sect. 37 - Delete Lines 12 through 16

Hackney Could we hear from Commissioner Lind on this last deletion of Sect. 37?

Lind The foundation program might not cover AVIC contracts<sup>in</sup> smaller schools, we would have to find some way to cover this.

Hackney The money is available through SOS but not through the school foundation Program?

Lind Yes, we can't drop those contracts but the foundation monies won't cover them in smaller schools.

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Chairman Can we hold this amendment over until tomorrow when we will have more information available? (No Objection)

Clark Pg. 1 at the bottom , addresses itself to the same thing as pg. 24, Sect. 37, lines 5-8.

Swanson They address two different things.

Clark It depends on how you interpret this section, my people say they are the same.

Sullivan I have to agree with Mr. Swanson, but my question is do we want to make these restrictions?

Swanson I don't think I want to delet that section.

Clark SB 35 struck this but added at the top of page two and inserted ' an educational service area....' that would cover sect. 37, Lin es 5-8.

Swanson No, that doesn't cover the same material.

Sullivan Mr. Clark recommends that Sect. 37 be moved and be placed at Sect. B.

Parr I never minded it being deleted, only wanted to know why?

Swanson I didn't want to follow line by line SB 35 because it wouldn't fit into HB 24, I would like to think we were here to work on HB 24 since it is the bill before our Committee.

Beirne Mr. Clark, I would like to ask a question on military reservation schools.

Sullivan Excuse me Dr. Beirne but I don't think that applies at this time.

Beirne Does this wording negate what has already been done for the military erserv?

Commissioner Lind Yes, more work might have to be done on this bill considering HB 188. Mr. Hall can advise us on this.

Sullivan 'Military reservations shall' what is this intended to mean and how many are we talking about?

Lind Two primarily, but then we can wait for legal council on this by Mr. Hall.

Swanson There are three principle areas in my district, Ft Greeley, and the city manager want to annex the base and so there will be no trouble.

Van Houte We need some language to cover HB 188 so as not to undo what has already been done.

Chairman Mr. Clark, do you have any other explanations of the amendments?

Clark Alright, with the insert of "B" are there any problems there?

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Swanson Yes, I don't want SB 35 inserted in the middle of this bill.

Chairman Do we want to move Sect. 37 to a forward part of the bill and expand SEct. B?

Parr I am in favor if we take out the "shalls" and insert 'if practicle'.

Chairman We will bring in some legal advice on this matter and let Sect. 041 B go for now.

Clark Line 14 B, delete and add, 'voters of the Community shall receive' this makes more sense.

Sullivan That doesn't make much sense, it might not cover everyone.

Clark The BIA schools may be included in regional educational areas but shouldn't be any trouble because they can still contract.

Parr I am wondering what the need or change is?

Beirne BIA can choose not to be part but can still vote and with an amendment they won't be able to vote.

Parr Are you saying that the village with SOS School and BIA would vote?

Beirne I move to accept this amendment.

Parr Object

Swanson Before we accept this amendment, let's bring in some legal advice.

Clark I agree.

Parr We also need legal definition of community.

Clark A possible problem area is on Pg. 8, Lines 26-28 Sec. 14.08, deleted and reworded.

Van Houte This amendment was written by an express request by Senate Hess Committee.

Parr This amendment will help us to equalize education in this State.

Sullivan Mr. Swanson, do you want to move this amendment?

Swanson No I don't. When we worked on this bill our idea was to give these people the beginnings of local control of their government and we might be getting into people getting into 3rd Class Boroughs. If you want to hasten this than you can adopt this amendment.

Chairman Is there a motion to this amendment?

There was no motion to this effect and the meeting was continued.

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HESS Meeting  
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Clark Pg. 14 Sec.14.14.200 - Community School Committee shall review and....  
This amendment gives more teeth to local communities to let them take on as much responsibility as they can handle.

Swanson I have no objection to that amendment.  
(add)

Clark Pg 20 Line 4 ) a school district or regional educational attendance area  
Line 6-7 " " " "  
Line 9 & 10 " " "  
Line 26 & 27 after area, delete rest of line to English.

Pg 21 Line 1 = After Department, delete ' this follows Federal legislation on Civil Rights Act.

Parr Is 14.34.400 covering regular schools now?

Lind No, this extends what we now have.

Beirne Deleting these lines will not do what Mr. Van Houte wants.

Chairman Do I have a motion on the amendment?

Beirne There may be another one so maybe we could sleep on it because we just don't want to lose it.

Chairman Sullivan adjourned the meeting at 9:30pm. SOS will be taken up again tomorrow evening, Wed. 25th, at 7:00pm.