

HB

196

Collateral references. — Power to require construction or repair of school buildings. 1 ALR 1559.

Power of school authorities to employ physicians, nurses, oculists, and dentists. 12 ALR 922.

Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Kindergartens or specialized departments, power and duty of school authorities to maintain. 70 ALR 1313.

Power of school or local authorities as to granting leases of school property. 111 ALR 1051.

Sec. 14.08.111. Duties. A regional school board shall:

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

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

(3) employ a chief school administrator and approve the employment of the professional administrators, teachers and noncertificated personnel necessary to operate its schools;

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

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

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

(7) provide for an annual audit in accordance with AS 14.14.050;

(8) provide custodial services and routine maintenance of school buildings and facilities; and

(9) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060.

(§ 2 ch 124 SLA 1975; am § 2 ch 17 SLA 1981)

Effect of amendments. — The 1981 amendment added paragraph (9).

NOTES TO DECISIONS

As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees, see note following chapter analysis Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

(File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Applied in Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).

Sec. 14.08.115. Advisory school boards in regional educational attendance areas. A regional school board may establish advisory school boards, and by regulation shall prescribe their manner of selection and organization, and their powers and duties. (§ 2 ch 24 SLA 1979)

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office, each school board member shall take and sign the oath or affirmation prescribed by AS 14.12.090.

(b) The officer of the board responsible for the custody of regional educational attendance area funds shall execute a bond of \$50,000 with the commissioner. (§ 2 ch 124 SLA 1975)

Sec. 14.08.101. Powers. A regional school board may

- (1) sue and be sued;
- (2) contract with the department, the Bureau of Indian Affairs, or any other school district, agency, or regional board for the provision of services, facilities, supplies or utilities;
- (3) determine its own fiscal procedures including but not limited to policies and procedures for the purchase of supplies and equipment; the regional school boards are exempt from the Fiscal Procedures Act (AS 37.05);
- (4) appoint, compensate and otherwise control all school employees in accordance with this title; these employees are not subject to the State Personnel Act (AS 39.25);
- (5) adopt regulations governing organization, policies and procedures for the operation of the schools;
- (6) establish, maintain, operate, discontinue and combine schools subject to the approval of the commissioner;
- (7) recommend to the department projects for construction, rehabilitation, and improvement of schools and education-related facilities as specified in AS 14.11.010(a), and plan, design, and construct the project when the responsibility for it is assumed under AS 14.11.020;
- (8) exercise those other functions that may be necessary for the proper performance of its responsibilities;
- (9) by resolution adopted by a majority of all the members of the board and provided to the commissioner of the department, assume ownership of all land and buildings used in relation to the schools in the regional educational attendance area. (§ 2 ch 124 SLA 1975; am § 2 ch 57 SLA 1976; am § 1 ch 147 SLA 1978; am § 4 ch 92 SLA 1982)

Effect of amendments. — The 1978 amendment added paragraph (9). The 1982 amendment rewrote paragraph (7).

NOTES TO DECISIONS

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(File Nos. 3360, 3362), 591 P.2d 1292 (1979).

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Collateral references. — Power require construction or repair of school buildings. 1 ALR 259.

Power of school authorities to employ physicians, nurses, oculists, and dentists. 12 ALR 922.

Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Sec. 14.08.111. Duties. A

- (1) provide, during the school year, a program for each school age group;
- (2) develop a philosophy of education for the schools;
- (3) employ a chief school administrator and other professional administrative personnel necessary to operate the schools;
- (4) establish the salaries of the employees of the school funds of the board;
- (5) designate the employees of the school funds of the board;
- (6) submit the reports prepared by the employees;
- (7) provide for an annual audit of the school funds;
- (8) provide custodial services for school buildings and facilities; and
- (9) establish procedures for the review of curriculum and instructional materials and curriculum; the review includes the review of the curriculum. (§ 2 ch 124 SLA 1975; am § 4 ch 92 SLA 1982)

Effect of amendments. — The 1982 amendment added paragraph (9).

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As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees, see note following chapter analysis. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811

Sec. 14.08.115. Advisory duties. A regional educational attendance area may establish advisory school board members in their manner of selection and duties. (§ 2 ch 24 SLA 1975)

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Power of school authorities to employ physicians, nurses, oculists, and dentists. 12 ALR 922.
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Power of school or local authorities as to granting leases of school property. 111 ALR 1051.

Sec. 14.08.111. Duties. A regional school board shall:
(1) provide, during the school term of each year, an educational program for each school age child who is a resident of the district;
(2) develop a philosophy of education, principles and goals for its schools;
(3) employ a chief school administrator and approve the employment of the professional administrators, teachers and noncertificated personnel necessary to operate its schools;
(4) establish the salaries to be paid its employees;
(5) designate the employees authorized to direct disbursements from the school funds of the board;
(6) submit the reports prescribed for all school districts;
(7) provide for an annual audit in accordance with AS 14.14.050;
(8) provide custodial services and routine maintenance of school buildings and facilities; and
(9) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060. (§ 2 ch 124 SLA 1975; am § 2 ch 17 SLA 1981)

Effect of amendments. — The 1981 amendment added paragraph (9).

NOTES TO DECISIONS

As to absence of duty on regional educational attendance areas to bargain collectively with noncertificated employees, see note following chapter analysis. Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71, Sup. Ct. Op. No. 1811 (File Nos. 3360, 3362), 591 P.2d 1292 (1979).
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Sec. 14.08.115. Advisory school boards in regional educational attendance areas. A regional school board may establish advisory school boards, and by regulation shall prescribe their manner of selection and organization, and their powers and duties. (§ 2 ch 24 SLA 1979)

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declare the position vacant and shall notify the ex-member by registered mail. The vacancy shall be filled as provided by AS 14.12.070. (§ 1 ch 98 SLA 1966)

Sec. 14.14.090. Additional duties. In addition to other duties, a school board shall

(1) determine and disburse the total amount to be made available for compensation of all school employees and administrative officers;

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

(3) withhold the salary for the last month of service of a teacher or administrator until the teacher or administrator has submitted all summaries, statistics, and reports which the school board may require by bylaws;

(4) transmit, when required by the assembly or council but not more often than once a month, a summary report and statement of money expended;

(5) keep the minutes of meetings and a record of all proceedings of the school board in a pertinent form;

(6) keep the records and files of the school board open to inspection by the public at the principal administrative office of the district during reasonable business hours;

(7) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum; the review includes a review for violations of AS 14.18.060. (§ 1 ch 98 SLA 1966; am § 3 ch 17 SLA 1981)

Effect of amendments. — The 1981 amendment added paragraph (7).

NOTES TO DECISIONS

Stated in *Tunley v. Municipality of Anchorage School Dist.*, Sup. Ct. Op. No. 2150 (File Nos. 4796, 4797, 4826), 631 P.2d 67 (1980).

Sec. 14.14.100. Bylaws and administrative rules. (a) The school board policies relating to management and control of the district shall be expressed in written bylaws formally adopted at regular school board meetings.

(b) Administrative rules which do not embody school district policy need not be promulgated as bylaws; however, the rules shall be in written form and readily available to all school personnel. (§ 1 ch 98 SLA 1966)

Applied in *Skagway City School Bd. v. Davis*, Sup. Ct. Op. No. 1216 (File No. 2265), 543 P.2d 218 (1975).

Sec. 14.14.105. Sick leave bank. A the board of a regional educational att sick leave bank to enable a teacher, beca to draw not more than twice the num teacher has accumulated before the fir year, or 24 days, whichever is greater. administer the sick leave bank independ (§ 1 ch 76 SLA 1971; am § 1 ch 142 SLA 1975)

Legislative history reports. — For report on ch. 76, SLA 1971 (HB 266 am), see 1971 House Journal, p. 544.

Sec. 14.14.107. Sick leave and si school district shall allow its certificate days of sick leave a month with unlim days.

(b) A certificated school district emp from one school district to another dist the department, or from the departmen fer all of the cumulative sick leave responsibility of the employee to noti days of commencing work, of the num

(c) The department may implemen ch 99 SLA 1974; am § 1 ch 118 SLA 1975

Revisor's notes. — In subsection (b), the words "of education" were deleted following "department" by the revisor of statutes under AS 01.05.031. See AS 14.60.010(4).

Sec. 14.14.110. Cooperation wi essary to provide more efficient or r vices, a district may cooperate or the to cooperate with other districts, stat of Indian Affairs in providing educa boarding and tuition arrangements, pupils or teachers, or other similar erative arrangement requires pupi homes, the school board shall prov area when there are at least eigh mentary and secondary school in th

HB 196 - PROVISION OF ADEQUATE HOUSING FOR PUBLIC SCHOOL TEACHERS
IN RURAL AREAS

SECTION 1. AMENDS THE EDUCATION IN THE UNORGANIZED BOROUGH CHAPTER, POWERS OF REGIONAL SCHOOL BOARDS BY ADDING TO THEIR POWERS THAT THEY MAY PROVIDE HOUSING AND MAY ENTER INTO LEASE/CONTRACTUAL ARRANGEMENTS TO DO SO.

SECTION 2. AMENDS THE DUTIES OF REGIONAL SCHOOL BOARDS BY ADDING TO THEIR DUTIES THAT THEY SHALL PROVIDE PROSPECTIVE EMPLOYEES IN RURAL AREAS WITH INFORMATION ON HOUSING. IT ALSO SPECIFIES THAT THIS SECTION DOES NOT REQUIRE THE BOARD TO ENGAGE IN SUBSIDIZING HOUSING OR PROVIDING TEACHERS WITH HOUSING.

SECTION 3. ADDS TO THE DUTIES OF LOCALLY OPERATED SCHOOLS IN RURAL AREAS (LOCAL ADMINISTRATION OF SCHOOL CHAPTER) THAT THEY SHALL PROVIDE PROSPECTIVE EMPLOYEES WITH INFORMATION ON HOUSING. IT ALSO CONTAINS THE SAME QUALIFIER AS IN SECTION 2 THAT THE DISTRICT IS NOT OBLIGATED TO SUBSIDIZE OR PROVIDE HOUSING.

A FISCAL NOTE FROM THE DEPARTMENT OF EDUCATION INDICATES THERE IS NO COST TO THE STATE.

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance



Official Business

March 2, 1983

WHILE IN SESSION

Pouch V

State Capitol

Juneau, Alaska 99811

(907) 465-3706

OUT OF SESSION

P.O. Box 333

Kotzebue, Alaska 99752

(907) 442-3320

1024 W. 6th

Anchorage, Alaska 99501

(907) 274-0615

MEMORANDUM

TO: Representative Mae Tischer, Co-Chairman
Representative Milo Fritz, Co-Chairman
House Health, Education and Social Services
Committee

FROM: Representative Al Adams *RPA*

SUBJECT: House Bill 196 - Provision of Adequate Housing
for Public School Teachers in Rural Areas

HB 196 is pending in your committee and I would appreciate an opportunity for a hearing at your earliest convenience.

Basically the bill does three things:

Section 1. Adds to the powers of regional school boards the ability to enter into leases to provide rental housing for teachers;

Section 2. Adds to the duties of regional school boards the requirement to inform all employees of the housing situation where they will be working and to assist them in securing housing. (The bill does not require school boards to provide housing or subsidize housing; and

Section 3. Adds additional duties to school boards in municipalities which are the same as those in section 2. (Municipalities already have the general power to provide housing).

For your further information, enclosed is a copy of the recently completed Rural Housing Survey completed by the National Education Association. I hope the committee members will find it helpful in understanding the housing conditions in rural Alaska.

Should the committee require any additional information or have further questions, please let me know.

1. If you plan to teacher in rural Alaska indefinitely, why?

	Costal	Interior	Kodiak Aleutian	Southeast	Total
<u>TOTAL # RESPONDING</u>	87	20	14	7	128
<u>REASONS GIVEN</u>					
a) <u>Teaching Environment:</u> small size, students; flexibility, freedom, experiences, equipment.	40	20	6	4	60
b) <u>Lifestyle:</u> Environment, pace, size, outdoor, activities, no urban problems.	35	13	5	3	56
c) <u>Community:</u> people, own home, family, acceptance.	31	7	3	3	44
d) <u>Financial:</u> good pay, benefits, work with spouse, able to save.	15	0	2	3	20
e) <u>Enjoy:</u> "I like it"	9	5	2	0	16
f) <u>Near Retirement:</u>	6	0	3	1	10
g) <u>Poor job market everywhere:</u>	3	1	3	0	7
h) <u>Challenge/adventure</u>	4	1	0	1	6
i) <u>Supportive Administration</u>	1	0	0	1	2
j) <u>Good Housing</u>	0	1	0	0	1

2. If you plan to resign from teaching in rural Alaska as soon as possible, why?

	Costal	Interior	Kodiak Aleutian	Southeast	Total
<u>TOTAL # RESPONDING</u>	<u>16</u>	<u>7</u>	<u>3</u>	<u>3</u>	<u>29</u>
<u>REASONS GIVEN</u>					
a) <u>Isolation</u> lack of amenities, univer- sities, social or recreational activities, small size opportunities for spouse.	6	1	2	0	9
b) <u>Family:</u> babysitting, broader exposure for teenage children, away from friends/family.	6	0	1	1	8
c) <u>Retiring:</u>	5	0	0	1	6
d) <u>Administration:</u> non-supportive, combative	3	2	1	0	6
e) <u>Housing:</u> bad, unavailable, or too costly	3	2	1	1	7
f) <u>Hostility:</u> internal district politics, community hostility, fear.	3	2	0	0	5
g) <u>Housing:</u> no land available to teachers.	2	0	1	1	4
h) <u>Other:</u> return to school, get back to teaching in area, medical, climate, high costs, (no more than 2 for each item).	7	2	1	0	10

3. If you are not sure how long you will teach in this area (village/district), what are the positive aspects of rural living and teaching that weigh in favor of your remaining:

	Costal	Interior	Kodiak Aleutian	Southeast	Total
TOTAL # RESPONDING	114	19	24	12	169
REASONS GIVEN					
a) <u>Teaching Environment:</u> small size, students, flexibility, freedom, experiences, equipment.	68	12	13	5	98
b) <u>Lifestyle:</u> Environment, pace, size, outdoor, activities, no urban problems.	57	11	12	8	88
c) <u>Community:</u> people, own home, family, acceptance.	45	8	3	1	57
d) <u>Financial:</u> good pay, benefits, work with spouse, able to save.	30	3	10	3	46
e) <u>Good Housing</u>	11	0	3	0	14
f) <u>Near Retirement:</u>	2	0	0	0	2
g) <u>Challenge/adventure</u>	5	2	0	0	7
h) <u>Supportive Administration</u>	3	1	1	0	5

3a. What are the negative aspects that weigh against your remaining?

	Costal	Interior	Kodiak Aleutian	Southeast	Total
<u>TOTAL # RESPONDING</u>	117	21	22	11	171
a) <u>Isolation:</u> lack of amenities, universities, social or recreational activities, small size, opportunities for spouse.	46	3	11	1	61
b) <u>Housing:</u> availability, quality, cost.	23	4	4	3	34
c) <u>Housing:</u> no land available to teachers	10	3	2	5	20
d) <u>Administration:</u> not supportive, combative.	16	5	2	1	24
e) <u>Cost of travel:</u> difficulty and expense	11	1	11	0	23
f) <u>Cost & availability of goods and services:</u>	12	1	5	4	22
g) <u>Teaching Conditions:</u> attitude, crowding, load, dissatisfaction.	14	7	1	1	23
h) <u>Climate:</u> dark, cold, wet.	14	1	3	0	18
i) <u>Personal:</u>					
1) Distance from family/friends	8	0	2	0	10

3a Continued

2) Medical needs	9	1	0	0	10
3) Lifestyle change	7	0	1	0	8
4) "Fish bowl"	4	2	2	1	9
5) Physical/mental drain	5	3	0	0	8

J) Community:

1) "Outsider" stigma	14	4	2	0	20
2) Village politics	7	4	1	0	12
3) Alcohol abuse	2	2	2	0	6
4) Fear of attack	4	0	0	1	5
5) School Board politics	2	7	0	1	10

4. IN WHAT WAY DO YOU FEEL NEA-ALASKA OR YOUR LOCAL ASSOCIATION CAN HELP TO "SOLVE" THE TEACHER HOUSING PROBLEM?
5. WHAT ARE YOUR PERSONAL IDEAS FOR ARRIVING AT SOLUTIONS TO THE TEACHER HOUSING PROBLEM?

The responses received to the above two questions did not lend themselves to simple groupings. In general, the responses fell into five categories summarized below:

1. Legislative: District should be required to provide teacher housing; District should be encouraged to be involved in teacher housing; legislature should establish standards for teacher housing; land should be made available to teachers to build their own housing; legislature should fund teacher housing; loans should be available to teachers to build; require districts to be truthful in describing housing; protect teachers from retaliation if they break their contract because of bad housing; and require housing as a condition of opening school.
2. NEA-Alaska: Go public with the problem and its impact on instruction; become the provider/landlord; research and document; support local bargainers; keep trying; stop trying; and work with regional corporations to supply housing.
3. Local Associations: Help locate and list available housing (or make district do it); bargain hard; negotiate equitable rents; policies and procedures; build units; stay out of housing; and address the unique problems of single teachers.
4. Responsibility: District should provide all housing; district should provide housing when individuals, villages, or corporations do not; teachers and villages should independently (from the district) arrive at a solution; take housing away from district to avoid it being used as a threat.
5. Independence: Housing should not be mandatory, get out and stay out of housing, teachers should live under same conditions as villages.

The overwhelming majority of responses fell in the first 4 categories.

A conclusion that can be drawn from the responses is that no one solution will work in all districts or even among all villages within a district. The message was clear; keep trying and be flexible.

6. Is there an alternative housing unit available to you at your site?

In general multiple respondents from the same site concurred on the answer to this question, wherever there was a difference of opinion the majority response was recorded with the minority response noted below.

	Costal	Interior	Aleutian Kodiak	Southeast	Total
Number of sites responding	53	14	9	5	81
Number of sites with alternative housing available	11	5	2	0	18
Number of sites without alternative housing available	42	9	7	5	64

Notes: Many of the respondents who indicated that there were alternative units available described them as being too costly, abandoned village housing, available only for short periods of time, or too far away from the school (7 miles in one location).

Responses were received from the following districts (by region):

Costal were from: Nome, N.W. Arctic, North Slope, Bering Straits, Lower Yukon, Chevak, Lower Kuskokwim, S.W. Region, Mid-Kuskokwim, and Lake and Peninsula.

Interior Responses were received from: Yukon Koyukuk, Yukon Flats, Railbelt, Iditarod, Tanana.

Kodiak/Aleutian Responses were from: Kodiak, Unalaska, King Cove, Aleutian.

Southeast Responses were received from: Metlakatla, Craig, Klawock, and S.E. Island.



NEA - ALASKA

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February 23, 1981

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Representative Al Adams
Alaska State House
Pouch V
Juneau, Alaska 99811

Attention: Cheryl

Re: HB 196

Dear Representative Adams:

Per the request from your office, enclosed is a recent survey conducted by NEA and NEA-Alaska attendant to rural teacher housing and other matters pertaining to teaching in rural Alaska.

Since we have recieved additional responses subsequent to the tabulation we are asking NEA to re-run the tabulation and provide greater specificity as to site and geographic location. When this information is available to us it will be forwarded on to your office.

NEA-Alaska appreciates your continued efforts to deal with the problem through your sponsorship of HB 196. Is it possible that the provisions of section 1 in the bill could also be applied to the responsibilities of school boards other than REAAs, where appropriate? In some places like Kenai and Kodiak the village teaching situation is similar to many of the REAA.

As you well know, this issue is complex and defies an easy solution. Some districts have taken the initiative to begin to address it and in others, through negotiations, we have been able to find viable options toward solution.

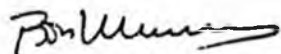
There continues to be concern relative to the issue of letting teachers know of the circumstances before hiring, and hopefully, HB 196 will put us on track to resolution of this part.

We feel there is a greater role for the Department of Education in assisting school districts on the matter of housing.

NEA-Alaska is anxious to work with the Legislature, Department of Education, and other appropriate agencies regarding this problem.

Thank you for your consideration.

Sincerely,



Robert Manners
Executive Secretary

RM:li

c: Sharon Scott
Pete McManus

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HR - 196

Title An Act relating to provision of adequate HOUSING FOR PUBLIC SCHOOLS...

Requested by House WESS Date 2/18/83

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Elementary and Secondary Education

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

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

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact on this department.

IV. DATE 2/18/83

PREPARED BY Steve Hole

AGENCY Education

PHONE 465-2865

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)