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COMMITTEE REPORT
HOUSE

(7)

FURTHER:

3/15/85

Date: 3 APRIL

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 226
"An Act relating to school boards."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HF 226 same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

David W. Thompson
George H. ...
William T. ...
Patricia ...
Mark ...

Neil ...
 CHAIRMAN

REPRESENTATIVE
SAM COTTEN
DISTRICT 15



PO BOX 296, EAGLE RIVER, AK 99577
POLICH V, JUNEAU, AK 99811

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMO

TO: Rep. Max Gruenberg RE: Request to schedule a hearing
Rep. Niilo Koponen for HB 226, an act relating
Co-Chairmen, House HESS to school boards

FROM: Rep. Sam Cotten DATE: March 22, 1985

There are three elements to this bill, all of which aim to improve representation on school boards:

-- The C&RA substitute for HB 226 would amend the statutes pertaining to the election of school board members in regional educational attendance areas (REAA). This amendment allows the Commissioner of Education to make an exception to the existing requirements on numbers of board members allowed per section upon determining that the REAA has "substantial population fluctuations" that result in over- or under-representation. Under these circumstances, the commissioner could permit a section containing more than one community to be represented by more members than currently allowed (under AS 14.08.051 (d)(2)). When this exception is made, no more than two board members may be elected from the same community.

For example, the Southeast Island School District consists of 2 sections and has a high population turnover, caused by its logging economy and such idiosyncracies as communities on floats. To ensure fair representation at this time the district would like to have a Thorne Bay section with one seat, and an at-large section with four seats. Current statutes won't allow this, requiring that each section (within a 5-member school board area) have no more than three seats. With existing law, the school district has no alternative but to continually request section boundary changes to accompany the shifting population. This is inefficient and impractical. The statutory change requested would allow more adequate representation. Due to the stringent limitations on board members per community, and the uniqueness of this school district's situation, this amendment would not currently affect any other REAAs.

-- HB 226 would allow school districts with more than 5,000 students to elect board members by district, if they so choose. School board members are now only elected at large. Election by district would allow residents of these larger school districts to have local representation on the board.

-- HB 226 would allow borough and city school districts with more than 5,000 students to expand the number of school board members from the present 7 up to 11, if they so choose. Having more board members again enhances the chances for better representation.

Southeast Island School District

640 Park Ave. - P.O. Box 8340 - Ketchikan, Alaska 99901 - (907) 225-9658 or 225-9659



March 6, 1985

Representative Peter Goll
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Goll:

This is to follow up on earlier information sent to you expressing concern regarding AS 14.08.051, and its limitation on the number of board members which can be elected from a section in a regional educational attendance area which has been divided into sections (section (d) (2)).

My understanding of this limitation is that it is designed to prevent a large community in a given section from having the power, by virtue of number of votes, to elect more than a simple majority of members of the school board, effectively denying representation to smaller communities.

The problem that we have is that it is not practical for the Southeast Island School District to adhere to the statutory standards. Prior to mid-1983, this District was divided into two sections, one with two members from Thorne Bay and one at-large area with three members from the remaining communities. In mid-1983, the State reapportioned regional educational attendance area board sections in light of the 1980 census. This created several problems for this District. First, the census was grossly inaccurate for rural communities in southern Southeast Alaska. One of our communities with 200 people was listed on the census as having 0 residents. Areas that are federal bird sanctuaries were listed as having human residents, and so on. Second, to compound the census errors, this District experiences significant population changes in many, although not all, communities due to the nature of the economy in this part of the state. We have approximately a 50% student turnover annually, and frequently open up schools in new communities and close schools in areas which have suffered a population decline. In addition, we also have cases where entire communities, sometimes built on floats, move around the district.

Third, the population of the District had changed significantly since the 1970 census so that Thorne Bay had only about 20% of the population. Consequently, the recommended reapportionment reduced the Thorne Bay section from two seats to one, and created two additional sections along an arbitrary east-west line. The Southeast Island School District Board

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requested that the State establish a Thorne Bay section with one seat, and an at-large area with four seats. We were told that existing statutory limitations would not allow this, so we looked for some type of reasonable alternative. As a result of information supplied by this District, the State agreed to modify the line to reflect actual population at that time. Since the reapportionment, the usual changes have occurred. In 1982, the schools in the north and south sections had 39% and 45% of our student population (which can be used as a fairly reasonable measure of the general population). In 1983, just after the reapportionment along the new lines, each section had 41% of the student population; i.e. the sections did provide fair representation for that one moment. In 1984, the north and south sections had 31% and 43% of our student population respectively. Put in terms of variance combining the overpopulation and underpopulation of existing sections (which is the statistic normally used at times of reapportionment), the current total combined variance is about 55%, far exceeding the level normally acceptable during reapportionments. This variance increased from 15% to 55% in one year, again reflecting the massive population changes which occur across arbitrary section lines in this District. (Note: Again this data is based upon student population, which can be used as a guide as to general population variations and changes.) The point I am trying to make is that there are substantial annual population changes, by section, although the total population remains about the same.

Now, we have an additional problem which magnifies the issue for us. As a result of the population changes we normally have, we have had a fairly high turnover in Board members. We historically have had an average of one Board member resignation per year due to the member moving from the District. However, prior to the reapportionment, if a Board member (or the community in which the Board member resided) moved elsewhere in the at-large section, the Board member could remain on the Board. Now, if this occurs, the Board member would have to resign from the Board. Thus, an already difficult management situation is being compounded. This year, we have lost one Board member due to a move from the District (Thorne Bay section). At a Board meeting last week, I was informed that an additional Board member (south section) would be resigning for the same reason, while still a further board member (south section) would be resigning because, for the first time, a move of a community was being made across the new arbitrary Board section lines. In less than one year, 60% of the Board will have resigned. While two resignations were unavoidable, I believe the third could be avoided by the application of a reasonable standard to this District.

At a meeting of February 5, the Southeast Island School District Board approved a resolution requesting that the State review this situation and change the sections, administratively if possible, to one section with one seat (Thorne Bay) and an at-large area, with four seats, consisting of the remainder of the District. After a considerable amount of discussion

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with the Department of Education and Division of Elections, it has become apparent that the Division of Elections feels that existing statutes prevents us from arriving at a practical administrative solution to our problem.

Therefore, the Southeast Island School District Board is requesting your assistance in this matter. Enclosed you will find some possible language for a statute change. The intent of the proposal is:

1. To allow the Commissioner of Education to exempt a regional educational attendance area, upon the request of its Board, from the limitations of AS 14.08.051 (d) (2) upon a determination that population fluctuations make it impractical for the existing statutory standards to be applied. This would eliminate the need for continual revisions due to frequent population changes across section boundaries, and significantly reduce existing variance between sections;

2. To prevent, by a limitation on the number of Board members who can be elected from a given community in an exempted board section, one community from excessively dominating the Board [as does subsection (d) (2)].

This proposal should have little, if any, effect upon other REAA's, due to the stringent limitation suggested for the number of board members from a single community. Please advise me if you have any questions about the enclosed information, or if I may answer additional questions.

Thank you for your assistance.

Sincerely,

Bob Weinstein

Robert Weinstein
Superintendent

RW:cm

cc: Senator Dick Eliason
Senator Robert Ziegler, Sr.
Senator Frank Ferguson
Representative Mike Miller
Representative Robin Taylor
Representative John Sund
Representative Niilo Koponen

STATE OF ALASKA

DIVISION OF ELECTIONS
POUCH AF
JUNEAU, ALASKA 99811-9974

OFFICE OF THE GOVERNOR

PHONE: (907) 586-6181

OPINION PAPER
CS FOR HOUSE BILL NO. 226 (C&RA)
March 12, 1985

The Division of Elections has reviewed the Committee Substitute for House Bill No. 226 (C&RA), "An Act relating to school boards", and raises no objections to its intent or content. It should be noted, however, that the issues covered by this bill do not fall under the normal jurisdiction of the division.

There may be some school districts within the Rural Educational Attendance Areas which experience extreme population fluctuations making the establishment of stable section boundaries within the district difficult to maintain. We would concur that a solution as provided by the new subsection, AS 14.08.051 (f), could provide a viable alternative for districts facing these unusual circumstances. Further, we acknowledge that any action taken in the proper exercise of this provision would rest with the Commissioner of Education.

The impact of this amendment on the division would only be evident in terms of any special elections resulting from a ruling of the Commissioner to realign section boundaries and assignment of school board seats, under this statute. In general, it is assumed that the flexibility provided by this section would help to minimize the frequency of section realignment in school districts with continuing population fluctuations. We would further anticipate that prior to any election necessitated by the exercise of this provision, the division would require notice in writing from the commissioner authorizing such an election.

With regard to the proposed amendments to AS 14.12.030 (b) and AS 29.23.310, the division offers no opinion. The provisions outlined in these sections, would seem to primarily impact incorporated communities, over whose elections we have no jurisdiction.



Sandra J. Stout
Director

MEMORANDUM

State of Alaska

TO: The Honorable Peter Goll
Alaska State Representative
Chairman, House Community and
Regional Affairs Committee

DATE: March 8, 1985

FILE NO: 006.3(1)

TELEPHONE NO: 465-2800

FROM: Harold Reynolds, Jr., Commissioner
Department of Education

SUBJECT: House Bill 226

During its March 4 and 5 meeting, the State Board of Education decided to take no position on this Bill.