

HPB

539



3/14  
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**BILL PREPARATION/ACTION\***

Bill # HB 539

Date Referred: 3/11/8

Out:

Title: Assumption of Education Powers

Sponsor: (H)HES

Referrals: CRA HES

**CONTACTS:\*\*\*\*\***

Name

|                     |             |                                       |
|---------------------|-------------|---------------------------------------|
| <u>Jim Nordlund</u> | <u>3759</u> | <u>3/23 [to 3/28]; 3/29 in under;</u> |
| <u>Plummer</u>      | <u>FN</u>   | <u>FP 3/29; called</u>                |
|                     |             |                                       |
|                     |             |                                       |
|                     |             |                                       |

**WHILE YOU'RE AWAY**

FOR Martha DATE 3/23 TIME 3:36 PM

TO Jim Nordlund

OF

PHONE 3759

MESSAGE Re: back up material for HB 539 - give him a call

SIGNED

|                          |                    |
|--------------------------|--------------------|
| <input type="checkbox"/> | TELEPHONED         |
| <input type="checkbox"/> | RETURNED YOUR CALL |
| <input type="checkbox"/> | PLEASE CALL        |
| <input type="checkbox"/> | WILL CALL AGAIN    |
| <input type="checkbox"/> | CAME TO SEE YOU    |
| <input type="checkbox"/> | WANTS TO SEE YOU   |

NOTE: FORM 4002

\*\*\*\*\*  
REMARKS:

**MEETINGS:\*\*\*\*\***

| Date | Act                               |
|------|-----------------------------------|
|      | <u>I - [unclear]</u>              |
|      | <u>with [unclear] 7/15/89</u>     |
|      | <u>- bill [unclear] [unclear]</u> |
|      | <u>- [unclear] [unclear]</u>      |
|      | <u>- [unclear] [unclear]</u>      |

\*See other sid

CONTAC.TXT

MAR 29 1988

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HB 539 - Assumption of Education Powers

| <u>No.</u> | <u>Description</u>     |
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| 2.         | Bill Review - Harrison |

② HB 539



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

March 24, 1988

TO: Rep. Henry Springer, Chairman HCRA

FROM: David C. Harrison, P. A., HCRA *DCH*

Subject: HB 539 "An Act relating to the assumption of education powers by a newly incorporated borough."

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#### BILL REVIEW:

Section AS 29.05.140 is amended by adding a new subsection to read:

(e) Before the assumption of education powers the school board of the school district of a newly incorporated borough shall adopt a plan providing for the merger of school districts existing within the area of the new borough, together with a timetable for the transition.

COMMENTS: Re: lines 11 to 15. The question of a school board adopting a plan of merger before the assumption of its education powers is raised?

Provisions of AS 29.05.140 regarding transition, states that powers and duties exercised by cities and service areas are succeeded to by a newly incorporated municipality continue to be exercised by cities and service areas until the new municipality assumes the powers and functions, which may not exceed two years after the date of incorporation. Ordinances, rules, resolutions, procedures, and orders in effect before the transfer remain in effect until superseded by the action of the new municipality.

COMMENTS Re: lines 15 to 17. (e) The plan may be adopted only after consulting with the school board of each district that will be merged into the new borough school district.

Again, may a borough school board exercise any power or authority before assumption of its education powers? In AS 29.05.140(b) Before the assumption, the new municipality shall give written notice of its assumption of rights, powers, duties, assets, and liabilities under this section and AS 29.05.130 to the city or service area concerned.

Municipal officials shall consult with the officials of the city or service area concerned and arrange an orderly transfer.

COMMENTS Re: lines 17 to 20 (e) The plan must identify all changes in curriculum and graduation and teacher training requirements expected to be made by the new borough school district upon assumption of the education power.

It takes years to develop curriculum for a school district as well as providing for graduation requirements. Teacher training requirements should be provided based upon an assessment of instructional needs per current laws. It is not possible for a school board to act upon such things until it has assumed education powers. It would be prudent for a school board to proceed in these areas as it gains wisdom and experience in dealing with school matters.

COMMENTS Re: lines 20 to 22 (e) All funds of a former school district shall be retained for use in the area of that district for one year after the new borough assumes the education power.

Under AS 14.17.210 requires state aid to newly established district schools be given until the expiration of a complete fiscal year after the date on which the school becomes a city or borough school district. An uninterrupted funding is assured during the transition period.

Additional general information on statutes regarding education are listed.

AS 14.14.070 provides within seven days after certification of the results of each regular school election, the school board shall meet and elect one of its members as president, one as clerk, and, if necessary, one as treasurer.

Section of current law AS 14.14.090 indicate other duties a school board shall provide - for convenience, two are listed here--(2) provide an educational program for each school age child who is a resident of the district and (7) establish procedures for the review and selection of all textbooks and instructional materials before they are introduced into the school curriculum.

AS 14.14.100 pertains to bylaws and administrative rules required to be in writing and formally adopted at regular school board meetings.

AS 14.12.035 provides that a borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers, and duties.

AS 14.12.010(2), each organized borough is a borough school district."

AS 14.12.020(b), each borough or city school district shall be operated on a district-wide basis under the management and control of a school board.

Under municipal law Sec. 29.35.160, each borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis; and as provided in AS 14.14.060, which provides certain relationships between the borough school district and the borough.

Section 14.14.100 pertains to bylaws and administrative rules required to be in writing and formally adopted at regular school board meetings.

Section 14.14.110 relates to cooperation with other districts when necessary to provide more efficient or more economical educational services, a district may cooperate or the department may require a district to cooperate with other districts, etc.

AS 14.12.035 A borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers and duties.