

**SB**

**92**

*John*

DATE: 2/5/93

FURTHER: HES  
FINANCE

Date of 5-Day Notice: 3/18/93  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: 324-93

CRA Committee considered SB 92

"An Act relating to an advisory vote during regional educational attendance area school board elections; and providing for an effective date."

and recommends:

replace with CS SB92 (CRA)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Dpt of Governor	3/22/93		0.7
Dept of Educ.	2/19/93	0	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

*Lee Adams*  
*John Taylor*  
*Robert A. Brown*

OTHER RECOMMENDATIONS:

*Admin. Taylor NO REC*

*C. Reed & CRA, D. Per*

Chair: Signature and Recommendation

## STATE OF ALASKA

## OFFICE OF THE GOVERNOR

## DIVISION OF ELECTIONS

- REGION I ELECTIONS OFFICE  
 REGION II ELECTIONS OFFICE  
 REGION III ELECTIONS OFFICE  
 REGION IV ELECTIONS OFFICE

March 22, 1993

Senator Randy Phillips  
 Chairman  
 Community and Regional Affairs Committee  
 Room 103  
 State Capitol  
 Juneau, AK 99801-1182

Dear Senator Phillips:

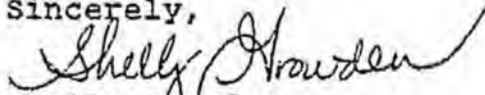
On a temporary basis, I am serving as the Acting Director of the Division of Elections while Director Charlot Thickett is out of state.

I have reviewed Senate Bill 92 "An Act relating to an advisory vote during regional education attendance area elections". The Division of Elections does not support this legislation as written. As currently drafted, this legislation does not provide a date by which the school districts would be required to pass a resolution to get the advisory vote on the ballot. Theoretically, a school district could pass the required resolution in late September and the Division of Elections would be required to place the advisory question on the October ballot.

The Division of Elections would like to see SB 92 amended to include a deadline by which the school districts would be required to pass a resolution to place the advisory question on the ballot. The Division believes the resolution deadline should be the same as the candidate filing deadline which is the first Friday in August. As soon as we have reached the candidate filing deadline, the Division of Elections begins ballot preparations/lay-out with the ballot printer and would need to know at this time if we needed to place an advisory question on the ballot.

I have discussed this proposed amendment with Senator Zharoff's office. If you have any questions regarding the Division's proposed amendment, please feel free to contact me in my Fairbanks office at 451-2835.

Sincerely,



Shelly Gowden  
 Region III Elections Supervisor/  
 Acting Director Division of Elections

REGION I ELECTIONS OFFICE  
 240 MAIN STREET, 4TH FLOOR  
 P.O. BOX 110018  
 JUNEAU, ALASKA 99811-0018  
 (907) 465-3021

REGION II ELECTIONS OFFICE  
 800 E. DIMOND BOULEVARD, SUITE 3-680  
 ANCHORAGE, ALASKA 99515-2045  
 (907) 622-8883

REGION III ELECTIONS OFFICE  
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 FAIRBANKS, ALASKA 99701-4594  
 (907) 451-2835

REGION IV ELECTIONS OFFICE  
 ALASKA STATE OFFICE BUILDING  
 P.O. BOX 577  
 NOME, ALASKA 99762-0577  
 (907) 443-5285

**FISCAL NOTE**

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**BYZL NO. 5B92**

Revision Dates: \_\_\_\_\_  
 Title: BEAA Advisory Votes  
 Sponsor: Senator Zboroff  
 Requestor: \_\_\_\_\_

Department Affected: Office of the Governor  
 BRU: Division of Elections  
 Component: General and Primary Elections  
 COMPONENT SERIAL NO. 22

**EXPENDITURES/REVENUES:**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0.7	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 CF Match	0	0	0	0	0	0
1004 GF	0.7	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) This figure covers cost printing an additional ballot card for BEAA.

Prepared by: Shelly Crowden, Acting Director Phone: \_\_\_\_\_  
 Division: Division of Elections Date: 3/22/93  
 Approved by Commissioner: Gov. Frank Miller  
 Agency: Office of the Gov. Governor Date: 3/22/93

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 92

Revision Date: \_\_\_\_\_ Dept. Affected: EDUCATION  
 Title: An Act relating to an advisory vote during BRU: Executive Administration  
regional educational attendance area school board Component: Administrative Services  
elections; and providing for an effective date.

Sponsor: Senator Zharoff  
 Requestor: Senator Zharoff's Office COMPONENT SERIAL NO. 157

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

There are no costs for the Department of Education associated with Senate Bill 92.

Prepared by: Gary M. Bader *Gary M. Bader*  
 Division: Administrative Services  
 Approved by Commissioner: Hub Walker  
 Agency: Department of Education

Phone: 465-2875  
 Date: February 19, 1993  
 Date: 2/23/93

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# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

March 22, 1993

Senator Randy Phillips  
Chairman  
Community and Regional Affairs Committee  
Room 103  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Phillips:

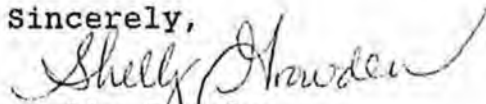
On a temporary basis, I am serving as the Acting Director of the Division of Elections while Director Charlot Thickstun is out of state.

I have reviewed Senate Bill 92 "An Act relating to an advisory vote during regional education attendance area elections". The Division of Elections does not support this legislation as written. As currently drafted, this legislation does not provide a date by which the school districts would be required to pass a resolution to get the advisory vote on the ballot. Theoretically, a school district could pass the required resolution in late September and the Division of Elections would be required to place the advisory question on the October ballot.

The Division of Elections would like to see SB 92 amended to include a deadline by which the school districts would be required to pass a resolution to place the advisory question on the ballot. The Division believes the resolution deadline should be the same as the candidate filing deadline which is the first Friday in August. As soon as we have reached the candidate filing deadline, the Division of Elections begins ballot preparations/lay-out with the ballot printer and would need to know at this time if we needed to place an advisory question on the ballot.

I have discussed this proposed amendment with Senator Zharoff's office. If you have any questions regarding the Division's proposed amendment, please feel free to contact me in my Fairbanks office at 451-2835.

Sincerely,



Shelly Growden  
Region III Elections Supervisor/  
Acting Director Division of Elections

### DIVISION OF ELECTIONS

- REGION I ELECTIONS OFFICE
- REGION II ELECTIONS OFFICE
- REGION III ELECTIONS OFFICE
- REGION IV ELECTIONS OFFICE

REGION I ELECTIONS OFFICE  
240 MAIN STREET, 4TH FLOOR  
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(907) 522-8683

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REGION IV ELECTIONS OFFICE  
ALASKA STATE OFFICE BUILDING  
P.O. BOX 577  
NOME, ALASKA 99762-0577  
(907) 443-5285

*adopted*

8-LS0571VA.1

Ford

3/22/93

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR ZHAROFF

TO: SB 92

Page 1, line 8, after "ballot.":

Insert "A resolution described in this subsection must be filed with the division of elections on or before the first Friday in August of the year in which the advisory question is required to be placed on the ballot."

THE  
FOLLOWING  
DOCUMENTS  
ARE  
POOR  
ORIGINAL  
COPIES

**6 AAC 27.035. DECLARATION OF CANDIDACY.** (a) A candidate for school board office must file a declaration of candidacy. The declaration of candidacy must be in the form prescribed by the director and must include

- (1) the candidate's name;
- (2) the candidate's residence address;
- (3) the candidate's mailing address, if different from the residence address;
- (4) the designation of the office and seat being sought;
- (5) a statement that the candidate is qualified for the office that he or she seeks;
- (6) the candidate's name, as the candidate wants it to appear on the ballot;
- (7) identification, in the form of the candidate's voter registration number, social security number, or birthdate;
- (8) the candidate's phone number, if available; and,
- (9) the candidate's signature.

(b) A declaration of candidacy must be filed by delivering it in person or by mail to the director of elections, or to an election supervisor of a regional elections office in Anchorage, Fairbanks, Nome, or Juneau. The deadline for filing a declaration of candidacy is the first Friday in August of the year in which the election is held for the office sought. A declaration must be received by the close of business on the deadline day if it is delivered in person. A declaration sent by mail must be postmarked no later than the first Friday in August, and must be received no later than the close of business on the fifth day after the filing deadline. If the postmark is illegible, a dated postal receipt is acceptable as proof of mailing.

(c) Notwithstanding the requirements of (b) of this section, the deadline for filing a declaration of candidacy for the 1993 CRSA<sup>1</sup> (Coastal Resource Service Area) board and PEAA (Regional Educational Attendance Area) school board elections of March 2, 1993, is Wednesday, December 30, 1992. Accordingly, a declaration sent by mail must be postmarked no later than Wednesday, December 30, 1992. This subsection is repealed January 1, 1993. (Eff. 8/12/90, Register 115; am 8/7/92, Register 123; am 12/24/92, Register 124)

Authority: AS 14.08.071  
AS 15.15.010

AS 15.25.170

AS 29.26.020

**6 AAC 27.040. APPOINTMENT OF ELECTION BOARDS.** In second class cities where the municipal election falls on the same date as the regional educational attendance area election, the election supervisor shall consult the city clerk regarding the election board appointments and may appoint an election board to conduct

## STATE OF ALASKA

## OFFICE OF THE GOVERNOR

## DIVISION OF ELECTIONS

March 22, 1993

- REGION I ELECTIONS OFFICE  
 REGION II ELECTIONS OFFICE  
 REGION III ELECTIONS OFFICE  
 REGION IV ELECTIONS OFFICE

Senator Randy Phillips  
 Chairman  
 Community and Regional Affairs Committee  
 Room 103  
 State Capitol  
 Juneau, AK 99801-1182

Dear Senator Phillips:

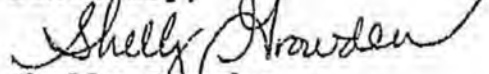
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Sincerely,



Shelly Growden  
 Region III Elections Supervisor/  
 Acting Director Division of Elections

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 NOME, ALASKA 99762-0577  
 (907) 443-5285



SOUTHEAST  
ISLAND  
SCHOOL  
DISTRICT

1621 TONGASS AVENUE SUITE 301  
POST OFFICE BOX 8340  
KETCHIKAN, ALASKA 99901  
(907) 225-9658 OR 225-9659

Robert Weinstein  
SUPERINTENDENT

March 3, 1993

Senator Fred Zharoff  
Alaska Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Zharoff:

At its meeting last week, the Southeast Island School District Board of Education reviewed SB 92, your legislation which would allow advisory questions to be placed upon an REAA ballot at the request of the School Board. The Board is in support of this legislation, as the Board believes there needs to be a legal mechanism to permit such advisory votes.

Sincerely,

A handwritten signature in cursive script that reads "Robert Weinstein".

Robert Weinstein  
Superintendent

RW:eb

cc: Board Members



## SENATOR FRED F. ZHAROFF

### ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5259 (FAX ALSO)

DURING SESSION:

STATE CAPITOL, JUNEAU, ALASKA 99801-1182 • (907) 465-3473 • FAX: (907) 463-3043

---

#### DISTRICT C

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

### SB 92 Sponsor Statement-Sen. Zharoff

This bill adds a provision in AS 14.08.071 whereby the communities in REAA school areas are able to voice their positions on education and education related issues of concern to them via an advisory vote on the regular school ballot. REAA schools are spread over a wide area, it is often difficult for members of the community to attend board meetings and make their feelings known. This bill allows the the school board to adopt a resolution requesting that an advisory question be on the next ballot. They then get a certified count from the communities regarding each communities stance on this question.

The Department of Education supports this bill. I believe it is a non-controversial bill and I would appreciate the committee's affirmative action.

## POSITION PAPER: DEPARTMENT OF EDUCATION

**Division:** Administrative Services

**Bill Number:** SB 92

**Bill Title:** An Act relating to an advisory vote during regional education attendance area school board elections; and providing for an effective date.

**Sponsor:** Senator Zharoff

**Position Statement:** Explain briefly what the bill does, its impact and Department's position, i.e. a) support, b) do not support, c) neutral or d) oppose

SB92 allows REAA school boards to place advisory questions, on the next election ballot. The Department of Education supports this bill because it provides an avenue for citizens to inform REAA school boards of their opinion on relevant educational issues. It therefore, keeps school board members more in touch with the priorities of their constituents.

**Director:** Gary Bader **Division:** Administrative Services

**Signature:** *Gary M. Bader* **Date:** Feb 23, 1993

**Commissioner/Deputy:** Jerry Covey/Mike Maher

**Signature:** *Mike Maher* **Date:** 2/23/93

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 92

Revision Date: \_\_\_\_\_  
Title: An Act relating to an advisory vote during regional educational attendance area school board elections; and providing for an effective date.

Dept. Affected: EDUCATION  
BRU: Executive Administration  
Component: Administrative Services

Sponsor: Senator Zharoff  
Requestor: Senator Zharoff's Office

COMPONENT SERIAL NO. 157

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

There are no costs for the Department of Education associated with Senate Bill 92.

Prepared by: Gary M. Bader  
Division: Administrative Services  
Approved by Commissioner: \_\_\_\_\_  
Agency: Department of Education

Phone: 465-2875  
Date: February 19, 1993  
Date: 2/23/93

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MAR 17 1993

**SENATOR FRED F. ZHAROFF**

**ALASKA STATE LEGISLATURE**

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259 (FAX ALSO)

DURING SESSION:

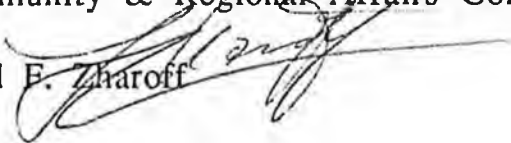
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DISTRICT C

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

**MEMORANDUM**

TO: Senator Randy Phillips, Chairman  
Senate Community & Regional Affairs Committee

FROM: Senator Fred F. Zharoff 

DATE: March 16, 1993

SUBJ: Scheduling Request

---

I would appreciate your consideration in scheduling SB 92, "An Act relating to an advisory vote during regional education attendance area school board elections; and providing for an effective date" for a hearing before the Senate Community & Regional Affairs Committee.

I have attached a copy of SB 92 as well as a sponsor statement and fiscal note and position paper from the Department of Education. A fiscal note and position paper have been requested from the Division of Elections on this bill.

Thank you for your consideration of this request

Attachments

*Sec. 14.08.070. [Repealed, § 1 ch 124 SLA 1975.]*

**Sec. 14.08.071. Elections.** (a) 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.

(b) Except for the first election of regional school members under (a) of this section, elections shall be held annually on the first Tuesday in October. Elections shall be supervised by the director of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall adopt regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under AS 14.12 and AS 29.20.300 except that the majority election requirements of AS 29.26.060 do not apply to, nor may the regulations require runoff elections for, the first election of regional school board members under (a) of this section or, if a school board by resolution so requests, to subsequent elections in the regional educational attendance area served by that school board.

(c) The cost of each regional school board election, or recall election under AS 14.08.081, shall be borne by the state. (§ 2 ch 124 SLA 1975; am § 1 ch 1 SLA 1976; am § 1 ch 39 SLA 1978; am § 25 ch 74 SLA 1985)

**Collateral references.** — What is "public place" within requirements as to posting of school election notices. 90 ALR2d 1212.

Inclusion or exclusion of first and last

days in computing time for giving notice of school district election, which must be given a certain number of days before a known future date. 98 ALR2d 1392.

*Sec. 14.08.080. [Repealed, § 1 ch 124 SLA 1975.]*

**Sec. 14.08.081. Recall.** The members of a regional school board are subject to recall in accordance with AS 29.26.240 — 29.26.360, except that the director of elections shall perform the functions of a municipal clerk, the lieutenant governor shall perform the functions of the assembly or council under those sections, and the last regular election is the last regularly scheduled election held within the regional educational attendance area. (§ 2 ch 124 SLA 1975; am § 3 ch 24 SLA 1979; am § 26 ch 74 SLA 1985; am § 20 ch 37 SLA 1986)

**Opinions of attorney general.** — For opinions of the Attorney General concerning recalls under this section, see May 28, 1987 Op. Att'y Gen.; April 22, 1988 Op.

Att'y Gen.; September 25, 1989 Op. Att'y Gen.; September 26, 1989 Op. Att'y Gen.; January 15, 1991 Op. Att'y Gen.

§ 2 ch 57 SLA 1976; am § 1 ch 147 SLA 1978; am § 4 ch 92 SLA 1982; am § 1 ch 105 SLA 1983; am § 6 ch 106 SLA 1986; am § 4 ch 5 SLA 1990)

**Revisor's notes.** — In 1987, paragraphs (8)-(10) were renumbered as (10), (8), and (9), respectively, to place the general power at the end of the section.

**Effect of amendments.** — The 1990 amendment, effective March 1, 1990, made an internal reference change in subsection (7).

#### NOTES TO DECISIONS

**Board's power to make personnel rules.** — Implicit in paragraph (4) of this section is a regional school board's power to make personnel rules comparable to those which the state personnel act imposes on public employees subject to its coverage. *Meiners v. Bering Strait Sch. Dist.*, 687 P.2d 287 (Alaska 1984).

As to absence of duty on regional educational attendance areas to bar-

gain collectively with noncertificated employees, see note following chapter analysis. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, 591 P.2d 1292 (Alaska 1979), overruled on other grounds, *Alaska Com. Fishing & Agric. Bank v. O/S Alaska Coast*, 715 P.2d 707 (Alaska 1986).

**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. 14.08.110. [Repealed, § 1 ch 124 SLA 1975.]*

**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;
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(11) train persons required to report under AS 47.17.020, in the recognition and reporting of child abuse, neglect, and sexual abuse of a minor. (§ 2 ch 124 SLA 1975; am § 2 ch 17 SLA 1981; am § 2 ch 105 SLA 1983; am § 2 ch 1 SLA 1986)

#### NOTES TO DECISIONS

**Employment of superintendent.** — Implicit in a regional school board's duty to "employ" a superintendent are duties such as the following: to determine what the duties of the position of superintendent shall be, to advise the superintendent on the manner in which it wishes him to perform his duties, to evaluate his performance, and to determine from time to time whether he should be retained or whether they should "employ" someone else. *Meiners v. Bering Strait Sch. Dist.*, 687 P.2d 287 (Alaska 1984).

**Supervision of superintendent.** — Implicit in AS 14.08.101(4) is a regional school board's power to make personnel rules comparable to those which the state personnel act imposes on public employees subject to its coverage. The board may well delegate to a superintendent, and through him to other employees such as principals and supervisors, its responsibility to "control" the rank-and-file em-

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SOUTHEAST  
ISLAND  
SCHOOL  
DISTRICT

1621 TONGASS AVENUE SUITE 301  
POST OFFICE BOX 8340  
KETCHIKAN, ALASKA 99901  
(907) 225-9652 OR 225-9659

Robert Weinstein  
SUPERINTENDENT

March 3, 1993

Senator Fred Zharoff  
Alaska Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Zharoff:

At its meeting last week, the Southeast Island School District Board of Education reviewed SB 92, your legislation which would allow advisory questions to be placed upon an REAA ballot at the request of the School Board. The Board is in support of this legislation, as the Board believes there needs to be a legal mechanism to permit such advisory votes.

Sincerely,

A handwritten signature in cursive script that reads "Bob Weinstein".

Robert Weinstein  
Superintendent

RW:eb

cc: Board Members



## SENATOR FRED F. ZHAROFF

### ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5255 (FAX ALSO)

DURING SESSION:

STATE CAPITOL, JUNEAU, ALASKA 99801-1182 • (907) 485-3473 • FAX: (907) 483-3043

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#### DISTRICT C

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

### SB 92 Sponsor Statement-Sen. Zharoff

This bill adds a provision in AS 14.08.071 whereby the communities in REAA school areas are able to voice their positions on education and education related issues of concern to them via an advisory vote on the regular school ballot. REAA schools are spread over a wide area, it is often difficult for members of the community to attend board meetings and make their feelings known. This bill allows the the school board to adopt a resolution requesting that an advisory question be on the next ballot. They then get a certified count from the communities regarding each communities stance on this question.

The Department of Education supports this bill. I believe it is a non-controversial bill and I would appreciate the committee's affirmative action.

POSITION PAPER: DEPARTMENT OF EDUCATION

**Division:** Administrative Services

**Bill Number:** SB 92

**Bill Title:** An Act relating to an advisory vote during regional education attendance area school board elections; and providing for an effective date.

**Sponsor:** Senator Zharoff

**Position Statement:** Explain briefly what the bill does, its impact and Department's position, i.e. a) support, b) do not support, c) neutral or d) oppose

SB92 allows REAA school boards to place advisory questions, on the next election ballot. The Department of Education supports this bill because it provides an avenue for citizens to inform REAA school boards of their opinion on relevant educational issues. It therefore, keeps school board members more in touch with the priorities of their constituents.

**Director:** Gary Bader **Division:** Administrative Services

**Signature:** *Gary M. Bader* **Date:** Feb 23 1993

**Commissioner/Deputy:** Jerry Covev/Mike Maher

**Signature:** *Mike Maher* **Date:** 2/23/93



MAR 17 1993

SENATOR FRED F. ZHAROFF

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DISTRICT C

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

## MEMORANDUM

TO: Senator Randy Phillips, Chairman  
Senate Community & Regional Affairs Committee

FROM: Senator Fred F. Zharoff 

DATE: March 16, 1993

SUBJ: Scheduling Request

I would appreciate your consideration in scheduling SB 92, "An Act relating to an advisory vote during regional education attendance area school board elections; and providing for an effective date" for a hearing before the Senate Community & Regional Affairs Committee.

I have attached a copy of SB 92 as well as a sponsor statement and fiscal note and position paper from the Department of Education. A fiscal note and position paper have been requested from the Division of Elections on this bill.

Thank you for your consideration of this request

Attachments

*Sec. 14.08.070. [Repealed, § 1 ch 124 SLA 1975.]*

**Sec. 14.08.071. Elections.** (a) 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.

(b) Except for the first election of regional school members under (a) of this section, elections shall be held annually on the first Tuesday in October. Elections shall be supervised by the director of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall adopt regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under AS 14.12 and AS 29.20.300 except that the majority election requirements of AS 29.26.060 do not apply to, nor may the regulations require runoff elections for, the first election of regional school board members under (a) of this section or, if a school board by resolution so requests, to subsequent elections in the regional educational attendance area served by that school board.

(c) The cost of each regional school board election, or recall election under AS 14.08.081, shall be borne by the state. (§ 2 ch 124 SLA 1975; am § 1 ch 1 SLA 1976; am § 1 ch 39 SLA 1978; am § 25 ch 74 SLA 1985)

**Collateral references.** — What is "public place" within requirements as to posting of school election notices. 90 ALR2d 1212.

Inclusion or exclusion of first and last

days in computing time for giving notice of school district election, which must be given a certain number of days before a known future date. 98 ALR2d 1392.

*Sec. 14.08.080. [Repealed, § 1 ch 124 SLA 1975.]*

**Sec. 14.08.081. Recall.** The members of a regional school board are subject to recall in accordance with AS 29.26.240 — 29.26.360, except that the director of elections shall perform the functions of a municipal clerk, the lieutenant governor shall perform the functions of the assembly or council under those sections, and the last regular election is the last regularly scheduled election held within the regional educational attendance area. (§ 2 ch 124 SLA 1975; am § 3 ch 24 SLA 1979; am § 26 ch 74 SLA 1985; am § 20 ch 37 SLA 1986)

**Opinions of attorney general.** — For opinions of the Attorney General concerning recalls under this section, see May 28, 1987 Op. Att'y Gen.; April 22, 1988 Op.

Att'y Gen.: September 25, 1989 Op. Att'y Gen.; September 26, 1989 Op. Att'y Gen.; January 15, 1991 Op. Att'y Gen.

§ 2 ch 57 SLA 1976; am § 1 ch 147 SLA 1978; am § 4 ch 92 SLA 1982; am § 1 ch 105 SLA 1983; am § 6 ch 106 SLA 1986; am § 4 ch 5 SLA 1990)

**Revisor's notes.** — In 1987, paragraphs (8)-(10) were renumbered as (10), (8), and (9), respectively, to place the general power at the end of the section.

**Effect of amendments.** — The 1990 amendment, effective March 1, 1990, made an internal reference change in subsection (7).

#### NOTES TO DECISIONS

**Board's power to make personnel rules.** — Implicit in paragraph (4) of this section is a regional school board's power to make personnel rules comparable to those which the state personnel act imposes on public employees subject to its coverage. *Meiners v. Bering Strait Sch. Dist.*, 687 P.2d 287 (Alaska 1984).

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**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. 14.08.110. [Repealed, § 1 ch 124 SLA 1975.]*

**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;

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