

**HB**

**110**

# HOUSE COMMITTEE REPORT

(7) [REDACTED]  
 Date Referred to Committee: April 16, 1997

FURTHER REFERRALS:

HESS  
Finance

Date of Committee Action: 4/29/97

The STATE AFFAIRS Committee considered:

SSHB 110

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 110

CHARTER SCHOOL FUNDING

"An Act relating to funding for charter schools."

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Wendy Hoag</i>			✓	
<i>Paul Brown</i>			✓	
<i>Ken S. O'S</i>			✓	
<i>W. Burt</i>			✓	
<i>J. W. [unclear]</i>			✓	
<i>Jeannette James</i>			✓	
<i>[unclear]</i>			✓	

CHAIR'S SIGNATURE *Jeannette James*

House District 36

- Alatna
- Alean
- Allakaket
- Aniak
- Anvik
- Arctic Village
- Beaver
- Bettles
- Birch Creek
- Canyon Village
- Central
- Chalkyitsik
- Chicken
- Chistochina
- Chitina
- Chuathbaluk
- Circle
- Circle Hot Springs
- Coldfoot
- Copper Center
- Copperville
- Crooked Creek
- Dot Lake
- Dry Creek
- Eagle
- Eagle Village
- Evansville
- Fort Yukon
- Gakona
- Galena
- Grayling
- Gulkana
- Healy Lake
- Holy Cross
- Hughes
- Huslia
- Kaltag
- Koyukuk
- Lime Village
- Livengood
- Lake Minchumina
- Lower Kalskag
- Manley
- Marshall
- McCarthy
- McGrath
- Medfra
- Mentasta
- Minto
- Nabesna
- Nenana
- Nikolai
- Northway
- Nulato
- Pilot Station
- Rampart
- Red Devil
- Ruby
- Russian Mission
- Shageluk
- Slana
- Sleetmute
- Stevens Village
- Stony River
- Takona
- Tanacross
- Tanana
- Telida
- Terlin
- Tok
- Tuktsak
- Tvonek
- Upper Kalskag
- Venetie
- Wiseman

# Representative Irene K. Nicholia

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**Sponsor Statement**  
**SSHB 110**  
**by Rep. Irene Nicholia**

House Bill 110 allows charter schools that board out of town students to request funding to cover boarding costs. Charter schools, by their very nature, accept both in-district and out-of-district students to meet the students' academic and personal needs criteria. Charter schools do not receive any funds to cover boarding costs. Consequently, their already limited school allocation must be spread even further.

This bill requires the Department of Education include a funding request to cover boarding costs at the request of the local school boards. The legislature may choose to appropriate or to deny the funds.

The need for this legislation will become increasingly important as other charter schools open throughout the state. Charter schools in Alaska are already graduating students with above average academic accomplishments. Many of these students would not have finished high school if left in their former situations. We need to responsibly fund alternative school programs for students who might not otherwise succeed in a traditional school setting.

I urge your support for HB 110.

## ... Local Government/Schools ...

**HB-147: Charter boarding schools.** This bill is now in Senate Rules, and has been approved for calendaring. HB-147 provides for ADM support for students attending a state approved charter boarding school. However, as now written the bill prohibits use of state funds to pay for boarding costs. Other school districts understandably do not want to lose funding beyond the ADM educational support dollars that would travel with the student. However, the bill seems unnecessarily restrictive in imposing a blanket prohibition on the use of "any" state money.

\* Meanwhile, Rep. Irene Nicolai has had HB-110 in the hopper since early February, which would make it permissive for a charter school to make a special request to the legislature for boarding cost funds. There may also be circumstances where a district might wish to place a special need student in a more urban based charter school where the total cost might end up cheaper for a "sending" district.

**SB-151: Union trashing bill near floor:** This bill is out of Senate Finance and into Senate Rules. About all one can say about this bill is that it is right-to-work's "little brother," and accomplishes little except aggravating management and union relations and solution finding. If you think unions shouldn't exist then this bill is for you, otherwise the bill comes off as simply divisive and designed for harassment. Under the bill a shop representative couldn't pick up the phone on his desk to mediate an employee/management problem without risking criminal sanction.

The problem here is that the state and legislature needs to bring unions to the statewide fiscal solution funding table, as many other Republican governors and Legislatures have sought to do around the country. SB-151 appears to sacrifice the solution role to other more political purposes.

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**HB-94: Municipal tax records:** Confidentiality of certain tax records that may reveal proprietary information - See Page 6

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**More on the initiative to put school endowment question on the 1998 ballot:**  
-See Muni/Rural/school supplement!

**HB-229: Charter school board:** Just introduced by Rep. Al Vezey, this bill sets up a Charter School Board to handle appeals regarding issues between local charter schools and boards. (See more in our municipal/school supplement).

**HB-145: Teacher competency testing:** This bill has passed the house and is in Senate Finance Committee, one step away from final action.

**HB-146: Pupil exist tests:** This measure that authorizes exit-competency testing for high school seniors was up in House Finance Committee this week, with that committee narrowing the test to English, reading, and math, dropping science and history categories. The bill is expected to move on to House Rules Committee and scheduling for floor action.

**SB-161: Perm fund/Municipal assets:** This bill by Sen. Bert Sharp is moving swiftly. The measure permits the Alaska Permanent Fund Corporation to manage assets of a municipality when requested to do so. The bill was introduced April 4, passed out of Senate CRA Committee April 14, and as we went to press was reported to Rules by House Finance.

**HB-158: Part-time student enrollment:** As we go to press this bill, by Anchorage Rep. Fred Dyson, was scheduled for hearing in House Finance. The bill would 'require' admission for part-time students, generally home schooled under state or private programs, seeking to take individual courses in the regular public system.. The school would receive partial ADM support from the state. Most school districts except Anchorage permit this now, we are told.

**SB-98: Land conveyance to municipalities:** This bill is aimed at allowing municipalities, especially those who have received their maximum grant entitlements, to receive isolated tracts of state land. In many cases lands may better integrated with one owner for management reasons. The transfer would be at the discretion of the Department of Natural Resources and some compensation would be required. Basically the bill simply gives municipalities a little policy muscle in negotiating such transfers with the state.

off-net:

298-2113

Part Mwarey

Takotna

1-800-478-7612

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Plus Tax & Crck

House District 36

- Alatna
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- Allakaker
- Aniak
- Anvik
- Arctic Village
- Beaver
- Bettles
- Birch Creek
- Canyon Village
- Central
- Chalkyitsik
- Chicken
- Chistochina
- Chitina
- Chuathbaluk
- Circle
- Circle Hot Springs
- Coldfoot
- Copper Center
- Copperville
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- Dot Lake
- Dry Creek
- Eagle
- Eagle Village
- Evansville
- Fort Yukon
- Gakona
- Galena
- Grayling
- Gulkana
- Healy Lake
- Holy Cross
- Hughes
- Huslia
- Katag
- Koyukuk
- Lime Village
- Livengood
- Lake Minchumina
- Lower Kalskag
- Manley
- Marshall
- McCarthy
- McGrath
- Medfra
- Mentasta
- Minto
- Nabesna
- Nemana
- Nikolai
- Northway
- Nulato
- Pilot Station
- Rampart
- Red Devil
- Ruby
- Russian Mission
- Shageluk
- Siana
- Sleetmute
- Stevens Village
- Stony River
- Takotna
- Tanacross
- Tanana
- Tehda
- Tetlin
- Tok
- Tuluksak
- Wonek
- Upper Kalskag
- Venetic
- Wiseman

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Resources  
Rules

Military and Veterans Affairs  
World Trade and State/Federal Relations

TO: Representative Jeannette James, Chair  
House State Affairs Committee

FROM: Representative Irene Nicholia

DATE: April 16, 1997

RE: Scheduling of SSHB 110

I respectfully request a hearing for SSHB 110, a bill that would provide boarding costs to charter schools that house out of town students. Attached you will find the necessary support materials for this bill. Thank you for your consideration.

**CS FOR HOUSE BILL NO. 147(HES) am**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

Amended: 3/27/97

Offered: 3/12/97

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the expenses of housing nonresident charter school students;  
2 relating to authorizing charter school programs to provide domiciliary and other  
3 services to nonresident charter school students; relating to duties of the state  
4 board of education; and relating to the establishment of state boarding schools."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 14.03.260 is amended by adding a new subsection to read:

7 (d) The expenses of housing nonresident students who attend the charter  
8 school, including room, board, and other reasonable housing expenses, may not be paid  
9 for with state money but may be paid for with funds contributed by sources other than  
10 the state.

11 \* Sec. 2. AS 14.03.265(a) is amended to read:

12 (a) The program of a charter school may be designed to serve  
13 (1) students within an age group or grade level; [OR]  
14 (2) students who will benefit from a particular teaching method or

1 curriculum; or

2 (3) nonresident students, including providing domiciliary services  
 3 for students who need those services, if approved by the board.

4 \* Sec. 3. AS 14.07.165 is amended to read:

5 **Sec. 14.07.165. Duties.** The board shall adopt

6 (1) statewide goals and require each governing body to adopt written  
 7 goals that are consistent with local needs;

8 (2) regulations regarding the application for and award of grants under  
 9 AS 14.03.125;

10 (3) regulations implementing provisions of AS 14.11.014(b);

11 (4) regulations requiring approval by the board before a charter  
 12 school, state boarding school, or a public school may provide domiciliary services.

13 \* Sec. 4. AS 14.16.010 is amended to read:

14 **Sec. 14.16.010. Establishment of state boarding schools [SCHOOL].** The  
 15 department may establish and operate [A] boarding schools [SCHOOL, TO BE  
 16 KNOWN AS THE MT. EDGE CUMBE HIGH SCHOOL], to be managed in  
 17 accordance with this chapter. A [THE] state boarding school must offer a secondary  
 18 education curriculum to students enrolled in it, and must provide domiciliary services  
 19 for students needing such services, if approved by the board.

20 \* Sec. 5. AS 14.16.020 is amended to read:

21 **Sec. 14.16.020. Operation of state boarding schools [SCHOOL].** In the  
 22 management of [THE] state boarding schools [SCHOOL], the board shall

23 (1) adopt a philosophy of education for [THE] state boarding schools  
 24 [SCHOOL];

25 (2) employ [A] chief school administrators [ADMINISTRATOR] and  
 26 approve the employment of other personnel necessary to operate [THE] state boarding  
 27 schools [SCHOOL];

28 (3) establish the salaries and benefits to be paid teachers, excluding  
 29 administrators [, OF THE STATE BOARDING SCHOOL];

30 (4) designate the employees authorized to direct disbursements from the  
 31 money appropriated for the operation of [THE] state boarding schools [SCHOOL] and

1 for the construction of [ITS] facilities;

2 (5) provide custodial services and routine maintenance of [THE STATE  
3 BOARDING SCHOOL'S] physical facilities;

4 (6) establish procedures for the development and implementation of  
5 curriculum and the selection and use of textbooks and instructional materials [AT THE  
6 STATE BOARDING SCHOOL];

7 (7) prescribe health evaluation and placement screening programs for  
8 newly admitted students;

9 (8) establish procedures for staff evaluation; and

10 (9) provide staff training.

11 \* Sec. 6. AS 14.16.030(a) is amended to read:

12 (a) A [THE] state boarding school may admit students who are qualified in  
13 accordance with applicable admission standards. Preference for enrollment must be  
14 given to students currently enrolled at a [THE] boarding school and to students whose  
15 educational, emotional, or family requirements warrant attendance in a domiciliary  
16 environment.

17 \* Sec. 7. AS 14.16.040 is amended to read:

18 **Sec. 14.16.040. Status of state boarding school.** A [THE] state boarding  
19 school is a public school of the state.

20 \* Sec. 8. AS 14.16.050(a) is amended to read:

21 (a) The following provisions apply with respect to the operation and  
22 management of a [THE] state boarding school as if it were a school district:

23 (1) requirements relating to school district operations:

24 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in  
25 session, and school holidays);

26 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions  
27 applicable to school district operations);

28 (C) regulations adopted by the board under authority of  
29 AS 14.07.020(a) that are applicable to school districts and their schools, unless  
30 the board specifically exempts [THE] state boarding schools [SCHOOL] from  
31 compliance with a regulation;

1 (D) AS 14.12.150 (authorizing school districts to establish and  
2 participate in the services of a regional resource center);

3 (E) AS 14.14.050 (imposing the requirement of an annual  
4 audit);

5 (F) AS 14.14.110 (authorizing cooperation with other school  
6 districts);

7 (G) AS 14.14.130 (directing the employment of a chief school  
8 administrator);

9 (H) AS 14.14.140(b) (establishing a prohibition on employment  
10 of a relative of the chief school administrator);

11 (I) AS 14.18 (prohibiting discrimination based on sex in public  
12 education);

13 (2) requirements relating to state financial assistance for education and  
14 the receipt and expenditure of that assistance:

15 (A) AS 14.17.080 (relating to student count estimates);

16 (B) AS 14.17.082 (relating to school operating fund balances);

17 (C) AS 14.17.160 - 14.17.220 (setting out the procedure for  
18 payment of financial assistance, and imposing general requirements and limits  
19 on money paid);

20 (3) requirements relating to teacher employment and retirement:

21 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

22 (B) AS 14.20.095 - 14.20.215 (relating to the employment and  
23 tenure of teachers);

24 (C) AS 14.20.220 (relating to the salaries of teachers  
25 employed);

26 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave  
27 provisions for teachers);

28 (E) AS 23.40.070 - 23.40.260 (authorizing collective bargaining  
29 by certificated employees), except with regard to teachers who are  
30 administrators and except that the board may delegate some or all of its  
31 responsibilities under those statutes;

1 (F) AS 14.25 (provisions regarding the teachers' retirement  
2 system);

3 (4) requirements relating to students and educational programs:

4 (A) AS 14.30.180 - 14.30.350 (relating to educational services  
5 for exceptional children);

6 (B) AS 14.30.360 - 14.30.370 (establishing health education  
7 program standards);

8 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and  
9 bicultural education).

10 \* Sec. 9. AS 14.16.060 is amended to read:

11 **Sec. 14.16.060. Status of employees.** The employees of a [THE] state  
12 boarding school are state employees.

13 \* Sec. 10. AS 14.16.070 is amended to read:

14 **Sec. 14.16.070. Applicability of other law.** AS 23.40.070 - 23.40.260 (Public  
15 Employment Relations Act) apply to the employees of a [THE] state boarding school.

16 \* Sec. 11. AS 14.16.080(a) is amended to read:

17 (a) AS 14.17.024 applies to the calculation of state aid payable for operation  
18 of a [THE] state boarding school.

19 \* Sec. 12. AS 14.16.080(b) is amended to read:

20 (b) In the transmittals required by AS 37.07.060 - 37.07.062, the governor  
21 shall request amounts for the expenses of construction, rehabilitation, and improvement  
22 of the facilities of a [THE] state boarding school.

23 \* Sec. 13. AS 14.16.080(e) is amended to read:

24 (e) For purposes of application for and receipt of federal aid to education, a  
25 [THE] state boarding school constitutes a local educational agency.

26 \* Sec. 14. AS 14.17.010(a) is amended to read:

27 (a) The public school foundation account is established. The account consists  
28 of appropriations for distribution to school districts, [THE] state boarding schools  
29 [SCHOOL], and for centralized correspondence study programs under this chapter.

30 \* Sec. 15. AS 14.17.024 is amended to read:

31 **Sec. 14.17.024. Money for state boarding schools [SCHOOL].** (a) Money

1 for the instructional services provided in a fiscal year by [THE] state boarding schools  
2 [SCHOOL] established under AS 14.16.010 includes an allocation from the public  
3 school foundation account in an amount calculated by

4 (1) multiplying the instructional unit value in AS 14.17.056 by the total  
5 number of instructional units under AS 14.17.031 for that fiscal year, as determined  
6 by treating each [THE] school as if it were a school district consisting of a single  
7 funding community;

8 (2) multiplying the product determined under (1) of this subsection by  
9 the area cost differential that is applicable to calculation of the entitlement for the  
10 adjacent school district under AS 14.17.051; and

11 (3) adding 10 percent of the eligible federal impact aid received for that  
12 fiscal year on behalf of each [THE] school plus any federal impact aid received on  
13 behalf of each [THE] school which the state, under P.L. 81-874 (20 U.S.C. 236 - 244),  
14 as amended, and regulations adopted under it, could not consider as local resources if  
15 the school were considered a school district.

16 (b) In addition to the amount calculated and payable under (a) of this section,  
17 the governor shall request from the legislature appropriation of any program receipts  
18 or federal food service reimbursements or other federal aid, other than aid under P.L.  
19 81-874 (20 U.S.C. 236 - 244), as amended, received on behalf of each [THE] school,  
20 and other amounts necessary for the expenses of operating each [THE] state boarding  
21 school, including

22 (1) domiciliary services, including room, board, custodial services, and  
23 other reasonable expenses related to the operation and maintenance of dormitory and  
24 other residential facilities for students;

25 (2) student transportation services, to include one round trip for each  
26 student between the student's place of residence and the site of each [THE] state  
27 boarding school during each school year; and

28 (3) maintenance and operation of the school's physical plant.

29 (c) Money received by a [THE] state boarding school for purposes described  
30 in (a) of this section may be used for the purposes described in (b) of this section, and  
31 money received for the purposes described in (b) may be used for the purposes

1 described in (a).

2 \* Sec. 16. AS 14.30.010(b)(10) is amended to read:

3 (10) is enrolled in

4 (A) a [THE] state boarding school established under AS 14.16;

5 or

6 (B) a full-time program of correspondence study approved by  
7 the department; in those school districts providing an approved correspondence  
8 study program, a student may be enrolled either in the district correspondence  
9 program or in the centralized correspondence study program;

10 \* Sec. 17. AS 23.40.200(c) is amended to read:

11 (c) The class in (a)(2) of this section is composed of public utility, snow  
12 removal, sanitation, and educational institution employees other than employees of a  
13 school district, a regional educational attendance area, or a [THE] state boarding  
14 school. Employees in this class may engage in a strike after mediation, subject to the  
15 voting requirement of (d) of this section, for a limited time. The limit is determined  
16 by the interests of the health, safety, or welfare of the public. The public employer  
17 or the labor relations agency may apply to the superior court in the judicial district in  
18 which the strike is occurring for an order enjoining the strike. A strike may not be  
19 enjoined unless it can be shown that it has begun to threaten the health, safety, or  
20 welfare of the public. A court, in deciding whether or not to enjoin the strike, shall  
21 consider the total equities in the particular class. "Total equities" includes not only the  
22 impact of a strike on the public but also the extent to which employee organizations  
23 and public employers have met their statutory obligations. If an impasse or deadlock  
24 still exists after the issuance of an injunction, the parties shall submit to arbitration to  
25 be carried out under AS 09.43.030.

26 \* Sec. 18. AS 23.40.200(d) is amended to read:

27 (d) The class in (a)(3) of this section includes all other public employees who  
28 are not included in the classes in (a)(1) or ~~(2)~~ [(a)(2)] of this section. Employees in  
29 this class may engage in a strike if a majority of the employees in a collective  
30 bargaining unit vote by secret ballot to do so. However, if an impasse or deadlock is  
31 reached in collective bargaining negotiations between a municipal school district, a

1 regional educational attendance area, or a [THE] state boarding school and its  
2 employees, the parties shall submit to advisory arbitration before the employees may  
3 engage in a strike. The arbitrator selected to conduct the advisory arbitration must be  
4 a member of the American Arbitration Association Panel of Labor Arbitrators or the  
5 Federal Mediation and Conciliation Service. In selecting the arbitrator, the parties  
6 shall request a list of arbitrators who have knowledge of and recent experience in the  
7 local conditions in the school district, regional educational attendance area, or state  
8 boarding school. A list containing at least five nominees who meet the qualifications  
9 of this subsection is a complete list for the purpose of striking names and selecting the  
10 arbitrator.

11 \* **Sec. 19.** Notwithstanding secs. 3 and 4 of this Act, domiciliary services being provided  
12 by Mt. Edgecumbe High School on or before the effective date of this Act may continue to  
13 be provided until the state Board of Education adopts regulations required under sec. 3 of this  
14 Act.

# FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 110

1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An act relating to funding for charter schools.

BRU: Teaching and Learning Support

Component: Quality Schools

Sponsor: Representative Nicholia

Requester: House HESS

COMPONENT SERIAL NO. 2147

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *	\$420.0 - *
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>	<b>\$420.0 - *</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: -0-

**ANALYSIS: (Attach a separate page if necessary.)**

\* - There will be costs but they are unknown at this time.

Of the charter schools currently approved, only one, the Project Education Charter School in Galena provides a residential program. The cost of operating that program is approximately \$420,000. This estimate is based on \$12,000 per student for 35 students, provided by the Galena City School District. The Department has no additional information on proposed charter schools that would include residential costs.

Prepared by: Eddy Jeans, School Finance Manager

Phone: 465-8679

Division: Education Support Services

Date: 4/30/97

Approved by Commissioner: Shirley J. Holloway, Ph. D., Commissioner

Agency: Education

Date: 4/30/97

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