

Leg. Finance - House & Senate Finance Comte Files (1973-74)

SB 121 cont. , 122 282

The Legislature of the State of Alaska  
 FISCAL NOTE  
 First Session - Eighth Legislature

I. REQUEST

Bill Identification: Senate Bill 121  
 Title: Peace officer defined for PERS  
 Requested by: Legislative Finance Date: 3/9/73  
 Return Date Requested: 3/16/73  
 Agency: Retirement Section Program: Police officers & Fireman's Retirement.

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Dept. of Fish & Game & Natural Resources  
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 73	FY 74	FY 75	FY 76	FY 77	FY 78
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
100 BENEFITS COST	488.8	0	0	0	0	0
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND	85.8	419.4	0	0	0	0	0
FEDERAL FUNDS	14.2	69.4	0	0	0	0	0
OTHER		0	0	0	0	0	0

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

It is not anticipated the addition of the current 214 employees to the Police and Fireman's System will have any measurable administrative cost immediately.

This particular piece of legislation contains the unusual provision of leaving it entirely up to the Departmental Commissioner whether someone belongs to this category rather than a definition by duties or position. This is a dangerous precedent and we therefore have not been able to project future benefits costs, not knowing who is included.

The benefits cost for the current 214 employees was estimated by the actuary to impact the states contribution rate by .59% of total covered payroll

IV. ATTACHMENTS or \$488,800.00.

Letter from Marsh & McLennan dated March 7, 1973

V. DATE: 3/16/73 PREPARED BY: Robert J. Gates

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

# MARSH & McLENNAN

March 7, 1973

Mr. Robert S. Gates  
Retirement Administrator  
State of Alaska  
Pouch 3  
Juneau, Alaska 99801

Alaska Public Employees' Retirement System  
Police and Fire Provisions

Dear Bob:

Apparently, as was the case in the 1972 legislative session, legislation has either been proposed or introduced regarding the inclusion of certain additional employee groups under the Police and Fire provisions of the Alaska Public Employees' Retirement System. In order to comment on such legislation, the basic intent and the philosophy underlying these provisions should be discussed.

It is my understanding that these provisions were enacted, during the 1970 legislative session, in order to provide for earlier retirement and larger death and disability benefits for policemen and firemen. The improved benefit provisions are made available under the System to such employees, whose day to day work involves the maintenance of the public peace and safety and involves substantial exposure to physical risk. Police officers and fire fighters risk their lives as a matter of occupational course.

The large death and disability benefits provided under this portion of the System are intended to ensure that the family of each such employee will be financially secure in case he is struck down by the physical hazards which he faces on a routine day to day basis.

The earlier retirement age and larger retirement benefits per year of service provided in this portion of the System reflect the fact that, in order to perform such hazardous work, the employee must be in top flight physical and mental condition. The physical requirements of this type of work forces employees into retirement at an earlier age than do those of most other occupations.

MARSH & McLENNAN

Mr. Robert S. Gates

- 2 -

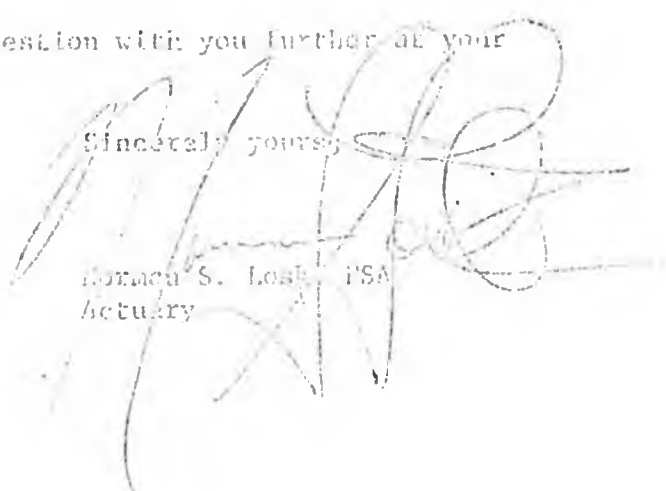
March 7, 1973

In summary, then, it should be noted that more liberal benefits are provided under the Alaska Public Employees' Retirement System to those employees who risk their lives on a routine, day to day basis in order to preserve the public peace and safety.

Based upon our latest actuarial valuation of the Public Employees' Retirement System, we find that the contribution level which could be required were the Police and Fire portion of the System a separate retirement program, standing on its own, would be 25% of covered pay. This can be used as a basis of estimation of the effect on the total State rate of providing Police and Fire coverage to other groups.

I'd be happy to discuss this question with you further at your pleasure.

Sincerely yours;

  
Donald S. Losh, FSA  
Actuary

DSL:dt

The Legislature of the State of Alaska

FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill Number 2  
 Title: Definition of Peace Officer & Fireman to Include Fish & Game Personnel  
 Requested by: Senate State Affairs Date: January 24, 1975  
 Return Date Requested: ASAP  
 Agency: Administration - Retirement Program: Public Employees' Retirement System

II. FISCAL DETAIL

Budget Request Unit(s) Affected: ALL

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
100 Benefits	350.0	367.5	385.9	405.2	425.5	446.8
TOTAL	350.0	367.5	385.9	405.2	425.5	446.8

B. FUNDING: (Thousands of dollars)

GENERAL FUND 100%	350.0	367.5	385.9	405.2	425.5	446.8
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	0/0	0/0	0/0	0/0	0/0
MAN MONTHS (P./T.)	0/0	0/0	0/0	0/0	0/0	0/0

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

The inclusion of this group would have no administrative cost impact. The projection of the Benefits Cost was based upon an increase in the employers contribution rate of .25% times an estimated payroll of \$140,000.00. It is estimated that this would apply to approximately 175 positions.

A five percent annual increase in salaries is assumed.

IV. ATTACHMENTS

V. DATE: 2/3/75

PREPARED BY: Robert S. Gates

Robert S. Gates, Director  
 Division of Retirement & Benefits  
 Department of Administration

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



# RECORDS



# CERTIFICATION

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James O. Smith  
Signature of Camera Operator

4/26/89  
Date

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date 4/11/74

The Committee on Finance has had CS 122 (Fin 19)

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR CS 122 AND THAT

CS FOR 122 DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>Freeman</u>	_____	_____
<u>Watt</u>	_____	_____
<u>_____</u>	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>_____</u>	recommends: <u>_____</u>
<u>_____</u>	recommends: <u>_____</u>
<u>_____</u>	recommends: _____
<u>_____</u>	recommends: _____
<u>_____</u>	recommends: _____

W. H. Freeman Chairman

The Finance Committee has had COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 122 (Finance) amended (public education on military reservations; effective date) under consideration and a majority of the members of the Committee recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 122 (same title) and that it do pass. The report was signed by Mr. Freeman, Chairman, and concurred in by Freeman, Barber, Ose, Warwick, Saylor, Specking and Haugen. Not concurring was Ferguson who has no recommendation.

CSSB  
122  
(Fin)  
am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 122 (Finance) amended was referred to the Rules Committee for placement on the Calendar.

The Speaker stated that without objection, the reading of the Chairman's report would be waived and it would be printed in the journal. There being no objection, the report appears as follows:

"FINANCE COMMITTEE REPORT

ON

HCS CS SENATE BILL NO. 122  
(Schools on Military Reservations)

As it emerged from the Senate, CSSB 122 (Finance) amended would have dissolved the State-Operated School System by creating educational service areas in the unorganized borough and by requiring that military reservations that comprised an educational service area, or areas, contract with an adjacent city or borough school district for the operation of the on-base schools.

In its present form, however, House CS for CSSB 122 makes only those changes in the Education (AS 14) and Municipal (AS 29) Codes essential to facilitate the consumation of a contract for the operation of on-base schools by a city or borough school district at the direction of the Department of Education, and with the consent of the contracting district governing body. It is a necessary companion measure to House CS for Senate Concurrent Resolution 25 which expresses legislative endorsement of contractual operation of the on-base schools by a city or borough school district and sets out the elements of any such contract that the legislature thinks desirable.

Under legislation enacted in 1973 (ch. 32, SLA 1973) that permitted cities and boroughs to annex military reservations, language was included in both the Education and Municipal Codes which provided that although military reservations were included within the territorial boundaries of an organized borough, these reservations did not become a part of the borough school district until the military reservation status terminated and until inclusion of that territory in the borough school district was approved by the Department of Education. In preparing a contract for the operation of on-base schools by a city or borough school district it might be argued that no contract could be effective because there had been no change in the base's status

CSSB

122 (Fin) am

as a military reservation. It is also true that almost invariably a base's military reservation status never changes; however, the military mission or operation may change or cease. Thus, Sections 1, 6 and 7 of the bill revise the language of AS 14.12.020(a), 29.33.050 and 29.41.010(a) to provide that military reservations remain outside the borough school district until the military mission is terminated or so long as management and control of the on-base schools by the state-operated schools is approved by the Department of Education. Language also is added to clarify a potential distinction that might be made between "management and control" and "operation" on the on-base schools. Thus, operation of the on-base schools by a city or a borough school district may be directed by the Department of Education if the contracting district governing body consents.

Section 2 makes clear the power of the Department of Education to prescribe the terms of a contract entered into under its general authorization under AS 14.14.110 to require cooperation between school districts, or with the state-operated schools or the Bureau of Indian Affairs "when necessary to provide more efficient or more economical educational services."

Section 3 clarifies provisions of present law establishing advisory boards in communities served by the state-operated school system by providing that advisory boards also exist on military reservations and will continue to exist if the on-base schools are operated by contract by a city or borough school district. Section 4 stipulates that the on-base advisory school board may be advisory to the governing body of the school district that operates the on-base schools. Together with Section 10 of the bill, Section 4 sets the date of election for on-base advisory school board members where these schools are operated under contract, as the same as that for the regular municipal election at which city or borough school district board members are elected. The terms of the present on-base advisory school board members are continued through the transitional period until the next regular municipal election.

Section 5 of the bill repeals a provision of present law that limits participation in on-base advisory school board elections, as voters or candidates, to parents of children attending the on-base schools, thus excluding single persons or those without dependent children from participation. Outside military reservations, voters who are unmarried or who have no children in the public school system are not prohibited from voting, or being candidates, for school board.

Under legislation enacted in 1973 authorizing the annexation of Elmendorf AFB, Ft. Richardson and Ft. Wainwright to the Greater Anchorage Area and Fairbanks-North Star Boroughs by virtue of their annexation to the cities of Anchorage and Fairbanks, respectively, certain language of the Mandatory Borough Act (sec. 3(d), ch. 52, SLA 1963) was repealed. (sec. 4, ch. 41, SLA 1973) Inasmuch as AS 29.68.020 was enacted (sec. 1, ch. 32, SLA 1973) setting out the exclusive procedure whereby annexation of military reservations to cities or boroughs takes place, the exclusionary language contained in the Mandatory Borough Act no longer

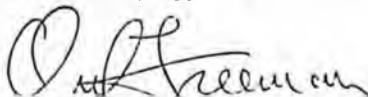
is required and might prove an additional inhibition to the effectiveness of a contract consummated under AS 14.14.110. Hence, Sections 8 and 11 of the bill, together, repeal the potentially restrictive, clearly obsolete, exclusionary language in the Mandatory Borough Act and delete the cross-reference to it in the present Municipal Code.

CSSB  
122  
(Fin)  
am

Section 9 of the bill abrogates the term of office of a member of the Board of Directors of the State-Operated Schools who is a resident of a military reservation whose schools are operated by a city or borough school district under contract. This section, however, does not preclude a military reservation resident from serving on the SOS board so long as the schools are operated under the SOS system.

Section 12 sets an immediate effective date for the legislation.

Department of Education officials have assured the Finance Committee that there will be no additional cost to the State if this version of the legislation is adopted. Present funding levels for the State-Operated Schools, On-Basic Schools and a portion of the State-Operated Schools Central Office funds will be adequate to cover the costs of city or borough school district contracts. Also, the present PL 874 federal aid preferential rate will not be jeopardized by this committee substitute.



Oral Freeman, Chairman  
House Finance Committee "

The State Affairs Committee has had HOUSE JOINT RESOLUTION NO. 77 (requesting release of funds designated for "program reservation" by HUD for Native housing in Alaska) under consideration and a majority of the members of the Committee recommends it do pass with the following amendment:

HJR  
77

Amendment No. 1 by the State Affairs Committee:

Page 1, line 25: Add a period after "HUD" and delete all language on lines 26 and 27.

The report was signed by Mrs. Fischer, Chairman, and concurred in by Fischer, Huber, Orsini and M. Miller.

HOUSE JOINT RESOLUTION NO. 77 was referred to the Commerce Committee.

SS The Judiciary Committee has had SPONSOR SUBSTITUTE FOR  
HB HOUSE BILL NO. 511 (release on parole; effective date)  
511 under consideration and a majority of the members of the  
Committee recommends it be replaced with COMMITTEE SUB-  
STITUTION FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 511  
(same title) and that it do pass. The report was signed  
by Mr. Tillion, Chairman, and concurred in by Tillion,  
Orsini, Malone, Chance, McVeigh and Banfield.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 511 was referred to  
the Rules Committee for placement on the calendar.

HB The Health, Education and Social Services Committee has  
561 had HOUSE BILL NO. 561 (requiring reports by persons  
treating those injured by violence) under consideration  
and it is reported back with individual recommendations  
and with the following amendment, and further recommends  
it be referred to the Judiciary Committee.

Amendment No. 1 by the Health, Education and Social  
Services Committee:

Page 1, line 16: Delete "detailed"

The report was signed by Mrs. Beirne, Chairman. Recom-  
mending do pass were Hackney, Wingrove and Hartig. Having  
no recommendation was Malone.

HOUSE BILL NO. 561 was referred to the Judiciary Committee.

The Speaker stated that without objection, the Finance  
referral on HOUSE BILL NO. 561 would be waived and that  
it would be referred to the Judiciary Committee. There  
being no objection, it was so ordered.

HB The Health, Education and Social Services Committee has  
646 had HOUSE BILL NO. 646 (children found to be subject to  
jurisdiction of superior court; effective date) under  
consideration and a majority of the members of the Com-  
mittee recommends it do pass. The report was signed by  
Mrs. Beirne, Chairman, and concurred in by Beirne, Hackney,  
Wingrove, Hartig and Malone.

HOUSE BILL NO. 646 was referred to the Judiciary Committee.

HB The Committee on Health, Education and Social Services  
652 has had HOUSE BILL NO. 652 (relating to teachers post  
retirement pension adjustment; effective date) under  
consideration and a majority of the members of the  
Committee recommends it be replaced with COMMITTEE SUB-  
STITUTION FOR HOUSE BILL NO. 652 (same title) and that it  
do pass. The report was signed by Mrs. Beirne, Chairman,  
and concurred in by Hartig, Wingrove, Beirne, Hackney  
and Malone.

HOUSE BILL NO. 652 was referred to the Finance Committee.

"An Act relating to public education on military reservations; and providing for an effective date."

# COMMITTEE REPORT

4-1-73

HOUSE

Mr. Speaker:

Date 5/1/74

The Committee on FINANCE has had CSSE 122 (Finance) on

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR CSSE 122 AND THAT

CS FOR CSSE 122 (Finance) DO PASS

"and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

HOUSE JOURNAL

FINANCE COMMITTEE REPORT

ON

HCS CS SENATE BILL NO. 122  
(Schools on Military Reservations)

As it emerged from the Senate, CSSB 122 (Finance) amended would have dissolved the State-Operated School System by creating educational service areas in the unorganized borough and by requiring that military reservations that comprised an educational service area, or areas, contract with an adjacent city or borough school district for the operation of the on-base schools.

In its present form, however, House CS for CSSE 122 makes only those changes in the Education (AS 14) and Municipal (AS 29) Codes essential to facilitate the consummation of a contract for the operation of on-base schools by a city or borough school district at the direction of the Department of Education, and with the consent of the contracting district governing body. It is a necessary companion measure to House CS for Senate Concurrent Resolution 25 which expresses legislative endorsement of contractual operation of the on-base schools by a city or borough school district and sets out the elements of any such contract that the legislature thinks desirable.

Under legislation enacted in 1973 (ch. 32, SLA 1973) that permitted cities and boroughs to annex military reservations, language was included in both the Education and Municipal Codes which provided that although military reservations were included within the territorial boundaries of an organized borough, these reservations did not become a part of the borough school district until the military reservation status terminated and until inclusion of that territory in the borough school district was approved by the Department of Education. In preparing a contract for the operation of on-base schools by a city or borough school district it might be argued that no contract could be effective because there had been no change in the base's status as a military reservation. It is also true that almost invariably a base's military reservation status never changes; however, the military mission or operation may change or cease. Thus, Sections 1, 6 and 7 of the bill revise the language of AS 14.12.020(a), 29.33.050 and 29.41.010(a) to provide that military reservations remain outside the borough school district until the military mission is terminated or so long as management and control of the on-base schools by the state-operated schools is approved by the Department of Education. Language also is added to clarify a potential distinction that might be made between "management and control" and "operation" on the on-base schools. Thus, operation of the on-base schools by a city or a borough school district may be directed by the Department of Education if the contracting district governing body consents.

Section 2 makes clear the power of the Department of Education to prescribe the terms of a contract entered into under its general authorization under AS 14.14.110 to require cooperation between school districts, or with the state-operated schools or the Bureau of Indian Affairs "when necessary to provide more efficient or more economical educational services."

## HOUSE JOURNAL

Section 3 clarifies provisions of present law establishing advisory boards in communities served by the state-operated school system by providing that advisory boards also exist on military reservations and will continue to exist if the on-base schools are operated by contract by a city or borough school district. Section 4 stipulates that the on-base advisory school board may be advisory to the governing body of the school district that operates the on-base schools. Together with Section 10 of the bill, Section 4 sets the date of election for on-base advisory school board members where these schools are operated under contract, as the same as that for the regular municipal election at which city or borough school district board members are elected. The terms of the present-on base advisory school board members are continued through the transitional period until the next regular municipal election.

Section 5 of the bill repeals a provision of present law that limits participation in on-base advisory school board elections, as voters or candidates, to parents of children attending the on-base schools, thus excluding single persons or those without dependent children from participation. Outside military reservations, voters who are unmarried or who have no children in the public school system are not prohibited from voting, or being candidates, for school board.

Under legislation enacted in 1973 authorizing the annexation of Elmendorf AFB, Ft. Richardson and Ft. Wainwright to the Greater Anchorage Area and Fairbanks-North Star Boroughs by virtue of their annexation to the cities of Anchorage and Fairbanks, respectively, certain language of the Mandatory Borough Act (sec. 3(d), ch. 52, SLA 1963) was repealed. (sec. 4, ch. 41, SLA 1973) Inasmuch as AS 29.68.020 was enacted (sec. 1, ch. 32, SLA 1973) setting out the exclusive procedure whereby annexation of military reservations to cities or boroughs takes place, the exclusionary language contained in the Mandatory Borough Act no longer is required and might prove an additional inhibition to the effectiveness of a contract consummated under AS 14.14.110. Hence, Sections 8 and 11 of the bill, together, repeal the potentially restrictive, clearly obsolete, exclusionary language in the Mandatory Borough Act and delete the cross-reference to it in the present Municipal Code.

Section 9 of the bill abrogates the term of office of a member of the Board of Directors of the State-Operated Schools who is a resident of a military reservation whose schools are operated by a city or borough school district under contract. This section, however, does not preclude a military reservation resident from serving on the SOS board so long as the schools are operated under the SOS system.

Section 12 sets an immediate effective date for the legislation.

HOUSE . JOURNAL

Department of Education officials have assured the Finance Committee that there will be no additional cost to the State if this version of the legislation is adopted. Present funding levels for the State-Operated Schools, On-Base Schools and a portion of the State-Operated Schools Central Office funds will be adequate to cover the costs of city or borough school district contracts. Also, the present PL 874 federal aid preferential rate will not be jeopardized by this committee substitute.

Original sponsor: Health, Education  
and Social Services Committee

Offered: 3/17/73  
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 122

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to schools in the unorganized  
7 borough; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.08.010 - 14.08.150, AS 14.08.170 and AS 14.14.170 -  
10 14.14.200 are repealed.

11 \* Sec. 2. AS 14.08 is amended by adding new sections to read:

12 CHAPTER 08. UNORGANIZED BOROUGH SCHOOLS.

13 ARTICLE 1. THE UNORGANIZED BOROUGH SCHOOL DISTRICT.

14 Sec. 14.08.011. PURPOSE. (a) It is the purpose of this chapter  
15 to provide for public education in the unorganized borough, to extend  
16 the principles of local control to residents of the unorganized borough  
17 and to assure maximum service and responsiveness of the schools to the  
18 constituency being served. The provisions of this Act are intended to  
19 have application while the Unorganized Borough School District exists  
20 and until all parts of the unorganized borough have been incorporated  
21 into legally established municipalities, under provisions of AS 29,  
22 or into school service areas as provided under this chapter.

23 (b) Nothing in this chapter prohibits any portion of the state from  
24 becoming part of or being formed into an organized subdivision autho-  
25 rized by AS 29.

26 Sec. 14.08.021. THE UNORGANIZED BOROUGH SCHOOL DISTRICT. There  
27 is created and established a state corporation to be called the Un-  
28 organized Borough School District. It may in that name

29 (1) sue and be sued;

1 (2) receive and hold real and personal property;  
2 (3) contract and be contracted with;  
3 (4) adopt, use, and alter a corporate seal;  
4 (5) adopt bylaws and administrative rules for the management  
5 and operation of the schools in the unorganized borough;

6 (6) accept grants or loans from and contract with the  
7 federal government, the state, or its political subdivisions, and to  
8 that end comply with the provisions of federal, state, or local programs  
9 when necessary;

10 (7) do and have done all matters necessary for the purpose  
11 of any function set out in this chapter, including all powers granted  
12 to any school district in the state.

13 Sec. 14.08.031. APPOINTMENT OF THE BOARD. There is created the  
14 Board of Directors for the Unorganized Borough School District consist-  
15 ing of nine members to be appointed by the governor from the areas  
16 served, subject to confirmation by the legislature; six members shall  
17 be appointed from rural school areas outside of military reservations.

18 Sec. 14.08.041. TERMS OF OFFICE. The term of office of board  
19 members is three years.

20 Sec. 14.08.051. AUTHORITY OF THE BOARD OF DIRECTORS. (a) The  
21 board of directors has exclusive management and control of all unorgan-  
22 ized borough school matters associated with the program of education  
23 at the preschool, elementary, secondary and adult levels, except as  
24 provided in secs. 211 - 281 of this chapter, and subject to the state  
25 laws and the regulations promulgated by the state Board of Education.  
26 This authority includes, but is not limited to:

27 (1) operation of all public schools in the unorganized  
28 borough, except those organized into educational service areas or  
29 military educational areas;

1 (2) operation of student dormitories affiliated with public  
2 schools of the unorganized borough;

3 (3) all planning and construction of public schools in the  
4 unorganized borough;

5 (4) any other matters pertaining to public schools of the  
6 unorganized borough.

7 (b) The board of directors is responsible for the submission of  
8 applications for federal assistance for the unorganized areas through  
9 the commissioner of education, who, after reviewing the applications,  
10 shall transmit them to the appropriate federal agency.

11 (c) Federal funds and assistance allocated to unorganized areas  
12 shall be transmitted to the board of directors or deposited in the  
13 school fund of the board, and may not be transferred to any other fund  
14 unless authorized by the board and state law.

15 (d) The board of directors is responsible for assisting in the  
16 transition to local governance, as provided in this chapter and in  
17 AS 29, and shall establish the policies, guidelines, and procedures  
18 requisite to fulfilling this function, including adjudicative proceed-  
19 ings under AS 44.62.330 - 44.62.630.

20 Sec. 14.08.061. MEETINGS OF THE BOARD OF DIRECTORS. (a) Regular  
21 meetings of the board of directors shall be held monthly, unless other-  
22 wise determined by the board, but a special meeting may be called by  
23 the board president, or at the written request of a majority of the  
24 members of the board, at a place in the state designated in the call  
25 for the meeting. Written or telegraphic notice of each regular and  
26 each special meeting of the board shall be given each member at least  
27 20 days and 5 days, respectively, before the date of the meeting. An  
28 emergency meeting may be called with a notice of at least 48 hours.

29 (b) Five members constitute a quorum but a smaller number may

1 adjourn from day to day for a period of not exceeding ten days.

2 (c) A regular meeting of the board of directors may not exceed  
3 15 days, and a special meeting may not exceed 5 days.

4 Sec. 14.08.071. DISQUALIFICATION FOR VOTING. A board member  
5 having direct or indirect pecuniary interest in a contract for erection  
6 of buildings, heating, ventilation, furnishing or repairing the build-  
7 ings, or in a contract for the furnishing of supplies, is disqualified  
8 from voting on any question involving his pecuniary interest.

9 Sec. 14.08.081. ELECTION OF BOARD OFFICERS. The board of direc-  
10 tors shall annually, during its first regular meeting after January 1,  
11 elect a president and such other officers as the board determines. The  
12 president or his designee shall preside over all meetings of the board  
13 of directors and perform the duties provided for in this chapter.

14 Sec. 14.08.091. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The  
15 board of directors shall

16 (1) develop a philosophy of education, principles, and goals  
17 for the Unorganized Borough School District;

18 (2) select and employ the superintendent for the Unorganized  
19 Borough School District;

20 (3) approve the employment of the professional administrators,  
21 teachers, and all other personnel necessary to the operation of the  
22 Unorganized Borough School District;

23 (4) establish the salaries and fringe benefits to be paid  
24 the superintendent and all other employees;

25 (5) promulgate policies covering organization, procedures,  
26 and other matters, and have printed copies available to all personnel;

27 (6) initiate questions of policy for consideration and report  
28 by the superintendent, and pass upon the recommendations of the super-  
29 intendent in matters of policy, appointment or dismissal of employees,

1 salary schedules, personnel regulations, and other matters pertaining  
2 to the welfare of the schools;

3 (7) require reports from the superintendent concerning condi-  
4 tions of efficiency and needs of the schools, and take steps to appraise  
5 the effectiveness with which the schools are achieving the educational  
6 purposes of the school system;

7 (8) submit its annual operational budget to the legislature;

8 (9) establish a district school fund, together with the  
9 necessary accounting and budget management procedures requisite to  
10 fiscal accountability and management information, including appropriate  
11 reserves; this fund shall be separate from the state general fund and  
12 may be carried forward from one fiscal year to the next;

13 (10) before December 1 of each year, cause the school accounts  
14 for the year ending the preceding June to be audited by a certified  
15 accountant, and immediately afterwards file a certified copy of the  
16 audit report with the commissioner;

17 (11) designate the administrative employees authorized to  
18 direct disbursements from the school funds of the board of directors;

19 (12) submit such reports as the commissioner of education may  
20 prescribe for all school districts;

21 (13) establish, maintain, operate, discontinue, and combine  
22 schools in the Unorganized Borough School District where it considers  
23 necessary;

24 (14) provide for the construction, purchase, rental, mainte-  
25 nance, and equipment of the necessary school buildings or classrooms  
26 for schools in the unorganized borough;

27 (15) pay tuition and boarding or transportation costs of  
28 secondary school students in cases in which the establishment of local  
29 secondary schools is considered unsound for economic or educational

1 reasons.

2 Sec. 14.08.101. SUPPLIES AND EQUIPMENT FOR SCHOOLS OF THE UNORGAN-  
3 IZED BOROUGH SCHOOL DISTRICT. (a) The board of directors may

4 (1) order, in advance of the school year for which required,  
5 necessary supplies and equipment for the schools of the unorganized  
6 borough district;

7 (2) obligate the funds required for these purchases in  
8 advance of the fiscal year for which appropriated or authorized;

9 (3) establish the independent purchasing system necessary  
10 to provide for timely and expeditious flow of instructional and related  
11 materials.

12 (b) Nothing in this section permits the board of directors to  
13 obligate over 75 per cent of the amount requested to be appropriated  
14 by the legislature.

15 Sec. 14.08.111. STATE PAYMENTS. All funds appropriated by the  
16 legislature for operation of the unorganized borough schools shall be  
17 paid by the Department of Administration upon requisition by the super-  
18 intendent of the Unorganized Borough School District. These funds  
19 shall be made payable to the board of directors and shall be deposited  
20 in the school fund of the board of directors. The amount received may  
21 not be transferred to any other fund less authorized by the board of  
22 directors and state law.

23 Sec. 14.08.121. COMPENSATION AND EXPENSES OF BOARD MEMBERS. (a)  
24 Each member of the board of directors shall receive travel expenses  
25 and the same per diem allowed by law to a member of a state commission.

26 (b) Per diem and travel expenses of the members shall be paid  
27 from funds appropriated by the legislature for the operation of the  
28 schools.

29 Sec. 14.08.131. ADMINISTRATION OF THE UNORGANIZED BOROUGH SCHOOL

1 DISTRICT. The principal offices for the administration of the Unorgan-  
2 ized Borough School District shall be located in Anchorage, Alaska.

3 Sec. 14.08.141. ADMINISTRATIVE DUTIES. The superintendent is the  
4 executive officer of the board of directors. He shall insure that the  
5 programs and policies of the board of directors are faithfully dis-  
6 charged.

7 Sec. 14.08.146. TRANSITION. On July 1, 1973, the Alaska State-  
8 Operated School System shall be titled the Unorganized Borough School  
9 District, with all organizational elements, property, funds, policies,  
10 and obligations as currently within the State-Operated School System  
11 coming under the new organization and title of the Unorganized Borough  
12 School District. Members of the Board of Directors for State-Operated  
13 Schools shall become members of the Board of Directors for the  
14 Unorganized Borough School District, under the same terms and conditions  
15 as they were serving under in the State-Operated School System. All  
16 employees transfer under the same conditions and with all the accrued  
17 benefits they have held with the State-Operated School System.

18 Sec. 14.08.148. RECALL. The recall provisions of AS 15.45  
19 apply to the recall of elected officials under this chapter.

20 ARTICLE 2. LOCAL SCHOOL BOARDS OR COUNCILS.

21 Sec. 14.08.151. ESTABLISHMENT OF LOCAL SCHOOL BOARDS OR COUNCILS.  
22 There is in each rural community served by the Unorganized Borough  
23 School District a local school board of five members, and on each  
24 military base or reservation served by the Unorganized Borough School  
25 District there is a local school council of five members. Any community  
26 may increase or decrease its school board or school council membership  
27 by approval of a proposition for an increase or decrease included on  
28 the ballot at a regular school board or council election.

29 Sec. 14.08.161. ELECTION. (a) Local school board and school

1 council members are elected at the regular general election held  
2 annually in November, providing that a different date may be estab-  
3 lished for any specific community by action of the Board of Directors  
4 for the Unorganized Borough School District. Elections under this  
5 section shall be conducted substantially in the same manner as regular  
6 municipal elections. Elections for members of local school boards or  
7 councils shall be supervised by the office of the lieutenant governor  
8 and paid for by the state through that office.

9 (b) Election to a local school council does not constitute  
10 election to a state or partisan office.

11 Sec. 14.08.171. QUALIFICATIONS OF LOCAL SCHOOL BOARD OR COUNCIL  
12 MEMBERS AND VOTERS. A person may vote at an election for local school  
13 board or council members, and may be eligible for membership on a local  
14 school board or council, who

15 (1) is a citizen of the United States;

16 (2) has passed his 18th birthday, except that one member may  
17 be elected to the board or council who has passed his 16th birthday,  
18 providing this member is a student in a public school and is elected by  
19 the students of all secondary schools in that community;

20 (3) is an inhabitant of the area served by the school for  
21 at least 30 days preceding the election; and

22 (4) neither votes nor holds an elective office in a borough  
23 or city school district, nor in more than one local school board or  
24 school council.

25 Sec. 14.08.181. TERMS OF OFFICE AND VACANCY. (a) Of the initial  
26 members of a local school board or council, one member shall be elected  
27 for a one-year term, two members for a two-year term, and two members  
28 for a three-year term, and each until a successor takes office.

29 Thereafter, all members are elected to terms of three years and until

1 a successor takes office. If the number of board or council members  
2 is changed by election, terms shall be alternated to provide for  
3 expiration each year of the terms for approximately one-third of the  
4 board members.

5 (b) Within seven days after the certification of the results of  
6 each regular school election, the school board or council shall meet  
7 and elect one of its members as president, one as clerk, and other  
8 officers the board or council considers necessary.

9 (c) If a vacancy occurs on the school board or council, the  
10 remaining members may either require a special election, or may within  
11 30 days appoint a person to fill the vacancy. On a petition signed  
12 by at least 10 per cent of the qualified voters in the locale that  
13 school serves, the board or council shall require a special election.  
14 The person elected or appointed shall serve until the next regular  
15 election when a successor shall be elected to serve the balance of the  
16 term.

17 (d) Where a member of a school board or council has notice of  
18 and is absent from three consecutive regular school board or council  
19 meetings and is not excused by the president of the school board or  
20 council, the other members of the school board or council may by  
21 unanimous vote declare the position vacant and shall notify the ex-  
22 member by registered mail. The vacancy shall be filled as provided  
23 by (c) of this section.

24 Sec. 14.00.191. DUTIES. (a) A local school board or school  
25 council shall advise and assist the Board of Directors for the Unorgan-  
26 ized Borough School District.

27 (b) A local school board or school council may be delegated  
28 policy-making authority in programs and operation of the schools in  
29 that community. A board or school council desiring this authority

1 shall submit a request to the Board of Directors for the Unorganized  
2 Borough School District, detailing the powers it desires to assume and  
3 the proposed manner of implementing those powers. The board of  
4 directors may require that the proposal be approved by local election,  
5 or must require a local election if a petition signed by 10 per cent  
6 of the qualified voters calls for an election. The local board or  
7 council may assume the additional powers immediately upon their approval  
8 by the board of directors, or upon approval by election if one is  
9 required.

10 (c) The board of directors shall take action on a request for  
11 policy-making authority within 90 days of its submission, or shall  
12 submit the request to local election within that period. Results of  
13 an election constitute a final decision, and may not be superseded  
14 by action of the board of directors. A board or council may not be  
15 delegated powers or duties which are not vested in the board of direc-  
16 tors.

### 17 ARTICLE 3. EDUCATIONAL SERVICE AREAS.

#### 18 Sec. 14.08.211. ESTABLISHMENT OF EDUCATIONAL SERVICE AREAS.

19 (a) Qualified voters residing in a rural area of the unorganized  
20 borough may establish an educational service area which shall be  
21 governed and operated as a separate school district.

22 (b) Establishment of an educational service area is initiated by  
23 a petition submitted to the Board of Directors for the Unorganized  
24 Borough School District and signed by qualified voters in a number  
25 equal to at least 10 per cent of those who voted in the last general  
26 election in that area, or by passage of a resolution by the local  
27 school boards of all communities proposed as part of the service area.  
28 The petition or resolution shall be accompanied by a service area  
29 plan which sets out, but is not limited to, the name and boundaries

1 of the proposed area, the powers of the service area board, the powers  
2 of the local school boards within the service area, the proposed  
3 manner of implementing those powers, and the proposed budget for the  
4 remainder of the current fiscal year and the succeeding fiscal year.

5 (c) The Unorganized Borough School District shall work with  
6 the people of the area in a proposed educational service area in the  
7 additional planning and modification considered necessary for approval  
8 and for implementation. Consideration shall be given to such items  
9 as initial budget allocation, the transitional process and timetable,  
10 compliance with legal requirements, and other matters considered neces-  
11 sary or desirable.

12 (d) Upon receipt of a petition under (b) of this section, the  
13 Unorganized Borough School District shall appoint a representative to  
14 take part in community hearings to determine local feelings and desires.  
15 These hearings shall be conducted by a group mobilized by, or at the  
16 request of, each community involved.

17 (e) The Board of Directors for the Unorganized Borough School  
18 District shall approve the petition and plan as soon as it is con-  
19 sidered complete, feasible, in compliance with legal requirements,  
20 and in accord with the desires of the local people as determined  
21 through the hearings and planning activities conducted locally. The  
22 board of directors may require modifications to meet legal requirements,  
23 but it may not compel specific changes; so long as legal requirements  
24 are met, final choices must be left to the people of the area. Except  
25 in cases of failure to meet legal requirements, or in cases where  
26 unresolved disputes exist between local school boards or communities,  
27 approval of the board of directors must be given within 180 days of  
28 receiving the initial petition.

29 (f) When the board of directors gives an educational service

1 area its approval, it shall then notify the office of the lieutenant  
2 governor who shall order an election held within the proposed service  
3 area. Petitions to nominate area school board members shall include  
4 the signatures of at least 20 qualified voters residing within the  
5 area of the proposed school district.

6 (g) The office of the lieutenant governor shall supervise the  
7 administration of the election in the general manner as prescribed by  
8 the state election code (AS 15.05 - 15.60). The state, through the  
9 office of the lieutenant governor, shall bear the cost of each educa-  
10 tional service area election.

11 Sec. 14.08.221. EDUCATIONAL SERVICE AREA BOARDS. Each educa-  
12 tional service area shall have an area school board elected by the  
13 qualified voters of the area on a representative basis described in  
14 the organizational plan. The initial number of board members shall  
15 be stipulated in the approved plan, but the qualified voters of the  
16 area may increase or decrease that number of approving such a ballot  
17 proposal at a school district election in the manner prescribed by  
18 law.

19 Sec. 14.08.231. EDUCATIONAL SERVICE AREA SCHOOL BOARD TERMS.

20 (a) The term of office of an educational service area school board  
21 member is three years and until a successor takes office. Terms shall  
22 be alternated to provide for expiration each year of the terms for  
23 approximately one-third of the board members. For example, members of  
24 a newly created five-member educational service area school board hold  
25 office for initial terms as follows: two for a term of three years,  
26 two for a term of two years, and one for a term of one year. The  
27 members of a newly created seven-member educational service area school  
28 board hold office for initial terms as follows: three for a term of  
29 three years, two for a term of two years, and two for a term of one

1 year. The members of a newly created nine-member educational service  
2 area school board hold office for initial terms as follows: three  
3 members each for terms of three, two, and one years. Terms are assigned  
4 to new members by lot.

5 (b) Nothing in this section prevents an educational service area  
6 school board member from succeeding himself.

7 Sec. 14.08.241. AREA AND LOCAL SCHOOL BOARD POWERS AND DUTIES.

8 The same powers and duties as a city or borough school board has with  
9 relation to its respective spheres of responsibility, under AS 14.14.-  
10 020, 14.14.050, 14.14.070 - 14.14.160, and 14.14.250 - 14.14.300, are  
11 vested in the area and local boards of an educational service area.  
12 Specific divisions of responsibility between the area and local boards  
13 must be delineated in the approved plan establishing the service area,  
14 provided this may be changed by local petition and election.

15 Sec. 14.08.246. SUPPLIES AND EQUIPMENT. (a) An educational  
16 service area board may

17 (1) order, in advance of the school year for which required,  
18 necessary supplies and equipment for the educational service area;

19 (2) obligate the funds required for these purchases in  
20 advance of the fiscal year for which appropriated or authorized.

21 (b) Nothing in this section may be construed to permit an educa-  
22 tional service area board to obligate over 50 per cent of the projected  
23 budget for the ensuing school year.

24 Sec. 14.03.249. COMMUNITY CONTROL. Local school boards estab-  
25 lished under secs. 151 - 191 of this chapter shall continue to exercise  
26 their control of the schools in their community, unless the proposi-  
27 tion establishing the educational service area provides for a specific  
28 transfer of authority and the local community involved votes approval  
29 of the proposition. No community in which a majority of those voting

1 oppose the proposition shall be included in an educational service  
2 area.

3 ARTICLE 4. MILITARY EDUCATIONAL AREA.

4 Sec. 14.08.250. ESTABLISHMENT OF A MILITARY EDUCATIONAL AREA.

5 (a) Any one or any combination of federal military bases or reserva-  
6 tions on which one or more schools is operated may establish a military  
7 educational area.

8 (b) Establishment of a military educational area is initiated by  
9 a petition submitted to the Board of Directors for the Unorganized  
10 Borough School District. The petition may be initiated by any of the  
11 following:

12 (1) a joint resolution of the local school councils; or

13 (2) a petition signed by 10 per cent of the qualified voters;

14 or

15 (3) the appropriate base, service, or area commander.

16 (c) The petition or resolution shall be accompanied by a plan  
17 which sets out but is not limited to the name and boundaries of the  
18 proposed educational area, the method for selecting the educational  
19 area council, the powers that the school council for the area shall  
20 be expected to assume, the proposed manner of implementing those  
21 powers, and the proposed budget for the current fiscal year and the  
22 succeeding fiscal year.

23 (d) The board of directors shall work with the people of the  
24 proposed educational area in the additional planning and modification  
25 considered necessary for approval. Consideration shall be given to  
26 such factors as initial budget allocation, transitional process and  
27 timetable, and compliance with legal requirements.

28 (e) The Board of Directors for the Unorganized Borough School  
29 District shall approve the petition and plan as soon as it is

1 considered complete, feasible, in compliance with legal requirements,  
2 and in accord with the desires of local people as determined through  
3 hearings and planning activities conducted locally. The board of  
4 directors may require modifications to meet legal requirements, but  
5 it may not compel specific changes. So long as legal requirements are  
6 met, final choices must be left to the people of the area. Except in  
7 cases of failure to meet legal requirements, approval of the board of  
8 directors must be given in any case within 180 days of receiving the  
9 initial petition. However, no plan for a military educational area  
10 shall be advanced further unless it has first been approved by the  
11 appropriate military commander, as determined by the Commander-in-Chief,  
12 Alaska Command.

13 (f) When the board of directors gives a military educational  
14 area its approval, it shall notify the office of the lieutenant governor,  
15 who shall order an election held within the boundaries of the proposed  
16 educational area. If the plan for the educational area provides for  
17 election of an area school council, the election of council members  
18 shall be provided for on the same ballot as the question of establishing  
19 the educational area. Petitions to nominate area school council mem-  
20 bers shall include the signatures of at least 20 qualified voters  
21 residing within the proposed educational area.

22 (g) The office of the lieutenant governor shall supervise the  
23 administration of the election in the general manner as prescribed by  
24 the state election code (AS 15.05 - 15.60). The state, through the  
25 office of the lieutenant governor, shall bear the cost of each military  
26 educational area election.

27 Sec. 14.08.260. GOVERNANCE OF MILITARY EDUCATIONAL AREA. A  
28 representative area school council shall be established for each  
29 military educational area in the manner contained in the approved plan.

1 Qualifications for members, and for voters if council members are  
2 chosen by election, shall be the same as those for members of local  
3 school councils as contained in sec. 171 of this chapter. Terms of  
4 office and provisions for vacancies shall be the same as those for local  
5 school councils as contained in sec. 181 of this chapter. Membership  
6 on the school council for a military educational area does not consti-  
7 tute a civil or partisan office.

8 Sec. 14.08.270. POWERS AND DUTIES. The same powers and duties  
9 as a city or borough school district board has with relation to its  
10 respective spheres of responsibility, under AS 14.14.020, 14.14.050,  
11 14.14.070 - 14.14.160 and 14.14.250 - 14.14.300, are vested in the area  
12 and local council of an educational service council. Specific divisions  
13 of responsibility between the area and local councils must be delineated  
14 in the approved plan establishing the service council, provided this  
15 may be changed by local petition and election.

16 Sec. 14.08.275. LOCAL CONTROL. If the military educational area  
17 contains more than one base or reservation, each local school council  
18 established under secs. 151 - 191 of this chapter shall continue to  
19 exercise control of the school on its base or reservation, unless the  
20 proposition establishing the educational area specifically provides  
21 for their change or discontinuance.

22 Sec. 14.08.280. CONTRACTUAL OPTIONS. Nothing in this chapter  
23 shall be interpreted as preventing a military educational area council  
24 from arranging contractual operation by an existing school district.  
25 The board of a military educational area may also contract with a  
26 school district for special services.

27 ARTICLE 5. TRANSITION OF THE UNORGANIZED  
28 BOROUGH SCHOOL DISTRICT.

29 Sec. 14.08.300. TRANSITION SCHEDULE. (a) Not later than July 1,

1 1975, all areas of the Unorganized Borough School District shall have  
2 selected an organizational arrangement, as provided in secs. 211 - 280  
3 of this chapter, and have initiated procedures leading to establishment  
4 of the selected plan.

5 (b) Transition to local governance shall have been completed not  
6 later than June 30, 1977.

7 (c) The Unorganized Borough School District is dissolved as of  
8 July 1, 1977. At this time

9 (1) all properties and assets not transferred to local school  
10 units shall be transferred to the Department of Education; and

11 (2) any duties and responsibilities being carried out by the  
12 Unorganized Borough School District shall likewise be transferred to  
13 the Department of Education.

14 Sec. 14.08.310. TRANSITIONAL FUNDING. Subject to legislative  
15 appropriation, funding in the amount of \$2,500 for each local school  
16 board and council will be made available by the state for initial  
17 organizational and developmental purposes. Each local school board or  
18 council will determine how that money will be utilized.

19 Sec. 14.08.320. TRANSFER OF PROPERTY AND ASSETS. When independent  
20 school districts or areas are established under this chapter or under  
21 AS 29, the property and assets of the Unorganized Borough School  
22 District located in that district or area shall be transferred to school  
23 districts. The manner of transfer shall be determined by the Board of  
24 Directors for the Unorganized Borough School District.

25 Sec. 14.08.330. RAPID TRANSITION FOR FISCAL YEAR 1974. (a) Not-  
26 withstanding other provisions of this chapter, any portion of the  
27 unorganized borough desiring to attain independent status within fiscal  
28 year 1974 may utilize any means it considers most expeditious in sub-  
29 mitting its request for such a change to the Unorganized Borough School

1 District. Upon reasonable demonstration of readiness and the feasibil-  
2 ity for rapid change, the Unorganized Borough School District and the  
3 Department of Education shall give highest priority to assisting the  
4 area make the desired change as rapidly as is feasible. This section  
5 has no application after July 1, 1974.

6 \* Sec. 3. AS 14.07.050 is amended to read:

7 Sec. 14.07.050. SELECTION OF TEXTBOOKS. (a) Textbooks for use in  
8 public schools of the state shall be selected by district boards [FOR  
9 DISTRICT SCHOOLS AND BY A STATE SCHOOLS TEXTBOOK COMMITTEE APPOINTED  
10 BY THE DIRECTOR FOR STATE SCHOOLS. SELECTIONS OF THE STATE SCHOOLS  
11 TEXTBOOK COMMITTEE SHALL BE SUBMITTED TO THE BOARD OF DIRECTORS FOR  
12 STATE-OPERATED SCHOOLS FOR APPROVAL OR REJECTION].

13 (b) A [HOWEVER, A] district may elect to adopt the selections of  
14 the State Textbook Commission [COMMITTEE].

15 \* Sec. 4. AS 14.07 is amended by adding a new section to read:

16 Sec. 14.07.053. STATE TEXTBOOK COMMISSION. The Department of  
17 Education may establish a State Textbook Commission, for purposes of  
18 establishing a recommended textbook listing and obtaining volume price  
19 lists periodically from textbook publishers. A majority of the members  
20 of the commission shall be representatives of school districts.

21 \* Sec. 5. AS 14.07.085(b) is amended to read:

22 (b) One member shall be appointed from each of the four judicial  
23 districts and three from the state at large with at least one member  
24 representing unorganized borough [STATE-OPERATED] rural schools.

25 \* Sec. 6. AS 14.12.010 is amended to read:

26 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL SYSTEM. The  
27 districts of the state public school system are as follows:

28 (1) each first [, SECOND, AND THIRD] class city in the  
29 unorganized borough is a city school district;

1 (2) each organized borough is a borough school district;

2 (3) each educational service area, each military educational  
3 area, and the Unorganized Borough School District is a school district  
4 [THE AREA OUTSIDE ORGANIZED BOROUGH AND OUTSIDE FIRST, SECOND, AND  
5 THIRD CLASS CITIES IS THE STATE-OPERATED SCHOOL DISTRICT].

6 \* Sec. 7. AS 14.12.020(a) is amended to read:

7 (a) Operation of the Unorganized Borough School District [STATE-  
8 OPERATED SCHOOL DISTRICT] is under the management and control of the  
9 board of the Unorganized Borough School District. Each educational  
10 service area and military educational area shall be governed on an  
11 area-wide basis, as provided in the approved plan of operation by an  
12 area school board or council [STATE-OPERATED SCHOOLS].

13 \* Sec. 8. AS 14.12.020(c) is amended to read:

14 (c) The legislature shall provide the state money necessary to  
15 maintain and operate educational service areas, military educational  
16 areas, and the Unorganized Borough School District [THE STATE-OPERATED  
17 SCHOOL DISTRICT]. The borough assembly for a borough school district, and  
18 the city council for a city school district, shall provide the money  
19 which must be raised from local sources to maintain and operate the  
20 district.

21 \* Sec. 9. AS 14.14.090 is amended by adding a new paragraph to read:

22 (7) establish all school attendance boundaries within the  
23 service area and, for any school attendance area crossing district or  
24 service area boundary lines, establish such joint attendance areas in  
25 cooperation with the school board of any other area or district into  
26 which the proposed attendance area will extend.

27 \* Sec. 10. AS 14.14.105 is amended to read:

28 Sec. 14.14.105. SICK LEAVE BANK. A [LOCAL] school district  
29 board, [OR THE BOARD OF THE STATE-OPERATED SCHOOL SYSTEM] may establish

1 a sick leave bank to enable a teacher, because of unusual circumstances,  
2 to draw not more than twice the number of days of sick leave the teacher  
3 has accumulated. The board may establish and administer the sick leave  
4 bank independently or jointly with teachers.

5 \* Sec. 11. AS 14.17.210 is repealed and re-enacted as follows:

6 Sec. 14.17.210. STATE AID TO NEWLY ESTABLISHED DISTRICT SCHOOLS.

7 (a) When a school operated by the Unorganized Borough School District  
8 becomes part of another school district, its financial support shall  
9 continue to be provided from Unorganized Borough School District funding  
10 until the end of the first complete fiscal year after the date when the  
11 transfer becomes effective. This subsection does not prevent a local  
12 government from contributing additional financial support for the  
13 operation of such a school.

14 (b) After the first complete fiscal year following a school trans-  
15 fer to a city or borough school district, the state shall disburse to  
16 the district that amount of money to which the district is entitled  
17 for the school under the public school foundation program.

18 \* Sec. 12. AS 14.17.250(3) is amended to read:

19 (3) "district" means any city or borough school district,  
20 educational service area, military educational area, or the Unorganized  
21 Borough [BUT DOES NOT INCLUDE SCHOOLS IN THE STATE-OPERATED] School  
22 District except that sec. 71 of this chapter does not apply to educa-  
23 tional service areas, military educational service areas or the  
24 Unorganized Borough School District.

25 \* Sec. 13. AS 14.14.110 is amended to read:

26 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary  
27 to provide more efficient or more economical educational services, a  
28 district may cooperate or the department may require a district to  
29 cooperate with other districts [, STATE-OPERATED SCHOOLS], or the

1 Bureau of Indian Affairs in providing educational services or in  
2 establishing boarding and tuition arrangements, arrangements for the  
3 exchange of pupils or teachers, or other similar arrangements. However,  
4 if a cooperative arrangement requires pupils to live away from their  
5 usual homes, the school board shall provide classes within the attendance  
6 area when there are at least eight children eligible to attend elemen-  
7 tary and secondary school in the attendance area.

8 \* Sec. 14. AS 14.20.175(a) is amended to read:

9 (a) A teacher who has not acquired tenure rights is subject to  
10 nonretention for the school year following the expiration of his con-  
11 tract for any cause which the employer determines to be adequate.  
12 However, at his request, the teacher is entitled to a written statement  
13 of the cause for his nonretention. Each district school [THE] board  
14 [OF DIRECTORS FOR STATE SCHOOLS, AND THE DISTRICTS FOR DISTRICT  
15 SCHOOLS,] shall provide by regulation or bylaw a procedure under which  
16 a nonretained teacher may, at his request, be heard informally by  
17 [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR MORE BOARD MEMBERS  
18 IN THE CASE OF STATE SCHOOLS, AND BY] the local school board [IN THE  
19 CASE OF A DISTRICT SCHOOL] or board of directors.

20 \* Sec. 15. AS 14.20.180(b) is amended to read:

21 (b) The tenure teacher may, within 15 days immediately following  
22 receipt of the notification, notify the employer in writing that he  
23 requests a hearing before the local school board or Board of Directors  
24 for the Unorganized Borough School District [, OR IF THE TENURE  
25 TEACHER IS EMPLOYED BY THE STATE, BEFORE AN APPEAL PANEL CONSISTING  
26 OF THE DIRECTOR AND TWO MEMBERS OF THE BOARD]. The tenure teacher may  
27 require in the notification that

- 28 (1) the hearing be either public or private,  
29 (2) the hearing be under oath or affirmation,

1 (3) he have the right of cross-examination,

2 (4) he be represented by counsel

3 (5) he have the right to subpoena a person who has made  
4 allegations which are used as a basis for the decision of the employer.

5 \* Sec. 16. AS 14.20.180(c) is amended to read:

6 (c) Upon receipt of the notification requesting a hearing, the  
7 employer shall immediately arrange for a hearing, and shall notify the  
8 tenure teacher or administrator in writing of the date, time, and place  
9 of the hearing. A written transcript, tape, or similar recording of the  
10 proceedings shall be kept. Transcribed copies shall be furnished to the  
11 tenure teacher for cost upon his request. A final decision of the  
12 school board, educational service area board or board of directors  
13 [ , OR THE APPEAL PANEL ] requires a majority vote of the membership. The  
14 vote shall be by roll call. The final decision shall be written and  
15 contain specific findings of fact and conclusions of law. A written  
16 notification of the decision shall be furnished to the tenure teacher  
17 within 10 days of the date of the decision.

18 \* Sec. 17. AS 14.20.207(2) is amended to read:

19 (2) "employer" means the school board [OR SUPERINTENDENT]  
20 which appoints, or delegates responsibility to a superintendent to  
21 appoint, the teacher [OR, IN THE CASE OF A TEACHER IN THE STATE-OPERATED  
22 SCHOOLS, THE BOARD OF DIRECTORS FOR THE STATE-OPERATED SCHOOLS];

23 \* Sec. 18. AS 14.20.230 is amended to read:

24 Sec. 14.20.230. ADMINISTRATORS' SALARIES. District school [SCHOOL]  
25 boards [ , OF DISTRICT SCHOOLS AND THE BOARD OF THE STATE-OPERATED  
26 SCHOOLS ] shall pay a qualified school administrator a salary not less  
27 than the allowable amount for his position on the teachers' scale  
28 provided in secs. 220(a) - (c) of this chapter, plus

29 (1) 25 per cent for the chief school administrator of a

1 district with an average daily membership of 500 or more;

2 (2) 20 per cent for the chief school administrator of a dis-  
3 trict with an ADM of less than 500;

4 (3) 15 per cent for a principal or other administrator;

5 (4) 10 per cent for an assistant principal.

6 \* Sec. 19. AS 14.20.310(a)(1) is amended to read:

7 (1) not more than one-half of one per cent of the total  
8 number of teachers from all [BOROUGH AND CITY] school districts [, AND  
9 THE STATE-OPERATED SCHOOL DISTRICT] may be on state-supported sabbatical  
10 leave in any year;

11 \* Sec. 20. AS 14.20.550 is amended to read:

12 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each  
13 district school board [AND THE BOARD OF DIRECTORS FOR THE STATE-  
14 OPERATED SCHOOLS] shall negotiate with its certificated employees in  
15 good faith on matters pertaining to their employment and the fulfillment  
16 of their professional duties.

17 \* Sec. 21. AS 14.30.186(b) is amended to read:

18 (b) The board of an educational service area [STATE-OPERATED  
19 SCHOOLS] and the Board of Directors for the Unorganized Borough School  
20 District shall provide for special services in each [A] school [IN THE  
21 STATE-OPERATED SCHOOL DISTRICT] for exceptional children when there are  
22 [REPRESENTED BY] not less than five such children residing in the area  
23 served by the school.

24 \* Sec. 22. AS 14.30.186(d) is amended to read:

25 (d) A school district [, OR A STATE-OPERATED SCHOOL] required by  
26 secs. 10 - 305 of this chapter to provide special services for ex-  
27 ceptional children may cooperate with one or more school districts  
28 [, OR STATE-OPERATED SCHOOLS] in providing special classes. If, under  
29 the cooperative agreement, there are no special classes offered within

1 a school district [OR STATE-OPERATED SCHOOL] exceptional children may  
2 attend special classes in the cooperating school district [OR STATE-  
3 OPERATED SCHOOL] providing the special classes.

4 \* Sec. 23. AS 14.30.260 is amended to read:

5 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board  
6 for a district [, OR THE BOARD OF DIRECTORS FOR A SCHOOL IN THE STATE-  
7 OPERATED SCHOOL DISTRICT] in which special services are provided [FOR,]  
8 may waive part of the qualifications of teachers as set out in sec.  
9 250 of this chapter, if necessary, during the first school year special  
10 services are offered in the district [OR IN THE SCHOOL IN THE STATE-  
11 OPERATED SCHOOL DISTRICT].

12 \* Sec. 24. AS 14.30.285(a) is amended to read:

13 (a) An exceptional child may be sent to another school district  
14 [,] with the consent of the district [, OR] board [STATE-OPERATED  
15 SCHOOL], if the child resides in a district or school attendance area  
16 where there is no provision for classes or the special education class  
17 is not appropriate for the needs of the child.

18 \* Sec. 25. AS 14.30.285(b) is amended to read:

19 (b) If a school district [, OR THE STATE DIRECTOR IF A STATE-  
20 OPERATED SCHOOL,] approves the enrollment of an exceptional child in  
21 another school district [OR STATE-OPERATED SCHOOL APPROVED BY THE STATE  
22 DIRECTOR], and the child is enrolled in the institution, the child's  
23 education expenses shall be paid for as follows:

24 (1) the school district [OR THE BOARD OF DIRECTORS FOR STATE-  
25 OPERATED SCHOOLS] shall pay the receiving district an amount of money  
26 equal to the receiving district's local cost per pupil rate;

27 (2) the Department of Education [OR THE BOARD OF DIRECTORS  
28 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of  
29 the annual cost of the child's education, at a school within the

1        unorganized borough [ITS JURISDICTION], above that provided for in  
2        (b)(1) of this section.

3        \* Sec. 26. AS 14.30.295(b) is amended to read:

4                (b) If a school district [OR THE STATE DIRECTOR, IF A STATE-  
5        OPERATED SCHOOL,] approves the enrollment of an exceptional child in  
6        an out-of-state institution approved by the commissioner, and the child  
7        is enrolled in the institution, the child's education expenses shall be  
8        paid as follows:

9                (1) the school district [OR THE BOARD OF THE STATE-OPERATED  
10        SCHOOLS, IF A STATE-OPERATED SCHOOL,] shall pay an amount equal to the  
11        local contribution toward the cost of education per pupil;

12                (2) the Department of Education [BOARD OF THE STATE-OPERATED  
13        SCHOOLS] shall pay whichever of the following amounts is less, but not  
14        to exceed \$6,000:

15                        (A) 75 per cent of the annual cost of the child's  
16        education; or

17                        (B) an amount which, when added to the contribution in  
18        (b)(1) of this section, equals the total cost of the child's  
19        education;

20                (3) the parent or guardian shall pay the remainder of the  
21        cost unless the district school board [OR THE STATE DIRECTOR, IF A  
22        STATE-OPERATED SCHOOL,] determines upon the basis of standards set by  
23        the commissioner of education, in cooperation with the Department of  
24        Health and Social Services, that the parent or guardian is unable  
25        to pay all or part of the remainder of the cost; the Department of  
26        Education [BOARD OF THE STATE-OPERATED SCHOOLS] shall pay the remainder  
27        of the cost which the parent or guardian is unable to pay.

28        \* Sec. 27. AS 14.33.010 is amended to read:

29                Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The

1 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE  
2 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a [BOROUGH OR  
3 CITY] school district or a private or denominational school may require  
4 that school safety patrols be established to assist pupils to cross  
5 streets and highways adjacent to schools in safety.

6 \* Sec. 28. AS 14.33.020(a) is amended to read:

7 (a) If [THE STATE DIRECTOR,] a district school board [,] or a  
8 private or denominational school determines that a safety patrol should  
9 be established for a school, the principal of the school shall appoint  
10 pupils in the school to serve as members of the patrol.

11 \* Sec. 29. AS 14.52.020(b) is amended to read:

12 (b) It is the intent of the legislature that insofar as the food  
13 service and nutrition education programs of [CITY OR BOROUGH] school  
14 districts [, OR OF THE STATE-OPERATED SCHOOLS] are affected by this  
15 chapter, the directives of this legislation are guidelines; the policies  
16 of this chapter are permissive and not mandatory.

17 \* Sec. 30. AS 14.60.010(5) - (8) are amended to read:

18 (5) "governing body" means the school board of a borough or  
19 city school district, or the board of an educational service area, or  
20 the school council for a military educational area, or the Board of  
21 Directors for the Unorganized Borough School District [DIRECTORS FOR  
22 THE STATE-OPERATED SCHOOL DISTRICT];

23 (6) "school board" means the school board of a borough or  
24 city school district, a local community, an educational service area,  
25 or the board of directors for the Unorganized Borough [STATE-OPERATED]  
26 school district;

27 (7) "board of directors" means the governing body for  
28 [BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS] the Unorganized Borough  
29 School District.

1 [(8) "DIRECTOR" OR "STATE DIRECTOR" MEANS THE DIRECTOR OF  
2 EDUCATION FOR STATE-OPERATED SCHOOLS.]

3 \* Sec. 31. AS 14.60.010 is amended by adding a new paragraph to read:

4 (10) "school council" means the governing board for the  
5 schools of a military base or military educational area.

6 \* Sec. 32. AS 29.18.130 is amended to read:

7 Sec. 29.18.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE  
8 AREAS. Service areas and schools in a newly incorporated borough or  
9 city, shall be integrated into the borough or city within two years  
10 after the date of incorporation. On integration the borough or city  
11 succeeds to all the rights, powers, duties, assets and liabilities of  
12 the service areas. After integration, the borough assembly or city  
13 council may exercise within a former service area all of the rights and  
14 powers exercised by the service area at the time of integration, and  
15 may levy and collect special charges, taxes, or assessments to amortize  
16 bonded indebtedness incurred by the service area or by a borough or  
17 city as successor to the service area. Upon integration no less than  
18 all property in the service area at the time of integration remains  
19 subject to taxation to pay the principal of and interest on the bonds.  
20 The provisions of this section apply to all organized boroughs whether  
21 incorporated or organized before or after September 10, 1972.

22 \* Sec. 33. AS 39.25.110 is amended by adding a new paragraph to read:

23 (14) officers, teachers, and all other employees of the  
24 Unorganized Borough School District, educational service areas, and  
25 military educational areas.

26 \* Sec. 34. AS 14.07.030(1) is repealed.

27 \* Sec. 35. Sections 3, 4, 9, 10, 13, 14, 17 - 20, 22 - 24, 27 - 29 and  
28 32 of this Act take effect on the day after their passage and approval or  
29 on the day they become law without approval.

1 \* Sec. 36. Sections 1, 2, 5 - 8, 11, 15, 16, 21, 25, 26, 30, 31, 33 and  
2 34 of this Act take effect July 1, 1973.

3 \* Sec. 37. Section 12 of this Act takes effect September 1, 1973.  
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Original sponsor: Health, Education and  
Social Services Committee

Offered: 3/31/73  
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 122

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public education on military  
7 reservations; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. The purpose of this Act is to provide for public education  
10 on military installations and for the local operation of those schools which  
11 have heretofore been under direct operation of the state.

12 \* Sec. 2. AS 14.03.030 is amended to read:

13 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on  
14 the dates fixed by the governing body [OF THE SCHOOL DISTRICT]. How-  
15 ever, the term shall include not less than 180 days in session, except  
16 that, subject to the approval of the commissioner, a day used for in-  
17 service training of teachers may be substituted for a day in session,  
18 up to a maximum of 10 days.

19 \* Sec. 3. AS 14.03.050(c) is amended to read:

20 (c) The governing body [OF THE SCHOOL DISTRICT] may declare  
21 additional holidays.

22 \* Sec. 4. AS 14.03.060(b) is amended to read:

23 (b) A secondary school consists of grades seven through 12 or any  
24 appropriate combination of grades within this range. The establishment  
25 of one or two grades beyond the 12th grade is optional with the govern-  
26 ing body [OF THE SCHOOL DISTRICT].

27 \* Sec. 5. AS 14.03.080(a) is amended to read:

28 (a) A child of school age is entitled to attend public school with-  
29 out payment of tuition during the school term in the school district

1 or education service area in which he is a resident subject to the pro-  
2 visions of AS 14.14.110 and 14.14.120.

3 \* Sec. 6. AS 14.03.080(b) is amended to read:

4 (b) A person over school age may be admitted to the public school  
5 in the school district or education service area in which he is a  
6 resident at the discretion of the governing body [OF THE SCHOOL DIS-  
7 TRICT]. A person over school age may be charged tuition by the governing  
8 body [OF THE SCHOOL DISTRICT].

9 \* Sec. 7. AS 14.03.080 (c) is amended to read:

10 (c) A child under school age may be admitted to the public school  
11 in the school district or education service area of which he is a resi-  
12 dent at the discretion of the governing body [OF THE SCHOOL DISTRICT]  
13 if the child meets minimum standards prescribed by the board evidencing  
14 that the child has the mental, physical and emotional capacity to per-  
15 form satisfactorily for the educational program being offered.

16 \* Sec. 8. AS 14.03.080(e) is amended to read:

17 (e) A child under school age shall be admitted to school in the  
18 district or education service area of which he is a resident if immedi-  
19 ately before he became a resident [OF THE DISTRICT], he was legally  
20 enrolled in the public schools of another district or state.

21 \* Sec. 9. AS 14.03.10' is amended to read:

22 Sec. 14.03.100. USE OF SCHOOL FACILITIES. The governing body  
23 [OF A SCHOOL DISTRICT] may allow the use of school facilities for any  
24 legal gatherings or assemblies. The governing body shall adopt bylaws  
25 that will insure reasonable and impartial use of the facilities.

26 \* Sec. 10. AS 14.07.050(a) is amended to read:

27 (a) Textbooks for use in the public schools of the state shall be  
28 selected by the school [DISTRICT] boards for districts [DISTRICT  
29 SCHOOLS] and education service areas and by a State Schools Textbook

1 Committee appointed by the director for state schools. Selections of  
2 the State Schools Textbook Committee shall be submitted to the Board of  
3 Directors for State-Operated Schools for approval or rejection.

4 \* Sec. 11. AS 14.07.055 is repealed.

5 \* Sec. 12. AS 14.07.070 is amended to read:

6 Sec. 14.07.070. WITHHOLDING STATE FUNDS. No state funds may be  
7 paid to a school district or education service area or teacher who fails  
8 to comply with the school laws of the state or with the regulations  
9 promulgated by the department.

10 \* Sec. 13. AS 14.08.020(5) is amended to read:

11 (5) adopt bylaws and administrative rules for the management  
12 and operation of the rural state-operated schools;

13 \* Sec. 14. AS 14.08.030 is amended to read:

14 Sec. 14.08.030. APPOINTMENT OF THE BOARD. There is created the  
15 Board of Directors for State-Operated Schools consisting of nine members  
16 appointed by the governor from the areas served, subject to confirmation  
17 by the legislature; provided that all [AT LEAST SIX] members shall be  
18 appointed from rural school areas outside of military reservations and  
19 organized boroughs.

20 \* Sec. 15. AS 14.08.120 is amended to read:

21 Sec. 14.08.120. STATE PAYMENTS. All funds appropriated by the  
22 legislature for the operation of the rural state-operated schools shall  
23 be paid by the Department of Administration upon requisition by the  
24 director of state-operated schools. These funds shall be made payable  
25 to the board of directors and shall be deposited in the school fund of  
26 the board of directors. The amount received may not be transferred to  
27 any other fund unless authorized by the board of directors and state  
28 law. Funds to be allocated to each education service area shall be  
29 computed in the same manner as for borough or city districts under

1 AS 14.17.031 - 14.17.056 using the statewide average equalized percentage  
2 (P1) as the per cent of basic need to be provided by the state. However  
3 instead of local effort for school districts required by AS 14.17.071,  
4 the statewide average amount per average daily membership raised from  
5 either sales or property taxes by the school districts in the prefiscal  
6 year shall be used. Funds appropriated to each education service area  
7 shall be distributed on the same schedule as for district schools under  
8 AS 14.17.160 - 14.17.180.

9 \* Sec. 16. AS 14.08.130 is amended to read:

10 Sec. 14.08.130. COMPENSATION AND EXPENSES OF TEXTBOOK COMMITTEE  
11 AND BOARD MEMBERS. (a) Each member of the board of directors, and each  
12 member of the State Schools Textbook Committee (AS 14.07.050), shall re-  
13 ceive travel expenses and the same per diem allowed by law to a member  
14 of a state board or commission.

15 (b) Per diem and travel expenses of the members shall be paid from  
16 funds appropriated for the operation of the schools.

17 \* Sec. 17. AS 14.09.010 is amended to read:

18 Sec. AS 14.09.010. TRANSPORTATION OF PUPILS. (a) The department  
19 may provide for the transportation of pupils who reside a distance from  
20 established schools, and in order to accomplish that purpose may

21 (1) require school districts and education service areas to  
22 enter into contracts with the department for the administration, super-  
23 vision, operation, or subcontracting of the operation of transportation  
24 systems for students to and from the schools within their service area;

25 (2) require all school districts, transportation contractors  
26 and other recipients of state transportation funds to submit to the  
27 department an annual report, which includes a financial statement and  
28 other operational data required by the department;

29 (3) permit school districts and education service areas to

1 (A) establish supplementary systems of student transportation for  
2 students ineligible to utilize transportation facilities paid for by  
3 the state, (B) charge fares or fees for the supplementary transportation  
4 systems, and (C) use local tax funds to pay, in whole or in part, the  
5 cost of the supplementary system.

6 (b) Each school district or education service area mentioned in  
7 (a)(1) of this section is entitled to receive reimbursement from the  
8 state for the operation of the transportation system on a unit cost  
9 basis determined by the department.

10 (c) The governing body [SCHOOL BOARD OF A DISTRICT, OR THE DE-  
11 PARTMENT FOR AREAS NOT WITHIN SCHOOL DISTRICTS,] shall designate as  
12 hazardous those routes which cannot be safely traveled by children not  
13 served by school bus. The designation may recognize hazards that exist  
14 only part of the time and in these instances the designation shall be  
15 applicable only during the time the hazards are found to exist. The  
16 governing body [BOARD OR DEPARTMENT] shall provide for the transportation  
17 of pupils on routes designated as hazardous. The additional cost of the  
18 transportation in a district or education service area shall be shared  
19 equally by the district or education service area and the department.  
20 Eligibility to receive school bus service on routes designated as  
21 hazardous shall not be subject to restrictions based on the minimum  
22 distance between established schools and the residences of pupils.

23 \* Sec. 18. AS 14.12.010(1) is amended to read:

24 (1) each first [, SECOND, AND THIRD] class city in the un-  
25 organized borough is a city school district;

26 \* Sec. 19. AS 14.12.010(3) is amended to read:

27 (3) the area outside organized boroughs and outside first  
28 [, SECOND, AND THIRD] class cities is the state-operated school dis-  
29 trict; however, each military reservation within the state-operated

school district constitutes an education service area.

\* Sec. 20. AS 14.12.020(a) is amended to read:

(a) Operation of the state-operated school district, except for education service areas, is under the management and control of the board of the state-operated schools. Subject to the provisions of (d) of this section, the board of the state-operated schools manages and controls schools on military reservations located within an organized borough until the military reservation status is terminated and, thereafter, so long as management and control by the state-operated schools is approved by the department.

\* Sec. 21. AS 14.12.020(b) is amended to read:

(b) Each borough or city school district and each education service area shall be [OPERATED ON A DISTRICT-WIDE BASIS] under the management and control of a school board.

\* Sec. 22. AS 14.12.020 is amended by adding a new subsection to read:

(d) Schools on military reservations within an organized borough shall be operated by the contiguous borough school district under a contractual agreement with that district. The contractual agreement shall provide for representation of military reservation residents with respect to policy determinations that affect (1) the operation and management of the schools on these reservations operated under the agreement and (2) the operation and management of off-reservation schools attended by dependent children of military reservation residents

\* Sec. 23. AS 14.12.030 is amended by adding a new subsection to read:

(c) Each education service area shall have an area school board which shall consist of five or seven members. The initial size of the area school board shall be determined by the department at the time that the education service area is established. However, the qualified voters in an education service area may increase or decrease the number

1 of board members by placing the question on the ballot at a regular  
2 election or a special election at least 90 days before an election in  
3 the manner prescribed by law.

4 \* Sec. 24. AS 14.12.040 is amended to read:

5 Sec. 14.12.040. TRANSITION. The transition from a five-man to a  
6 seven-man school board shall be made at the regular election following,  
7 or being held within 90 days preceding, the completion of the second  
8 regular school term during which the district maintains an average  
9 daily membership exceeding 5,000 or at the regular election following  
10 the effective date of an ordinance or following an election increasing  
11 board membership as provided in sec. 30(a) of this chapter. Once the  
12 district has a seven-man school board, the number of members shall not  
13 be changed.

14 \* Sec. 25. AS 14.12.050(a) is amended to read:

15 (a) The term of office of a member of a [CITY OR BOROUGH] school  
16 board is three years and until a successor takes office. However, the  
17 members of a newly created five-man school board hold office for initial  
18 terms as follows: two for a term of three years, two for a term of two  
19 years and one for a term of one year, the terms being assigned to the  
20 members by lot. The members of a newly created seven-man school board  
21 hold office for initial terms as follows: three for a term of three  
22 years, two for a term of two years and two for a term of one year, the  
23 terms being assigned to the members by lot.

24 \* Sec. 26. AS 14.12.080 is amended to read:

25 Sec. 14.12.080. QUALIFICATION OF MEMBERS. (a) To be eligible to  
26 be a member of a school board, a person must have the same qualifica-  
27 tions as are necessary to be a municipal voter in the school district  
28 or education service area. However, if the education service area  
29 consists solely of a military reservation, a resident of the reservation

1 is eligible if he

2 (1) is a citizen of the United States;

3 (2) has passed his 18th birthday;

4 (3) has been a resident of the reservation for at least 30  
5 days before the election.

6 (b) Membership on an education service area school board on a  
7 military reservation does not constitute a civil office under applicable  
8 provisions of federal law.

9 \* Sec. 27. AS 14.14.020 is amended to read:

10 ARTICLE 1. OPERATION OF DISTRICTS AND EDUCATION SERVICE AREAS.

11 Sec. 14.14.020. BOND REQUIRED. Before the officer responsible  
12 for custody of, investment, or management of school district or educa-  
13 tion service area money enters upon the duties of office, the district,  
14 education service area, or the municipality if the treasury is central-  
15 ized, shall obtain a bond with sufficient sureties in an amount equal to  
16 the money that may come into the officer's official custody, but not to  
17 exceed \$50,000. The bond shall be conditioned on the officer's honest  
18 and faithful disbursement and accounting of all money that may come into  
19 his official custody. The bond shall be filed with the clerk of the  
20 school board. This section does not apply to an officer who has been  
21 bonded under AS 29.23.520 [07.25.060].

22 \* Sec. 28. AS 14.14.050 is amended to read:

23 Sec. 14.14.050. ANNUAL AUDIT. (a) The school board in each school  
24 district or education service area shall, before October 1, of each  
25 year, provide for an audit of all school accounts for the school year  
26 ending the preceding June 30. To make the audit the school board shall  
27 contract with a public accountant who has no personal interest, direct  
28 or indirect, in the fiscal affairs of the district. One certified copy  
29 of the audit shall be filed with the commissioner and one certified copy

1 shall be posted in a public place at the principal administrative office  
2 of the district.

3 (b) The audit shall conform in form to requirements established by  
4 the commissioner. The commissioner shall withhold all payments of state  
5 funds after November 15 to a school district or education service area  
6 which fails to file a certified copy of the audit with the department.

7 (c) The commissioner may provide for a reaudit or an audit check  
8 in a school district or education service area if in his judgment it is  
9 necessary to substantiate the reported expenditures.

10 (d) The school board shall not make the audit if an audit which  
11 satisfies the requirements of this section and which is filed and posted  
12 as required by this section, is made according to AS 29.48.220 [07.20.150].

13 \* Sec. 29. AS 14.14 is amended by adding a new section to read:

14 Sec. 14.14.067. RELATIONSHIP BETWEEN EDUCATION SERVICE AREA AND  
15 THE STATE. The relationships between an educational service area board  
16 and the legislative and executive branches of government shall be  
17 essentially as provided in sec. 60 of this chapter for the relationship  
18 between a school board of a borough school district and the borough  
19 assembly and borough executive.

20 \* Sec. 30. AS 14.14.090(2) is amended to read:

21 (2) provide for, during the school term of each year, an  
22 educational program for each school age child who is a resident of the  
23 district or education service area;

24 \* Sec. 31. AS 14.14.090(6) is amended to read:

25 (6) keep the records and files of the school board open to  
26 inspection by the public at the principal administrative office of the  
27 district or education service area during reasonable business hours.

28 \* Sec. 32. AS 14.14.100 is amended to read:

29 Sec. 14.14.100. BYLAWS AND ADMINISTRATIVE RULES. (a) The

1 school board policies relating to management and control of  
2 the district or education service area shall be expressed in written  
3 bylaws formally adopted at regular school board meetings.

4 (b) Administrative rules which do not embody school district or  
5 education service area policy need not be promulgated as bylaws; how-  
6 ever, the rules shall be in written form and readily available to all  
7 school personnel.

8 \* Sec. 33. AS 14.14.105 is amended to read:

9 Sec. 14.14.105. SICK LEAVE BANK. A [LOCAL] school [DISTRICT]  
10 board, or the board of directors of the state-operated school system,  
11 may establish a sick leave bank to enable a teacher, because of unusual  
12 circumstances, to draw not more than twice the number of days of sick  
13 leave the teacher has accumulated. The board may establish and admin-  
14 ister the sick leave bank independently or jointly with teachers.

15 \* Sec. 34. AS 14.14.110 is amended to read:

16 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary  
17 to provide more efficient or more economical educational services, a  
18 district or education service area may cooperate or the department may  
19 require a district or education service area to cooperate with other  
20 districts, education service areas, state-operated schools, or the  
21 Bureau of Indian Affairs in providing educational services or in estab-  
22 lishing boarding and tuition arrangements, arrangements for the exchange  
23 of pupils or teachers, or other similar arrangements. However, if a  
24 cooperative arrangement requires pupils to live away from their usual  
25 homes, the school board shall provide classes within the attendance  
26 area when there are at least eight children eligible to attend elemen-  
27 tary and secondary school in the attendance area.

28 \* Sec. 35. AS 14.14.130(a) is amended to read:

29 (a) Each school board shall select and employ a qualified person

1 as the chief school administrator [FOR THE DISTRICT].

2 \* Sec. 36. AS 14.14.130(b) is amended to read:

3 (b) The chief school administrator [OF THE DISTRICT] shall admin-  
4 ister the district or education service area in accordance with the  
5 policies which the school board prescribes by bylaw.

6 \* Sec. 37. AS 14.14.130(c) is amended to read:

7 (c) The chief school administrator shall select, appoint, and  
8 otherwise control all [SCHOOL DISTRICT] employees serving under him  
9 subject to the approval of the school board.

10 \* Sec. 38. AS 14.14.160(a) is amended to read:

11 (a) The department and school boards [LOCAL DISTRICTS] may  
12 cooperate with the Association of Alaska School Boards in its inservice  
13 training program for school board members and in encouraging and fos-  
14 tering cooperation among the school boards affiliated with the Associa-  
15 tion of Alaska School Boards.

16 \* Sec. 39. AS 14.14.160(b) is amended to read:

17 (b) School districts and education service areas may expend public  
18 funds [DISTRICT MONEY] to carry out the provisions of (a) of this  
19 section.

20 \* Sec. 40. AS 14.14.310 is amended to read:

21 Sec. 14.14.310. DEFINITIONS. In secs. 250 -- 310 of this chapter

22 (1) "board" means the governing body of a borough or city  
23 school district, education service area, or the Board of Directors for  
24 the State-Operated Schools;

25 (2) "district" means a borough or city school district, an  
26 education service area, or the state-operated school system.

27 \* Sec. 41. AS 14.17.210(c)(1) is amended to read:

28 (1) "state school" means a school operated by the Department  
29 of Education, an education service area, or State-Operated School System

1 and entirely financed by state money; and

2 \* Sec. 42. AS 14.20.120 is amended to read:

3 Sec. 14.20.120. STATEMENT OF QUALIFICATIONS. A statement of the  
4 qualifications of each teacher and superintendent employed by the state  
5 [OR] a school district, or an education service area, shall be filed  
6 with the commissioner. The statement shall contain the credits earned  
7 in college, normal school, or university, and the number of years of  
8 teaching experience both in the state and elsewhere in the form and  
9 manner prescribed by the commissioner.

10 \* Sec. 43. AS 14.20.145 is amended to read:

11 Sec. 14.20.145. AUTOMATIC RE-EMPLOYMENT. If notification of non-  
12 retention is not given according to sec. 140 of this chapter a teacher  
13 is entitled to be re-employed in the same district or education service  
14 area, for the following school year on the contract terms the teacher  
15 and the employer may agree upon, or if no terms are agreed upon, the  
16 provisions of the previous contract are continued for the following  
17 school year, subject to sec. 158 of this chapter. The right to be re-  
18 employed according to this section expires if the teacher does not  
19 accept re-employment within 30 days after the date on which the teacher  
20 receives his contract of re-employment.

21 \* Sec. 44. AS 14.20.150(a) is amended to read:

22 (a) A teacher acquires tenure rights [IN A DISTRICT] when he

23 (1) possesses a standard teaching certificate;

24 (2) has been employed as a teacher in the same district or  
25 education service area continuously for two full school years and is re-  
26 employed for the school year immediately following the two full school  
27 years.

28 \* Sec. 45. AS 14.20.150(b) is amended to read:

29 (b) The tenure rights acquired under (a) of this section become

1 effective on the first day the teacher performs teaching services in the  
2 district or education service area during the school year immediately  
3 following the two full school years.

4 \* Sec. 46. AS 14.20.155(a) is amended to read:

5 (a) A teacher who has acquired tenure rights has the right to  
6 employment within the district or education service area during contin-  
7 uous service.

8 \* Sec. 47. AS 14.20.158(1) is amended to read:

9 (1) affect the alteration of the teacher's salary in accord-  
10 ance with the salary schedule prescribed by state law, or in accordance  
11 with a local salary schedule applicable to all teachers in the district  
12 or education service area and adopted by bylaws;

13 \* Sec. 48. AS 14.20.158(3) is amended to read:

14 (3) limit the right of the employer to assign the teacher, as  
15 is reasonably necessary, to any school in the district or education  
16 service area.

17 \* Sec. 49. AS 14.20.160 is amended to read:

18 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost  
19 when the teacher's employment in the district or education service area  
20 is interrupted or terminated, or when the teacher reaches the age of 65.

21 \* Sec. 50. AS 14.20.170(3) is amended to read:

22 (3) substantial noncompliance with the school laws of the  
23 state, the regulations or bylaws of the department, the bylaws of the  
24 district or education service area, or the written rules of the superin-  
25 tendent.

26 \* Sec. 51. AS 14.20.175(a) is repealed and re-enacted to read:

27 (a) A teacher who has not acquired tenure rights is subject to  
28 nonretention for the school year following the expiration of his con-  
29 tract for any cause which the employer determines to be adequate.

1 However, at his request, the teacher is entitled to a written statement  
2 of the cause for his nonretention. Each school board shall provide by  
3 bylaw a procedure under which a nonretrained teacher may, at his request,  
4 be heard informally by a panel of the governing body.

5 \* Sec. 52. AS 14.20.175(b)(3) is amended to read:

6 (3) substantial noncompliance with the school laws of the  
7 state, the regulations or bylaws of the department, the bylaws of the  
8 district or education service area, or the written rules of the super-  
9 intendent; or

10 \* Sec. 53. AS 14.20.180(b) is amended to read:

11 (b) The tenure teacher may, within 15 days immediately following  
12 receipt of the notification, notify the employer in writing that he  
13 requests a hearing before the school board or education service area  
14 board, or if the tenure teacher is employed by the state, before an  
15 appeal panel consisting of the director and two members of the board.

16 The tenure teacher may require in the notification that

- 17 (1) the hearing be either public or private,
- 18 (2) the hearing be under oath or affirmation,
- 19 (3) he have the right of cross-examination,
- 20 (4) he be represented by counsel,
- 21 (5) he have the right to subpoena a person who has made

22 allegations which are used as a basis for the decision of the employer.

23 \* Sec. 54. AS 14.20.230 is amended to read:

24 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards [OF  
25 DISTRICT SCHOOLS AND THE BOARD OF THE STATE-OPERATED SCHOOLS] shall pay  
26 a qualified school administrator a salary not less than the allowable  
27 amount for his position on the teachers' scale provided in sec. 220(a)  
28 (c) of this chapter, plus

- 29 (1) 25 per cent for the chief school administrator of a

1 district or education service area with an average daily membership of  
2 500 or more;

3 (2) 20 per cent for the chief school administrator of a  
4 district or education service area with an ADM of less than 500;

5 (3) 15 per cent for a principal or other administrator;

6 (4) 10 per cent for an assistant principal.

7 \* Sec. 55. AS 14.20.280 is amended to read:

8 Sec. 14.20.280. BASIS OF LEAVE. A teacher who has rendered active  
9 service for seven or more years in a district or education service area  
10 is eligible for sabbatical leave. Sabbatical leave may be taken for  
11 educational purposes only, and for not more than one school year.

12 \* Sec. 56. AS 14.20.290 is amended to read:

13 Sec. 14.20.290. APPLICATION. A teacher who wishes to take sabbat-  
14 ical leave must apply to the governing body [OF THE SCHOOL DISTRICT].  
15 The teacher must submit information showing his qualifications for  
16 sabbatical leave and a plan for his education during the leave.

17 \* Sec. 57. AS 14.20.300(a) is amended to read:

18 (a) The governing body [OF THE SCHOOL DISTRICT] has the responsi-  
19 bility for selection of the teachers to be granted sabbatical leave.

20 \* Sec. 58. AS 14.20.300(b) is amended to read:

21 (b) In selecting teachers for sabbatical leave, the governing body  
22 shall consider the benefit which the schools [SCHOOL DISTRICT] will  
23 derive from the proposed plan of the teacher for educational purposes,  
24 the field of study of the teacher, the contributions of the teacher to  
25 education in Alaska, and the seniority of the teacher.

26 \* Sec. 59. AS 14.20.310 is repealed and re-enacted to read:

27 Sec. 14.20.310. AMOUNT OF SABBATICAL LEAVE AND COMPENSATION. (a)  
28 The number of teachers eligible for the sabbatical leave which may be  
29 allowed under secs. 280 - 350 of this chapter is as follows:

1 (1) not more than one-half of one per cent of the total num-  
2 ber of teachers from the public schools may be on state-supported  
3 sabbatical leave in any year;

4 (2) any number of teachers may be on sabbatical leave at  
5 district, education service area, or personal expense.

6 (b) A teacher on state-supported sabbatical leave is entitled to  
7 one-half his base salary to be paid by the department.

8 (c) A teacher on sabbatical leave at district or education service  
9 area expense is entitled to an amount to be determined by the governing  
10 body.

11 \* Sec. 60. AS 14.20.320 is amended to read:

12 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of a  
13 teacher to his teaching position, the teacher shall make a report to the  
14 governing body concerning his educational accomplishments. A teacher  
15 who does not serve for at least a full year after his return shall  
16 refund to the district, if the sabbatical leave was at district expense  
17 or to the education service area if the sabbatical leave was at educa-  
18 tion service area expense, or to the department [BOARD OF STATE-OPERATED  
19 SCHOOLS], if the sabbatical leave was state-supported, money paid to him  
20 under sec. 310 of this chapter unless his failure to serve a full year  
21 after return is attributable to sickness, injury or death.

22 \* Sec. 61. AS 14.20.345(a) is amended to read:

23 (a) A teacher may be granted a leave of absence without pay for  
24 the purposes which may be approved by the governing body [OF THE DIST-  
25 RICT] if

26 (1) his application is approved by the governing body [OF  
27 THE DISTRICT]; and

28 (2) he agrees to return to employment in a public school not  
29 later than the beginning of the school year following termination of the

1 period for which the leave of absence was granted.

2 \* Sec. 62. AS 14.20.345(d) is amended to read:

3 (d) The governing body [OF THE DISTRICT] may agree to continue the  
4 teacher's retirement contributions if the teacher agrees to pay the  
5 required seven per cent of the salary he would have received during his  
6 leave of absence and reimburse the district or education service area  
7 for the employer's [DISTRICT'S] required retirement contribution. Each  
8 year of leave of absence then would count as a year of retirement ser-  
9 vice.

10 \* Sec. 63. AS 14.20.345(e) is amended to read:

11 (e) The governing body [OF THE DISTRICT] may advance the teacher  
12 on the [DISTRICT] salary schedule when he returns to employment if the  
13 governing body determines that the teacher's leave of absence was edu-  
14 cationally or professionally beneficial to the teacher or the district  
15 or education service area.

16 \* Sec. 64. AS 14.20.560(a) is amended to read:

17 (a) When a majority of the certificated employees in a school  
18 district or education service area have designated an educational  
19 organization of their own choosing to bargain for them, the organization  
20 shall be recognized by the school board as the bargaining agent for all  
21 the certificated staff, except superintendents of schools. The member-  
22 ship of any such recognized educational organization shall be composed  
23 principally of those employed in the teaching profession in Alaska.

24 \* Sec. 65. AS 14.20.560(b) is amended to read:

25 (b) The organization representing a majority of the certificated  
26 employees of a school district or education service area shall, upon the  
27 request of the school board, submit an affidavit verifying that it does  
28 represent a majority of the certificated employees. Recognition of the  
29 employee bargaining agency by a school board is valid for one year or a

1 term agreed upon by the two parties to an agreement, unless a majority  
2 of certified staff votes to request the termination of recognition of  
3 the employee bargaining agency. The school board is entitled to an  
4 affidavit of membership from the employee bargaining agency once each  
5 year.

6 \* Sec. 66. AS 14.20.560(c) is amended to read:

7 (c) Upon the request of 25 per cent of the certificated employees  
8 in a district or education service area, the school board shall hold,  
9 within 20 days, an election by secret ballot of all the certificated  
10 employees in order to determine their choice of a bargaining agency.  
11 The results of this election are binding for one year.

12 \* Sec. 67. AS 14.25.070 is amended to read:

13 Sec. 14.25.070. CONTRIBUTIONS BY EMPLOYER. An employer shall con-  
14 tribute to the retirement fund either (1) an amount equal to one-half  
15 the percentage, as certified by the administrator, of the sum total of  
16 the base salaries of all teachers that is required in addition to  
17 teacher contributions to provide the benefits of this chapter times the  
18 sum total of the base salaries paid to teachers by the employer, or (2)  
19 an amount equal to five per cent of the sum total of the base salaries  
20 paid to teachers by the employer, whichever is less. The contributions  
21 shall be transmitted to the administrator at the close of each pay  
22 period. If the contributions are not submitted, the contributions shall  
23 be deducted by the Department of Education from state funds due the  
24 school districts or education service areas and transmitted to the  
25 teachers' retirement system for deposit in the retirement fund. The  
26 University of Alaska shall forward its contribution to the administrator  
27 at the close of each pay period for deposit by him in the retirement  
28 fund.

29 \* Sec. 68. AS 14.25.220(4) is amended to read:

1 (4) "employer" means a public school district, education  
2 service area, the State-Operated School System, the Board of Regents  
3 of the University of Alaska, or the Department of Education;

4 \* Sec. 69. AS 14.25.220(5) is amended to read:

5 (5) "membership service" means service as a teacher in a  
6 public school within the Territory or State of Alaska, or both, under  
7 the supervision and control of the Territorial Board of Education  
8 or the Department of Education, the school board of a city or borough  
9 [ANY PUBLIC] school district, education service area, the state-operated  
10 school district, [OR] the Board of Regents of the University of Alaska,  
11 or any period during which the teacher is on an approved sabbatical  
12 leave granted in accordance with AS 14.20.310 or is receiving disability  
13 retirement salary;

14 \* Sec. 70. AS 14.25.220(9) is amended to read:

15 (9) "retirement fund" means the fund consisting of all  
16 matching contributions by [CITY] school districts or education service  
17 areas, money made available by appropriations of the state legislature,  
18 and from other appropriated funds, all contributions from whatever  
19 source, and income and interest derived from the investment of money;

20 \* Sec. 71. AS 14.30.010(a) is amended to read:

21 (a) Every child between seven and 16 years of age shall attend  
22 school at the public schools [SCHOOL] in the attendance area [DISTRICT]  
23 in which the child resides during each school term. Every parent,  
24 guardian or other person having the responsibility for or control of a  
25 child between seven and 16 years of age shall insure that the child is  
26 not absent from attendance.

27 \* Sec. 72. AS 14.30.010(b)(8) is amended to read:

28 (8) is excused in writing signed by a majority of the members  
29 of the school board of a district, education service area, or by the

1 director of state-operated schools for a child in such a school; or

2 \* Sec. 73. AS 14.30.030 is amended to read:

3       Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
4 school administrator [ADMINISTRATIVE OFFICER OF A DISTRICT OR STATE-  
5 OPERATED SCHOOL] shall report all apparent violations of sec. 10 of this  
6 chapter to the governing body of the district or education service area.  
7 The governing body shall, on receiving the report or on the complaint  
8 of any person, provide for a full and impartial investigation of all  
9 charges of violation. In private [OR FEDERAL] schools, the chief  
10 administrative officer shall make a full and impartial investigation of  
11 all apparent violations. If it reasonably appears upon investigation  
12 that a person has violated sec. 10 of this chapter, the governing body  
13 of a district, education service area [OR STATE-OPERATED SCHOOL], or the  
14 chief administrative officer of a private [OR FEDERAL] school, shall  
15 make and file with the district court a complaint against the person,  
16 charging the violation. The judge or magistrate may issue a warrant  
17 for the arrest of the person and may act upon the complaint.

18 \* Sec. 74. AS 14.30.050(a) is amended to read:

19       (a) If it is not practical for an existing law enforcement agency  
20 to enforce sec. 10 of this chapter, the governing body [OF THE SCHOOL  
21 DISTRICT OR THE BUREAU OF INDIAN AFFAIRS] may appoint the necessary  
22 truant officers to enforce sec. 10 of this chapter. [THE STATE SHALL  
23 NOT CONTRIBUTE TO THE EXPENSES OF AN OFFICER APPOINTED BY THE BUREAU OF  
24 INDIAN AFFAIRS.]

25 \* Sec. 75. AS 14.30.070(a) is amended to read:

26       (a) The governing body of each school district and education ser-  
27 vice area shall provide for and require a physical examination of every  
28 child attending school in the district or education service area. The  
29 examination shall be made when the child enters school or, in areas

1 where no physician resides, as soon thereafter as is practicable, and  
2 thereafter at regular intervals considered advisable by the governing  
3 body [OF THE DISTRICT].

4 \* Sec. 76. AS 14.30.070(b) is amended to read:

5 (b) The Department of Health and Social Services may require the  
6 district or education service area to conduct additional physical exam-  
7 inations which it considers necessary, and may reimburse the district  
8 or education service area for the additional examinations on the basis  
9 and to the extent the commissioner of health and social services  
10 [WELFARE] prescribed by regulations.

11 \* Sec. 77. AS 14.30.125 is amended to read:

12 Sec. 14.30.125. IMMUNIZATION. If in the judgment of the commis-  
13 sioner of health and social services it is necessary for the welfare of  
14 the children or the general public in an area, the governing body [OF  
15 THE SCHOOL DISTRICT] shall require the children attending school in that  
16 area to be immunized against the diseases the commissioner of health and  
17 social services may specify.

18 \* Sec. 78. AS 14.30.186(a) is amended to read:

19 (a) A [BOROUGH OR CITY] school district or education service area  
20 shall provide for special services for exceptional children represented  
21 by not less than five children residing in the attendance area [DISTRICT].

22 \* Sec. 79. AS 14.30.186(b) is repealed.

23 \* Sec. 80. AS 14.30.135(d) is amended to read:

24 (d) A school district or education service area [OR A STATE-  
25 OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to provide  
26 special services for exceptional children may cooperate with one or more  
27 school districts or education service areas [STATE-OPERATED SCHOOLS] in  
28 providing special classes. If, under the cooperative agreement, there  
29 are no special classes offered within a school district or education

1 service area [STATE-OPERATED SCHOOL], exceptional children may attend  
2 special classes in the cooperating school district or education service  
3 area [STATE-OPERATED SCHOOL] providing the special classes.

4 \* Sec. 81. AS 14.30.260 is amended to read:

5 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The governing body  
6 [SCHOOL BOARD FOR A DISTRICT, OR THE BOARD OF DIRECTORS FOR A SCHOOL IN  
7 THE STATE-OPERATED SCHOOL DISTRICT IN WHICH SPECIAL SERVICES ARE PRO-  
8 VIDED FOR,] may waive part of the qualifications for teachers as set  
9 out in sec. 250 of this chapter, if necessary, during the first school  
10 year special services are offered [IN THE DISTRICT OR IN THE SCHOOL IN  
11 THE STATE-OPERATED SCHOOL DISTRICT].

12 \* Sec. 82. AS 14.30.285(a) is amended to read:

13 (a) An exceptional child may be sent to another school district or  
14 education service area, with the consent of the district or education  
15 service area, [OR STATE-OPERATED SCHOOL] if the child resides in [A  
16 DISTRICT OR] school attendance area where there is no provision for  
17 classes or the special education class is not appropriate for the needs  
18 of the child.

19 \* Sec. 83. AS 14.30.285(b) is amended to read:

20 (b) If a school district [,] or education service area [THE STATE  
21 DIRECTOR IF A STATE-OPERATED SCHOOL] approves the enrollment of an  
22 exceptional child in another school district or education service area  
23 [STATE-OPERATED SCHOOL APPROVED BY THE STATE DIRECTOR], and the child is  
24 enrolled in the institution, the child's education expenses shall be  
25 paid for as follows:

26 (1) the school district or education service area [THE BOARD  
27 OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall pay the receiving district  
28 or education service area, an amount of money equal to the receiving  
29 district's local cost per pupil rate;

1 (2) the Department of Education [OR THE BOARD OF DIRECTORS  
2 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of  
3 the annual cost of the child's education, [AT A SCHOOL WITHIN ITS  
4 JURISDICTION,] above that provided for in (b)(1) of this section.

5 \* Sec. 84. AS 14.30.295(a) is amended to read:

6 (a) An exceptional child may be sent out of the state for special  
7 education if

8 (1) the child resides in a [DISTRICT OR] school attendance  
9 area where there is no provision for classes or the special class is  
10 not appropriate for the needs of the child; and

11 (2) the commissioner [OF EDUCATION] determines it is not  
12 feasible for the child to attend a special class elsewhere in the state.

13 \* Sec. 85. AS 14.30.295(b) is amended to read:

14 (b) If a school district or education service area [THE STATE  
15 DIRECTOR, IF A STATE-OPERATED SCHOOL,] approves the enrollment of an  
16 exceptional child in an out-of-state institution approved by the commis-  
17 sioner, and the child is enrolled in the institution, the child's educa-  
18 tion expenses shall be paid as follows:

19 (1) the school district or education service area [THE BOARD  
20 OF THE STATE-OPERATED SCHOOLS, IF A STATE-OPERATED SCHOOL,] shall pay  
21 an amount equal to the local contribution toward the cost of education  
22 per pupil;

23 (2) the department [BOARD OF THE STATE-OPERATED SCHOOLS]  
24 shall pay whichever of the following amounts is less, but not to exceed  
25 \$6,000:

26 (A) 75 per cent of the annual cost of the child's  
27 education; or

28 (B) an amount which, when added to the contribution in  
29 (b)(1) of this section, equals the total cost of the child's

1 education;

2 (3) the parent or guardian shall pay the remainder of the  
3 cost unless the commissioner [SCHOOL BOARD OR THE STATE DIRECTOR, IF A  
4 STATE-OPERATED SCHOOL,] determines upon the basis of standards set by  
5 the commissioner of education in cooperation with the Department of  
6 Health and Social Services, that the parent or guardian is unable to pay  
7 all or part of the remainder of the cost; the department [BOARD OF THE  
8 STATE-OPERATED SCHOOLS] shall pay the remainder of the cost which the  
9 parent or guardian is unable to pay.

10 \* Sec. 86. AS 14.30.330(b) is amended to read:

11 (b) The application shall be on forms provided by the department  
12 and shall be submitted to the governing body of the district or educa-  
13 tion service area in which the child resides. When an application is  
14 submitted to a school board, it shall be forwarded to the commissioner.

15 \* Sec. 87. AS 14.33.010 is repealed and re-enacted to read:

16 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The  
17 governing body of a public or non-public school may require that school  
18 safety patrols be established to assist pupils to cross streets and  
19 highways adjacent to schools in safety.

20 \* Sec. 88. AS 14.33.050 is amended to read:

21 Sec. 14.33.050. COOPERATION WITH LAW ENFORCEMENT AUTHORITIES. The  
22 Department of Public Safety [STATE POLICE] or the police department of  
23 a political subdivision of the state may, upon request by the governing  
24 body of a public or non-public [DEPARTMENT, A SCHOOL BOARD, OR A PRIVATE  
25 OR DENOMINATIONAL] school, assist in the training and control of safety  
26 patrols.

27 \* Sec. 89. AS 14.60.010(5) is amended to read:

28 (5) "governing body" means the school board of a borough or  
29 city school district, an education service area, or the board of

1 directors for the state-operated school district;

2 \* Sec. 90. AS 14.60.010(6) is amended to read:

3 (6) "school board" means the school board of a borough or  
4 city school district, an education service area, or the board of direc-  
5 tors of the state-operated school district;

6 \* Sec. 91. AS 14.60.010 is amended by adding a new paragraph to read:

7 (10) "education service area" is an organized subdivision  
8 within the meaning of AS 14.08.010(b).

9 \* Sec. 92. The term of office of a member of the Board of Directors for  
10 State-Operated Schools who is a resident of

11 (1) a military reservation that becomes an education service area  
12 under AS 14.12.010(3), as amended by sec. 19 of this Act, shall terminate on  
13 the effective date of this Act; or

14 (2) a military reservation whose schools are operated by a con-  
15 tiguous borough school district in accordance with a contractual agreement  
16 under AS 14.12.020(d), as added by sec. 22 of this Act, shall terminate on  
17 the effective date of the contractual agreement.

18 \* Sec. 93. AS 14.12.020(a.) as amended by sec. 20 of this Act supersedes  
19 AS 14.12.020(a) as amended by sec. 5 of CSSB 150 am ("An Act relating to the  
20 annexation of military reservations to cities and boroughs; and providing  
21 for an effective date.").

22 \* Sec. 94. This Act takes effect on the day after its passage and approval  
23 or on the day it becomes law without approval.

THE ATTACHED AMENDMENTS SHOULD BE INCORPORATED INTO THIS  
BILL TO MAKE IT COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 122  
(FINANCE) AMENDED.

AMENDMENTS TO CS FOR SENATE BILL NO. 122 (Finance) am

Page 3, after line 19: insert the following new matter and renumber the bill sections accordingly:

"\* Sec. 15. AS 14.08.110(a) is amended by adding a new paragraph to read:

(3) establish an independent purchasing system necessary to provide for timely and expeditious flow of instructional and related materials."

Page 3, after line 19: insert the following new matter and renumber the bill sections accordingly:

"\* S.c. 15. AS 14.08.110(b) is amended to read:

(b) Nothing in this section permits the board of directors to obligate over 75 [50] percent of the amount requested to be appropriated or authorized by the legislature."

Page 11, after line 19: insert the following new matter and renumber the bill sections accordingly:

"\* Sec. 40. AS 14.14.200 is amended by adding new subsections to read:

(b) An advisory school board may be delegated policy-making authority to establish programs and to operate the schools in that community. A board desiring this authority shall submit a request to the board of directors for state-operated schools, detailing the powers it desires to assume and the manner it proposes to implement those powers.

The advisory board may assume the additional powers immediately upon their approval by the board of directors.

(c) The board of directors shall act on an advisory board's request for policy-making authority within 90 days

A M E N D M E N T

IN THE HOUSE

BY THE HEALTH, EDUCATION  
AND SOCIAL SERVICES COMMITTEE

TO: HCS CSSB 122

On page 1, strike out lines 23-29, inclusive, and on page 2,  
strike out line 1, and insert:

\* Sec. 3. AS 14.12 is amended by adding a new section to read:

Sec. 14.12.035. ADVISORY SCHOOL BOARDS IN BOROUGH SCHOOL  
DISTRICTS. A borough school district board may establish  
advisory boards, and by regulation shall prescribe their  
manner of selection, organization, powers and duties.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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(c) The board of directors shall act on an advisory board's request for policy-making authority within 90 days

of its submission. An advisory board may not be delegated powers or duties which are not vested in the board of directors."

On page 25, between lines 21 and 22, insert:

"\* Sec. 94. When an attendance area is established as an educational service area under this Act, the non-certificated employees retain all accrued rights and benefits earned or accumulated as state employees. Accumulated or earned benefits, including but not limited to seniority, salary level, leave, and retirement accompany the non-certificated employee who becomes an employee of the education service area. The by-laws of the education service area shall provide for a system granting the same benefits that the non-certificated employee enjoyed as an employee of the state."

On page 25, line 22, strike out "94" and renumber accordingly.

  
Beverly Keithahn  
Secretary of the Senate

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AND SOCIAL SERVICES COMMITTEE

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Original sponsor: Health, Education and  
Social Services Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 122  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to schools on military reservations;  
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 14.12.020(a) is amended to read:

10 (a) Operation of the state-operated school district is under the  
11 management and control of the board of the state-operated schools. The  
12 board of the state-operated schools manages and controls schools on  
13 military reservations located within an organized borough until the  
14 military mission [RESERVATION STATUS] is terminated or [AND, THEREAFTER,  
15 so long as management and control by the state-operated schools is  
16 approved by the Department of Education. However, operation of the  
17 military reservation schools by a city or borough school district may be  
18 required by the Department of Education under AS 14.14.110, with the  
19 consent of the district governing body.

20 \* Sec. 2. AS 14.14.110 is amended by adding a new subsection to read:

21 (b) The department may prescribe the terms and conditions of any  
22 contract entered into under (a) of this section.

23 \* Sec. 3. AS 14.14.170(a) is amended to read:

24 (a) There is established an advisory school board in each community  
25 or military reservation served by a school [AND] operated by the state  
26 or by a city or borough school district by contract with the state. If  
27 the state-operated school has an average daily membership of less than  
28 251 pupils, the advisory school board consists of three members. If the  
29 average daily membership is more than 250 pupils, the advisory school

1 board consists of five members.

2 \* Sec. 4. AS 14.14.170(b) is amended to read:

3 (b) Voters qualified under sec. 180 of this chapter, at an  
4 election, may create an on-base advisory school board which may be  
5 advisory to the governing body of the school district that operates  
6 the on-base schools. The date of election for on-base advisory school  
7 board members, where the schools are operated by a city or borough  
8 school district by contract, shall be the same as that for the regular  
9 municipal election in the contracting city or borough.

10 \* Sec. 5. AS 14.14.180(a)(4) is repealed.

11 \* Sec. 6. AS 29.33.050 is amended to read:

12 Sec. 29.33.050. EDUCATION. Each borough constitutes a borough  
13 school district and establishes, maintains, and operates a system of  
14 public schools on an areawide basis as provided in AS 14.14.060. A  
15 military reservation within an organized borough is not part of the  
16 borough school district until the military mission [RESERVATION STATUS]  
17 is terminated or [AND, THEREAFTER,] until inclusion in the borough  
18 school district is approved by the Department of Education. However,  
19 operation of the military reservation schools by the borough school  
20 district may be required by the Department of Education under AS 14.14.-  
21 110, with the consent of the district governing body.

22 \* Sec. 7. AS 29.41.010(a) is amended to read:

23 (a) A third class borough shall exercise the areawide powers of  
24 education and tax assessment and collection in the manner provided for  
25 second class boroughs. Provisions of law relative to first and second  
26 class organized boroughs apply with respect to third class boroughs  
27 only to the extent they are consistent with this chapter. A military  
28 reservation within an organized borough is not part of the borough  
29 school district until the military mission [RESERVATION STATUS] is ter-

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3 tion of the military reservation schools by the borough school district  
4 may be required by the Department of Education under AS 14.14.110, with  
5 the consent of the district governing body.

6 \* Sec. 8. AS 29.68.020 is amended to read:

7       Sec. 29.68.020. ANNEXATION OF MILITARY RESERVATIONS. A [NOTWITH-  
8 STANDING THE PROVISIONS OF SEC. 3(d), CH. 52, SLA 1963, A] military  
9 reservation may be annexed to a city or borough in the same manner as  
10 prescribed for any other territory under sec. 10 of this chapter. If a  
11 city within an organized borough annexes a military reservation under  
12 this section, the territory encompassing the military reservation auto-  
13 matically is annexed to the borough of which the city is a part.

14 \* Sec. 9. The term of office of a member of the Board of Directors for  
15 State-Operated Schools who is a resident of a military reservation whose  
16 schools are operated by a city or borough school district in accordance with  
17 a contract entered into under AS 14.14.110 by direction of the Department  
18 of Education shall be terminated on the effective date of the contract.

19 \* Sec. 10. When on-base schools are operated by a city or borough school  
20 district by contract, the terms of office of those members of the on-base  
21 advisory school board that would expire during the transitional period shall  
22 be extended until the next regular municipal election provided for by  
23 AS 14.14.170(b), as amended by sec. 4 of this Act.

24 \* Sec. 11. Section 3(d), ch. 52, SLA 1963, is repealed.

25 \* Sec. 12. This Act takes effect on the day after its passage and approval  
26 or on the day it becomes law without approval.

(last copy - missing)  
p. 2

Original sponsor: Health, Education and  
Social Services Committee

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BY THE FINANCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 EIGHTH LEGISLATURE - SECOND SESSION

A BILL

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# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

4/26/89  
Date

COMMITTEE REPORT

SENATE

3/17/73

Mr. President:

Date 3/31/73

The Committee on FINANCE has had SB 122 public education in the unorganized borough under consideration. A Majority of the members of the Committee

- ( ) recommends it DO PASS
- ( ) recommends it DO NOT PASS
- ( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- (X) recommends it BE REPLACED WITH <sup>Finance</sup> CS FOR SB 122 <sup>with attached amendments</sup> AND THAT <sup>with attached amendments</sup> Finance CS FOR SB 122 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_ COMMITTEE

- ( ) reports it back WITHOUT RECOMMENDATION
- ( ) "other"

Members signing the Majority report:

[Signature] \_\_\_\_\_

[Signature] \_\_\_\_\_

[Signature] \_\_\_\_\_

[Signature] \_\_\_\_\_

Members NOT concurring in the Majority report:

[Signature] recommends:

[Signature] recommends: NO Rec.

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

