

Leg. Finance - House & Senate Finance Comte Files (1973-74)	
SB 122 cont., 126	283

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10 14.14.200 are repealed.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;

COMMITTEE COPY

- (2) receive and hold real and personal property;
- (3) contract and be contracted with;
- (4) adopt, use, and alter a corporate seal;
- (5) adopt bylaws and administrative rules for the management and operation of the schools in the unorganized borough;
- (6) accept grants or loans from and contract with the federal government, the state, or its political subdivisions, and to that end comply with the provisions of federal, state, or local programs when necessary;
- (7) do and have done all matters necessary for the purpose of any function set out in this chapter, including all powers granted to any school district in the state.

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

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

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

- (1) operation of all public schools in the unorganized borough, except those organized into educational service areas or 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. 14.08.191. 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. 14.08.249. 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
0 service area and military educational area shall be governed on an
1 area-wide basis, as provided in the approved plan of operation by an
2 area school board or council [STATE-OPERATED SCHOOLS].

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

4 (c) The legislature shall provide the state money necessary to
5 maintain and operate educational service areas, military educational
6 areas, and the Unorganized Borough School District [THE STATE-OPERATED
7 SCHOOL DISTRICT]. The borough assembly for a borough school district, and
8 the city council for a city school district, shall provide the money
9 which must be raised from local sources to maintain and operate the
0 district.

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

2 (7) establish all school attendance boundaries within the
3 service area and, for any school attendance area crossing district or
4 service area boundary lines, establish such joint attendance areas in
5 cooperation with the school board of any other area or district into
6 which the proposed attendance area will extend.

7 * Sec. 10. AS 14.14.105 is amended to read:

8 Sec. 14.14.105. SICK LEAVE BANK. A [LOCAL] school district
9 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
0 after the date of incorporation. On integration the borough or city
1 succeeds to all the rights, powers, duties, assets and liabilities of
2 the service areas. After integration, the borough assembly or city
3 council may exercise within a former service area all of the rights and
4 powers exercised by the service area at the time of integration, and
5 may levy and collect special charges, taxes, or assessments to amortize
6 bonded indebtedness incurred by the service area or by a borough or
7 city as successor to the service area. Upon integration no less than
8 all property in the service area at the time of integration remains
9 subject to taxation to pay the principal of and interest on the bonds.
0 The provisions of this section apply to all organized boroughs whether
1 incorporated or organized before or after September 10, 1972.

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

3 (14) officers, teachers, and all other employees of the
4 Unorganized Borough School District, educational service areas, and
5 military educational areas.

6 * Sec. 34. AS 14.07.030(1) is repealed.

7 * Sec. 35. Sections 3, 4, 9, 10, 13, 14, 17 - 20, 22 - 24, 27 - 29 and
8 32 of this Act take effect on the day after their passage and approval or
9 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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A M E N D M E N T

IN THE SENATE

BY THOMAS

TO: CSSB 122 (Finance)

Page 5, between lines 25 and 26, insert the following new matter and renumber bill sections accordingly:

"* Sec. 19. AS 14.12.010(2) is amended to read:

(2) each organized borough is a borough school district; however, each military reservation within an organized borough is an education service area, and two adjacent military reservations in an organized borough may consolidate to form a single education service area, ["] ~~if the department approves;~~"

Page 6, line 5, strike out "Subject to the provisions of (d)" and strike out lines 6 - 10, inclusive.

Page 6, line 17, strike out "shall" and insert "may" *Receive services*
FROM OR"

Analysis of CSSB 122

From Lyle Wright,
S.O.S.

Section 1

Repeals the statutes establishing the State-Operated School System, except for Sec. 14.08.160 regarding bilingual education, and repeals the statutes establishing advisory school boards in the State-Operated School System.

Section 2

Article 1: Establishes the Unorganized Borough School District to replace the State-Operated School System. Changes, in addition to the name change, provide for operation as a school district separate from state level government. These include:

Sec. 14.08.021 add concerning board of directors powers:

including all powers granted to any school district in
Alaska

Sec. 14.08.051 (a) authority of board of directors is further detailed to include operation of student dormitories, planning and construction of schools, and all other matters normally handled by a district school board

Sec. 14.08.051 (d) adds to board of directors authority the requirement of assisting local areas in transition to local governance, and requires the establishment of policies, guidelines and procedures necessary to such transition.

Sec. 14.08.061 reduces the advance notice time required for board of directors meetings, and provides for an emergency meeting to be called on 48-hour notice. Permits the board president to call a special meeting on his own initiative

Sec. 14.08.081 provides for the board to determine what officers, in addition to the president, the board will have

Sec. 14.08.091 (2), (3), (4) grant the board of directors complete authority, as other school boards in Alaska, for employing district personnel and establishing their salaries and fringe benefits.

Sec. 14.08.091 (8) requires submission to the Legislature, for approval, of the district's annual budget

Sec. 14.08.091 (9) supports sec. 14.08.111 in providing for the establishment of a separate district fund and accounting system; permits the establishment of reserves and the carry-over of funds from one fiscal year to the next

Sec. 14.08.101 (b) permits advance obligation of funds for salaries, commodities, etc., up to 75% of the appropriation request

Sec. 14.08.145 provides for the State-Operated School System to become, on July 1, 1973, the Unorganized Borough School District.

Article 2: Provides for local school boards in rural communities and local school councils on military bases, replacing advisory school boards.

Sec. 14.08.151 establishes school boards and councils of five members, but permits changes in number of members

Sec. 14.08.161 (a) establishes an annual election date for local school boards and councils, with a provision for exceptions in extenuating circumstances; transfers responsibility for these elections to the Office of the Lieutenant Governor

Sec. 14.08.161 (b) stipulates that membership on a local school council for a military base does not constitute a partisan office; hence, such office does not come under military limitations concerning the offices which regular officers can hold.

Sec. 14.08.171 (b) provides the option of a student member with full voting rights on a local school board or local school council

Sec. 14.08.171 (d) limits individuals from participating in the governance of more than one school board or council

Sec. 14.08.181 provides for officers, vacancies, and absentee members in local school boards or councils; generally parallels current statutes for district school boards

Sec. 14.08.191 (b) permits delegation of policymaking authority to local school boards or councils, and establishes a general procedure for such delegation

Article 3: Provides for the establishment of educational service areas in rural portions of the unorganized borough:

Sec. 14.08.210

(a) enabling statement, permitting establishment of educational service areas, which function as independent entities under the State Department of Education regulations

(b) initiation is by the local area, either through a petition or by resolutions from the local school boards of the community involved. The petition or resolution is to be accompanied by a plan for the area's operation, including name, boundaries, division of powers between area and local boards, initial budget

(c) (d) assistance will be provided by the Unorganized Borough School District, including hearings

(e) provides for timely approval

(f) (g) provides for election on the organizational proposal

Sec. 14.08.221-241 provisions for the number, terms, and powers of area school boards

Sec. 14.08.249 reserves control of the local school's program and operations to local school board, unless the community votes to give up that power in preference to another organizational arrangement

Article 4: Provides for establishment of military educational areas.

Procedures are similar to those for establishing a rural educational service area, except that approval of appropriate military commander(s) is also required.

Sec. 14.08.280 provides that the school board for a military educational area may choose to arrange for the area's schools to be operated under contract by a city or borough school district

Article 5: Provides specifics of the transition

Sec. 14.08.300 establishes deadlines of July 1, 1975 for selecting an organizational arrangement, and July 1, 1977 for completing the transition to local control.

Provides for dissolution of Unorganized Borough School District as of July 1, 1977

Sec. 14.08.310 funding to assist local and area school boards become autonomous

Sec. 14.08.320 provides for transfer of property

Sec. 14.08.330 makes special provisions for any areas desiring to make the transition to local governance during fiscal year 1974

Sections 3-4

Place the Unorganized Borough School District on the same basis as other districts in the matter of textbook selection. Permits the State Department of Education to establish State Textbook Commission, primarily for the price advantage involved.

Sections 5-8

Language adjustment, to match substantive changes.

Section 9

Clarifies district power to establish all attendance boundaries, including those set jointly with adjacent districts, thus limiting any role of the State Department of Education to adjudication of disputes.

Sections 10-11

Language adjustment

Section 12

Through modifying the definition of "district" includes all areas of the unorganized borough in the school foundation program beginning with fiscal year 1975.

Sections 13-24

Language adjustment

Sections 25-26

Language adjustment. Also provides for portion of expenses for exceptional student on interdistrict transfers to be paid by the State Department of Education.

Sections 27-31

Language adjustment

Section 32

Permits newly-incorporated municipalities to legally delay take-over of schools, consistent with the time allowed for integration of other special services

Section 33

Adjustment to complete separation of the Unorganized Borough School District's personnel functions from state government

Section 34

Repeals power of the State Department of Education to "establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools."

Sections 35-37

Establish effective dates.

KEY FEATURES OF CSSB 122
AN ACT RELATING TO SCHOOLS IN THE UNORGANIZED BOROUGH

1. Unorganized Borough School District created; all powers of any school district now in State; Board -- the present SOS Board assumes all ingredients of SOS - property, obligations, all employees transfer over --; transitional vehicle - to local governance; - broad regulatory authority to set guidelines and procedures for this purpose of transition; adjudicative proceedings to be established; new, or different powers & duties (than SOS):
 - a. Submit annual budget to Legislature;
 - b. Establish district school fund separate from general fund; and
 - c. Establish independent purchasing system.

Legislature appropriates funds for district - paid by Department of Administration upon requisition by superintendent; recall of board members provided for; in general, has more independence than SOS; District and Board abolished by July 1, 1977.

2. Local School Board or Councils

In each rural community served by UBSD - a board; on each military base served by UBSD - a "council"; elected at regular general election in November; military have authority to appoint some members (Base C.O.); elections supervised by Lt. Governor.

Local board or council begins as advisory to UBSD Board, but "may be delegated policy-making authority in programs & ops of schools--"

Requests for additional board powers may be by petition calling for election, or be granted without election. Election results are final!

Powers and duties cannot be greater than those vested in UBSD Board.

3. Educational Service Areas

Established by qualified voters of an area; election by petition; or created by resolution by school boards of all communities proposed to be included.

People of areas to be assisted by UBSD in planning, training, and preparation.

Board of UBSD must approve within 180 days if legal requirements are met - or unless unresolved disputes are being adjudicated.

Election to determine board members; board members elected "on a representative basis described in organizational plan."

Area boards have all powers and duties of a city or borough board.

Local boards' powers and duties to be worked out with area board - as explained in #2.above.

4. Military Ed. Area

Any one or combination of bases - by petition.

Same procedure for establishment as for Ed. Service Areas, except must have approval of "appropriate military commander--"

Election under Lt. Governor.

Council members: some may be appointed by Commanding Officer.

Same powers and duties to Council as in #3.

Contractual Options: council may contract for ops. by existing school district, or for some services only.

5. Transition Schedule

By July 1, 1975 - "all areas of UBSD shall have selected an organizational arrangement -- and initiated procedures" for establishment thereof.

By July 1, 1977 - all transitions to be completed - UBSD dissolved - any "left-overs" reverting to D.O.E.

6. Transitional Funding

"Subject to legislative appropriation", \$2,500 to each local school board and council for "initial organizational and developmental purposes".

7. Rapid Transition for FY '74

Priority given to areas demonstrating greatest readiness.

Funding by Legislature for educational service areas, military educational areas and the UBSD.

Any school under UBSD becoming part of another district shall continue to be funded by UBSD until "end of first complete

fiscal year after date" of effective transfer; thereafter, funding will come under public school foundation program.

Relationship with D.O.E.

Educational Service Areas and Military Educational Areas - same relationship as city and borough districts.

D.O.E.'s powers under 14.07.030(1) repealed (i.e. "to establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;")

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

TO: [Marshall L. Lind, Commissioner
Department of Education

DATE : March 22, 1973

FROM: Byron I. Mallott *BIM*
Commissioner

SUBJECT: Department of Community and
Regional Affairs Comments on
Establishment of Educational
Service Areas and Proposal
for Review

The Eighth State Legislature has under consideration legislation proposing the decentralization of responsibility for administration and control of State-Operated Schools in the unorganized borough of Alaska. The first proposal, SB 122, introduced at the request of the Department of Education, has been subjected to close scrutiny by representatives of Native associations, local advisory school boards, legislators, and laymen. A number of ideas have been contributed that would materially alter the substance of the bill as first presented. As a result of discussions in Fairbanks and Juneau conducted under the sponsorship of the Center for Northern Educational Research and others, a second proposal has been prepared and offered as a committee substitute for the original.

Insofar as the bills submitted bear upon local government structure and administration, the Department of Community and Regional Affairs has a substantial interest in the final form which the legislation assumes. To this end, the Department expresses the following, in order that the members of the Legislature may be guided in their deliberations and completion of action which that body may deem appropriate.

The stated objective of the proposal(s) now before the Legislature is the localization of educational responsibility, the return of a greater degree of "local control" over school operations to a body more nearly representative of and responsive to the parents of children who presently attend State-operated school facilities. Local initiative and responsibility would be fostered, the proponents of the respective bills suggest, by establishing and redefining the authority of rural school boards, now limited by statute to fulfilling an advisory function, to "full" control of local educational programs, policy decisions, and operations, without a requirement of a local tax effort or contribution in support of elementary or secondary education.

"Local Control" of education is a nebulous term. Few would agree upon the specifics of a definition. Nevertheless, from testimony elicited to date in support of the various proposals, local control in the context of educational responsibility for schools located in the unorganized borough may be described as being principally concerned with:

- (1) staffing and employment of competent personnel;
- (2) improving parental understanding and establishing a closer relationship between parents and educators;

- (3) establishing standards for maintaining and operating physical facilities;
- (4) providing for a curriculum which is culturally relevant;
- (5) development of an educational philosophy and policies in pursuit of goals identified by the school board after discussion with community and area residents.

At the outset, we would underscore the Department's endorsement of the position that quality education is education which involves people with their local schools. In their travel throughout rural areas, staff of the Department have found increasing interest in the proposals to transfer the responsibility for administration of schools among municipal officials, educators, school administrators and residents. The concern is shared by inhabitants of the major rural municipalities and smallest villages alike. The Department suggests that reorganization of the existing administrative system for State-Operated Schools in response to popular demands must reflect provisions of the State Constitution defining responsibility for public education and local government authority, that any transition from the existing system must be accomplished in an orderly manner, and that the model or models ultimately adopted reflect maximum participation by residents of rural Alaska in decisions affecting their rights.

Support, management and control of education are the responsibilities of the State of Alaska. State statutes defining organization and government of the educational system presently recognize local responsibility for operation of schools in two instances. Under present law, all boroughs and first class cities located in the unorganized borough must assume responsibility for school operation and provide a share of local revenue to the school board of the district so established. No second class city or unincorporated village is a school district; such villages are provided, at best, an indirect voice in the operation of their schools through the mechanism of the advisory school board. Thus, in Alaska, the system of public education -- and the locus of responsibility for control -- is a function of a community's willingness to incorporate as a city of the first class or part of an organized borough and the ability of residents to bear a portion of the financial burden in support of local contributions to operation of the community's school.

Common to both proposals before the Legislature is the suggestion that local control of education ought no longer be tied to the willingness or ability of residents of a community or region to contribute to support of the operation of a school district. In the unorganized borough, popular interest in the educational curriculum, employment of professional personnel, quality of facilities, and development of a set of goals have prompted substantial interest among residents that they be provided an equal opportunity to contribute to and participate in deliberations and decisions affecting schools and long-range plans addressing primary and secondary education. The demand is reflected in the establishment of a system of advisory school boards to serve State-operated schools. But effective and meaningful local control of education -- direct voice in the decision-making process at the community or area level and involvement of the people

in the operation of their schools -- requires more than a system of boards with responsibility limited to serving as a vehicle for communicating expressions of community concern to a centralized authority. Proponents of both legislative drafts would agree that decentralization of authority and implementation of a system returning the locus of decision-making responsibility to a level closer to those whose children are the recipients of educational services require separation of the objective from the present requirement that the residents of the unorganized borough shall also bear a portion of the financial burden.

Those who support the concept of decentralization of educational responsibility challenge the notion that educational administration is properly a function of municipal government. It is perhaps true that local control of education is of such critical importance to the residents of Alaska that it ought no longer be tied to a structure of municipal government requiring expenditure of locally-generated revenues in its support. Yet, traditionally, financial support and local control have been linked and, even in those jurisdictions where the State provides the overwhelming amount of financial support in the operation of schools, the availability of locally-generated revenues has provided an apparent justification for local control. Recent court decisions examining the connection between a community's ability to provide financial support and the quality of education provided in the community's schools may require that the relationship in present law be reconsidered. But if the State Legislature considers separation of school financing from administration of those schools with respect to those institutions in the unorganized borough, equitable arguments probably require that the model(s) offered also be made available to municipal school districts, one or more of which are presently hard pressed to obtain the revenues required in support of a local share and, by inference, to justify local control. In short, the questions raised by the proponents of the respective legislative proposals and solutions enacted by the Legislature may not be restricted to the State-operated school system in the unorganized borough.

The Department is concerned that the approach offered in SB 122 and its derivative proposal(s) is conducive to development of a permanent system of State-supported educational facilities in the predominantly rural areas of Alaska parallel to a system of administration of local education predicated on an orthodox relationship tying local administration to local financing in the urban areas. The Department believes the Legislature may want to give consideration to a plan which returns responsibility for securing revenues in support of all facets of education to the State, leaving to service area, village, and municipal district boards responsibility for education of children. However, we sense no strong support for the proposition that financial support of education should vest wholly with the State. We therefore question whether legislation establishing a system of education for rural schools not tied to provision of a local fiscal contribution may serve as an incentive for existing municipal school districts to move to surrender their municipal status and attach themselves to an educational system providing for State financial support but local administration. The situation may be compounded in those certain boroughs mandatorily incorporated where city school districts

which surrendered local control of education in the face of the mandatory borough act may seek to detach themselves from existing borough governments and attach themselves to the unorganized borough to regain local control of the community's schools without the requirement of a significant local tax effort.

The more traditional approach to the administration of education at the local level in rural Alaska would parallel the present borough (city) school district system. Recognizing that natural forces of geographical and physical isolation and varying degrees of economic independence are obstacles to voluntary efforts to establish regional government structures in the unorganized borough, it is doubtful that, without a promise of financial support from other sources, borough governments will develop in this area. The Department opposes mandatory incorporation of boroughs in rural Alaska, believing that new incorporations, where they may occur, should come only after the residents of the area proposed for incorporation have a better understanding of the benefits and burdens of regional municipal government. To that end, the Department is committed to undertake a thorough review of regional municipal government in rural Alaska with the intention of proposing legislation amending current statutes where changes appear necessary or desirable to encourage development of rural government structures that are responsive to the needs of the residents. Educational responsibility being a major function of borough government undertaken on an areawide basis, local responsibility for education will receive close attention in that report.

That is not to say that the Legislature should regard educational administration only as an integral part of the government of an incorporated city or borough. The Legislature has several other alternatives which it may consider with respect to operation and government of local schools. In the unorganized borough, the Legislature could provide for a system of schools to be operated by service area boards, as is proposed in SB 122. These educational service areas may well serve as interim or transitional mechanisms, looking toward the incorporation of borough units at a later date. Alternatively, adjustments in the present method of providing State support may be considered, facilitating early transition of second class cities to first class status, with the present system of advisory boards replaced by regular municipal school district boards. None of the alternatives -- mandatory borough incorporation, establishment of educational service areas in the unorganized borough, or additional foundation program assistance supportive of facilitating incorporation of cities and city school districts -- contravenes the constitutional requirement against the establishment of independent school districts or special service areas. Rather, any one complies with the clear intent of the local government article of the State Constitution that local government jurisdictions be kept to a minimum and that responsibility for governmental functions be centered and readily responsible to the voters.

Senate Bill 122, as introduced, provides for establishment of educational service areas through the combination of two or more villages having some degree of socio-economic similarity and the means to promote cooperation and coordination among the residents of the community. For the sole

purpose of treating with educational administration, village residents would be asked to share responsibility on a mutual basis. It has been suggested that the dialogue, identification of common problems and concerns, development of coordinated solutions, and formulation of policies on a multi-community basis with respect to schools will indicate to those involved or affected the benefits that derive from a sharing of responsibility on an areawide basis. Proponents suggest further that if a regional approach to the operation of schools is favorably received by those concerned, they will be encouraged to evaluate the benefits to be derived through establishment of regional government structures to treat with other matters of mutual interest -- transportation and communication facilities, health services, and land use planning, as examples. In the interim, it is argued, educational responsibility would be discharged through expenditure of State revenues and Federal funds, without a requirement that village residents contribute a local share of that cost through imposition of a property or sales tax.

There are several objections to the argument. First, because standards defining educational service areas consider only those factors "designed to ensure creation of effective educational units and sound educational administration" in rural areas, service units boundaries drawn by the Department of Education may not reflect the boundaries of units which the Department of Community and Regional Affairs and the Local Boundary Commission would recommend for the establishment of borough governments. Second, it may well prove that the sudden transition to service area status, coming simultaneously with the organization of village and regional corporations mandated by the Native Claims Settlement Act and land selection procedures required to be completed by other provisions of that same Act, will prove to be a burden upon the residents of the village concerned, contributing to the reluctance of those who are active in discharge of the school responsibility to assume other responsibilities within the framework of regional government. Finally, and quite the opposite, the system of educational service areas may prove so successful that residents of the unorganized borough, content to operate the schools indefinitely using dollars contributed from other sources, will decline to investigate any proposal for establishment of a government structure that would require local contributions of revenue in support of rural educational functions.

Legislation based upon testimony from representatives of Native associations and rural residents offered as the committee substitute for SB 122 questions the service area approach. Its sponsors and supporters maintain that the division of the unorganized borough into multi-village units by the Department of Education would not prove responsive to the variant expressions of concern and interest throughout the villages and municipalities of the unorganized borough. To assure residents of these communities full opportunity to contribute to operation of community schools, the sponsors of the committee substitute have provided for a system of village school boards in each of communities served by a State-operated facility. Boards established would be permitted to exercise, in conjunction with boards of neighboring communities, one of several options, leading to possible operation of regional school boards, consolidated operations, or administration under contract to another district. Multi-village service units

established by the boards would, by definition offered in the substitute legislation, constitute districts of the State educational system, not unlike city and borough school districts, but for the absence of a local taxing effort.

Because the latter does not foreclose the possibility of a regional administrative structure to local control of education, the objections entered with respect to SB 122 appear equally valid to the substitute. Moreover, because most village residents appear to want to maintain a system of educational administration with which most have regular contact and which assures the greatest degree of local control, we suspect that the principal result of the latter proposal, if enacted, would lead to the establishment of a great number of village school "districts," locating the responsibility in boards serving each community. Such control would require that village school boards assume primary responsibility in the critical areas of teacher selection and evaluation, development of programs that are culturally relevant, cooperative planning for use of schools as community centers, and promotion of the bilingual education program. The majority of those who spoke against SB 122 as originally offered stressed that any educational service board or regional administrative unit developed would have a role secondary to that of the village or city school board; the committee substitute reflects that concern.

It is not unreasonable to suggest that creation of school boards at the village level may ultimately prove expensive and impractical. Most rural schools presently include eight grades or less, with provision made for secondary education in communities some distance away from each village. It is only in certain regional centers -- communities with a larger number of residents located upon main transportation routes -- that regional high schools have been constructed, while many students complete their education through the BIA's boarding school program or the boarding home and dormitory programs offered by the State. State statutes and court decisions allowing for establishment of secondary school programs in certain villages having minimal student enrollment notwithstanding, it is doubtful that many of the smallest villages will ever have programs for high school students located within them. At best, an area approach to secondary education appears the most feasible approach consistent with the amount of money available for capital improvements, salaries, equipment, and administration. But where legislation is offered which emphasizes village responsibility in matters of education, one wonders whether such an approach does not materially detract from development of viable educational service areas, the more logical entities to undertake responsibility for areawide secondary education.

The manner of responding to demands for local control of education is critical, not only to those whose primary concern is education of children but also to those who must take into consideration the functions and responsibilities of municipal government. Legislation providing for a myriad number of village school boards and the virtual exclusion of regional systems in the discharge of administrative responsibility establishes a most difficult precedent. Delivery of services on a village-by-village basis would add materially to the administrative costs associated with education,

almost certainly generating a demand for additional State financial support of education. Members of the State Legislature should also consider whether provision of service area school districts, as they are defined in the committee substitute for SB 122, will not affect the formula under which PL 874 funds and State foundation support is computed, requiring possible additional State support to meet basic educational needs. Fiscal analysis of the costs of both the original bill and its substitute is imperative.

Changes effecting the rural school system should be completed according to a time frame which provides residents of rural Alaska full understanding of the options available, benefits, and obligations of each model, allows for an expression of willingness to assume responsibility for education on the part of residents, and gives intensive training in all aspects of school board responsibilities to those who are elected to serve. Immediate transition as originally proposed in SB 122 is, in our judgement, out of the question, while extending the time frame to 1979, as village representatives suggest, probably provides more time than is reasonably necessary. The period of years is secondary, however, to providing community or service area board members and residents with specific understanding of their responsibilities in administration of education as those may be defined by the legislation.

Both proposals recognize that rural schools and those serving dependents of residents of military reservations share few common problems or concerns and that continuance of a monolithic administrative system responsible for both serves the interests of neither. Each bill, therefore, provides for separation of the administrative systems, and allows on-base schools separate consideration and status. The Department believes that separation of the military reservation from direct relationship to rural State-operated schools is desirable and may be completed without adverse affect upon rural school operations.

Parenthetically, it should be pointed out that, while boards in rural schools under either of the proposals under consideration by the Legislature share many of the same powers and duties of city and borough school boards, local community or service area boards will not have authority as complete as those of municipal districts. Boards serving the unincorporated communities and second class cities must continue to rely upon the Legislature to provide funds to sustain the foundation program, may not provide from their local resources additional funds for special or supplementary programs, and will look to the Department of Education or the ASOSS Board (reconstituted as the Unorganized Borough School Board) to prepare for the Legislature requests for funds to construct additional classroom space, major improvements, and physical facilities. Though amendment of the public school foundation act to guarantee every school district an amount of money to cover basic operating needs reflecting a cost-of-living allowance and tuition factor should provide service area and village boards sufficient funds to operate a basic program, board members should be reminded that overspending of revenues allotted to each board may not be covered by requests for supplemental appropriations. The burden rests with board members to operate schools within financial limitations set down by the State.

The Department questions that either of the proposals now before the Legislature, SB 122 as introduced or its substitute, reconstitutes the

present system of educational administration of State-operated schools to provide the residents of those communities affected meaningful administrative changes. Continued dependence upon review and approval of budget requests, educational programs, and capital improvements needs by officials in Anchorage and Juneau does not appear to substantially alter the present system whereby members of advisory school boards may make representations and submit recommendations to the Alaska State-Operated School System and the Department of Education for subsequent action. Critical to effective operation of any model proposed is the opportunity for elected school board members to know and to realize that their decisions relative to the elements of "local control" defined herein will be respected and acted upon by officials concerned generally with provision of educational services. It is, after all, the substance of the amendment and not its form with which those who are most affected by the proposals offered will be concerned.

The Department of Community and Regional Affairs urges careful consideration of various proposals to allow formulation of a model that responds to the reasonable requests of Alaska's rural population in the decentralization of control of schools without separating, in the absence of good reason, responsibility for education from other responsibilities of local government, as the framers of the State Constitution intended.

The Legislature and interested parties are reminded that the Department of Community and Regional Affairs is about to begin a comprehensive study of the merit and feasibility of regional governmental development in the unorganized borough. This study will develop factual background and proposals for administrative and legislative action for regional governmental development. The matter of educational service areas is inseparably tied to the general issue of governmental development. It is anticipated that, once established, a pattern of educational service areas will suggestively imprint on the unorganized borough a pattern amenable to adoption for the delivery of additional regional governmental services. Before irrevocable steps are taken to establish educational service areas, the following factors should be systematically reviewed and evaluated.

- (1) the number and size of educational service areas;
- (2) the regional patterns implicit in educational service areas;
- (3) the efficiency and effectiveness for general regional governmental purposes of the educational service area jurisdictions; and
- (4) the relationship of educational service areas to other rural school systems in the unorganized borough; and
- (5) the ultimate relationship of educational service areas to presently organized and future local and regional governments.

Marshall L. Lind

-9-

March 22, 1973

It is suggested that the Department of Education and the Department of Community and Regional Affairs jointly explore the interdependent issues of educational service areas and regional governmental structures. The analysis of this subject, as an example, will seek to identify and assess the potential impact of educational service areas on regional development and the programs and fiscal obligations of eventual regional governments.

Such a study could serve to meet departmental "issue analysis" requirements and would be intended to be completed prior to the second session of the Eighth State Legislature.

BIM:JBC:mw

cc: Governor William A. Egan
Attorney General John Havelock

Section 1

Repeals the statutes establishing the State-Operated School System, except for Sec. 14.08.160 regarding bilingual education, and repeals the statutes establishing advisory school boards in the State-Operated School System.

Section 2

Article 1: Establishes the Unorganized Borough School District to replace the State-Operated School System. Changes, in addition to the name change, provide for operation as a school district separate from state level government. These include:

Sec. 14.08.021 add concerning board of directors powers:

including all powers granted to any school district in Alaska

Sec. 14.08.051 (a) authority of board of directors is further detailed to include operation of student dormitories, planning and construction of schools, and all other matters normally handled by a district school board

Sec. 14.08.051 (d) adds to board of directors authority the requirement of assisting local areas in transition to local governance, and requires the establishment of policies, guidelines and procedures necessary to such transition.

Sec. 14.08.061 reduces the advance notice time required for board of directors meetings, and provides for an emergency meeting to be called on 48-hour notice. Permits the board president to call a special meeting on his own initiative

Sec. 14.08.081 provides for the board to determine what officers, in addition to the president, the board will have

Sec. 14.08.091 (2), (3), (4) grant the board of directors complete authority, as other school boards in Alaska, for employing district personnel and establishing their salaries and fringe benefits.

Sec. 14.08.091 (8) requires submission to the Legislature, for approval, of the district's annual budget

Sec. 14.08.091 (9) supports sec. 14.08.111 in providing for the establishment of a separate district fund and accounting system; permits the establishment of reserves and the carry-over of funds from one fiscal year to the next

Sec. 14.08.101 (b) permits advance obligation of funds for salaries, commodities, etc., up to 75% of the appropriation request

Sec. 14.08.145 provides for the State-Operated School System to become, on July 1, 1973, the Unorganized Borough School District.

Article 2: Provides for local school boards in rural communities and local school councils on military bases, replacing advisory school boards.

Sec. 14.08.151 establishes school boards and councils of five members, but permits changes in number of members

Sec. 14.08.161 (a) establishes an annual election date for local school boards and councils, with a provision for exceptions in extenuating circumstances; transfers responsibility for these elections to the Office of the Lieutenant Governor

Sec. 14.08.161 (b) stipulates that membership on a local school council for a military base does not constitute a partisan office; hence, such office does not come under military limitations concerning the offices which regular officers can hold.

Sec. 14.08.171 (b) provides the option of a student member with full voting rights on a local school board or local school council

Sec. 14.08.171 (d) limits individuals from participating in the governance of more than one school board or council

Sec. 14.08.181 provides for officers, vacancies, and absentee members in local school boards or councils; generally parallels current statutes for district school boards

Sec. 14.08.191 (b) permits delegation of policymaking authority to local school boards or councils, and establishes a general procedure for such delegation

Article 3: Provides for the establishment of educational service areas in rural portions of the unorganized borough:

Sec. 14.08.210

(a) enabling statement, permitting establishment of educational service areas, which function as independent entities under the State Department of Education regulations

(b) initiation is by the local area, either through a petition or by resolutions from the local school boards of the community involved. The petition or resolution is to be accompanied by a plan for the area's operation, including name, boundaries, division of powers between area and local boards, initial budget

(c) (d) assistance will be provided by the Unorganized Borough School District, including hearings

(e) provides for timely approval

(f) (g) provides for election on the organizational proposal

Sec. 14.08.221-241 provisions for the number, terms, and powers of area school boards

Sec. 14.08.249 reserves control of the local school's program and operations to local school board, unless the community votes to give up that power in preference to another organizational arrangement

Article 4: Provides for establishment of military educational areas.

Procedures are similar to those for establishing a rural educational service area, except that approval of appropriate military commander(s) is also required.

Sec. 14.08.280 provides that the school board for a military educational area may choose to arrange for the area's schools to be operated under contract by a city or borough school district

Article 5: Provides specifics of the transition

Sec. 14.08.300 establishes deadlines of July 1, 1975 for selecting an organizational arrangement, and July 1, 1977 for completing the transition to local control.

Provides for dissolution of Unorganized Borough School District as of July 1, 1977

Sec. 14.08.310 funding to assist local and area school boards become autonomous

Sec. 14.08.320 provides for transfer of property

Sec. 14.08.330 makes special provisions for any areas desiring to make the transition to local governance during fiscal year 1974

Sections 3-4

Place the Unorganized Borough School District on the same basis as other districts in the matter of textbook selection. Permits the State Department of Education to establish State Textbook Commission, primarily for the price advantages involved.

Sections 5-8

Language adjustment, to match substantive changes.

Section 9

Clarifies district power to establish all attendance boundaries, including those set jointly with adjacent districts, thus limiting any role of the State Department of Education to adjudication of disputes.

Sections 10-11

Language adjustment

Section 12

Through modifying the definition of "district" includes all areas of the unorganized borough in the school foundation program beginning with fiscal year 1975.

Sections 13-24

Language adjustment

Sections 25-26

Language adjustment. Also provides for portion of expenses for exceptional student on interdistrict transfers to be paid by the State Department of Education.

Sections 27-31

Language adjustment

Section 32

Permits newly-incorporated municipalities to legally delay take-over of schools, consistent with the time allowed for integration of other special services

Section 33

Adjustment to complete separation of the Unorganized Borough School District's personnel functions from state government

Section 34

Repeals power of the State Department of Education to "establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools."

Sections 35-37

Establish effective dates.

Reviewed
2/26/73
RJ

Department of Education
Commentary and Explanatory Notes
on
Senate Bill 122 & House Bill 192

"An Act relating to public education in the unorganized Borough"

Under the provisions of Article X, Sections 5 and 6 of the Constitution, hereinafter quoted, in part, the establishment of educational service areas is a legislative function which may be delegated by statute.

Section 5, Services Areas.

Services areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. ----.

(The legislature could establish school service areas in an unorganized borough by general law subject to the restrictive limitations of this section. 1961 Op. Atty. Gen., No. 24.)

Section 6, Unorganized Boroughs.

The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough. (Emphasis added)

Senate Bill #122 and House Bill #192 are identical as introduced and would add a new chapter to the Education Statutes (Title 14), in order to implement the constitutional provisions. This purpose is stated in Section 14.11.050 of the bills.

Section 14.11.010 providing for the establishment of Educational Service Areas by the State Board of Education on recommendation of the Department, can be done only after hearings have been held to ascertain the desires of the communities involved and the feasibility of the suggested groupings of communities into service areas. Additionally there is latitude for change in service area boundaries after they have been established if, at a later date under actual operation, this should be desirable and reflects the wishes of the communities involved.

Sections 14.11.020 through, 060 (pages 2 & 3) provide for the formation of a Service Area School Board which is for all practical purposes identical to that in city or borough school districts---with the exception that the specified relationships between city or borough school boards and the borough assembly or city council are omitted since they would not apply. In all other respects governing organization, cooperation with other districts, employment of an administrator and staff, the development of by-laws and administrative rules, governance, and expenditure of funds, they would have the same powers.

Section 14.11.070 (pages 3 & 4) which provides for contracting with existing city or borough school districts will, in all likelihood, be amended or deleted as a consequence of testimony at various legislative hearings. With the ex-

ception of only a few very small communities who would have the option of either being operated under contract by a neighboring school district or, being administered through the Department of Education (essentially as they are now through SOS) all communities would be in education service areas with an elected board and a chief school administrator. The education service area board would determine the extent, if any, to which they wish to contract for various services from other districts. This power is already provided in current statute (AS 14.14.110) and it is envisioned that the determination of whether or not to contract would be made locally rather than by the Department.

Section 14.11.080 Community Education Committees would make it possible for each community in a service area to serve as the local advisory group for that community. The school board of the service area could delegate to each Community Education Committee as much authority as it would wish in determining local policy and procedures subject to the limit, of course, that the education committee's powers could not exceed those of the Education Service Area Board itself as provided by law. In other words, each community could, at the option of the service area board, have final say over employment of personnel and determination of subject matter within their own community.

The rest of the language of the bill and Sections 2 through 30 (pages 5-13) consists of amendments to existing statutes to recognize the concept of educational service areas and service area boards so that the provisions of the education statutes would be consistent throughout, as well as establishing the concept of education service areas being analogous to borough school districts for all practical purposes. As a matter of further illustration, the present provisions for Third Class Boroughs (where the school board is the assembly) with only the powers of education and tax assessment and collection (AS 29.41.010-020) would be very similar. In this respect then, the Educational Service Area may be thought of as sort of a "4th Class Borough"--having the area wide power for education but lacking the powers of tax assessment and collection.

Section 31 (page 13) provides for the issuance of use permits on land and buildings to be issued to the service areas while the responsibility for construction would remain with the Department of Public Works--as is now the case for the State-Operated School facilities as well as for those district schools where appropriations have been made for school construction in various city and borough school districts.

Section 32 (Pages 13 & 14) is a transitional part which provides for redistribution of the current appropriations, records, equipment, etc. connected with the operation of schools to be turned over to the educational service areas. In effect, this means that the service area would assume responsibility for staff, facilities and the funds appropriated for operation of the service area as well.

Although not specifically addressed in these two bills, it is anticipated that the service areas would be funded on the public school foundation formula in a manner almost identical to that for the district schools with the exception that the required local matching share and other funds would be appropriated by the legislature. Tentatively it has been suggested that this "local" amount be equal to the state average of local effort per child in the city and borough school districts. If this procedure is adopted, then the Service Area Boards would receive monthly disbursements of school support funds exactly as the districts do under the current statutes.

Section 33 (page 14) repeals the state textbook selection requirement and would leave this responsibility for choice to the service area boards in the same manner now applied to district schools. Additionally, it removes the statutes covering advisory school boards since a need for these would not exist when all communities in the present unorganized territory would have policy making and administrative service area boards. The community education committees provided for in the bill would serve some of the functions of the current advisory boards in a manner very similar to that used by those borough school districts which have a number of outlying and relatively isolated communities within the borough. i.e. Kenai Peninsula, Kodiak, etc.

Section 34 would permit the establishment of service areas and subsequent election of board members at the earliest possible date (presumably well before the end of the present school year) and would provide the longest lead time for transfer of the education function. Recent testimony indicates that there are a number of potential service areas that are fully capable and confident that should this legislation pass, they can be in operation by September 1973 with a minimum of difficulty. At the same time these service areas were gearing up the logistical and supporting services available through SOS would continue through June 30, 1973 with any continuing support functions which were necessary after that date being handled by essentially the same personnel, however, under jurisdiction of the Department of Education rather than the SOS Board of Directors.

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

I. REQUEST

Bill Identification: CS SB 122
 Title: Schools in the Unorganized Borough
 Requested by: Legislative Finance Committee Date: 3/21/73
 Return Date Requested: ASAP
 Agency: Education Program: Pre-Elem.-Secondary

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 73	FY 74	FY 75	FY 76	FY 77	FY 78
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		*295.0				
TOTAL		*295.0	(See attached analysis.)			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		*295.0				
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

Planning: 100 local boards or councils @ \$2,500 = \$250,000

Elections: 45,000
 \$295,000

*FY 74 costs represent additional costs over the SOS budget as recommended by the Governor.

IV. ATTACHMENTS

V. DATE: 3/21/73 PREPARED BY: Nathaniel Cole

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

A fiscal analysis of CS SB 122 for fiscal years 1975, 1976, 1977, and 1978 is almost impossible. Two sets of assumptions and their fiscal implications are outlined below:

General Assumptions:

- a) All local boards, committees, and service areas remain under the unorganized borough through fiscal year 1975, for funding purposes under Sec. 11, p. 20, lines 5-13.
- b) All local elections are completed by the end of FY 1975.
- c) A 5% inflation cost and growth factor.
- d) All military areas and rural areas will become educational service areas or a part thereof by FY 1975. Under Sec. 6, p. 18, lines 25-29 and p. 19, lines 1-5, these service areas would become districts in the State public school system and as such be entitled by Federal law (copy attached) to all P.L. 874 payments, and such payments cannot be taken into consideration in determining State aid to these districts.
- e) Sec. 12, p. 20, lines 18-24 places all educational service areas under the Foundation program for State funding. This formula funding would begin in FY 1976. For the purposes of this analysis, the average instructional unit value will be taken at \$21,000, and the State percentage at 95% basic need.
- f) Using an analysis of the estimated number of instructional units based on the FY 1973 first week enrollment statistics, and projecting a 2% per year increase in the number of instructional units for the applicable fiscal years (FY-77 and FY-78).

Specific Assumptions Concerning P.L. 874 Rates

A - P.L. 874 will remain as is, without any changes.

B - P.L. 874 will be included under the revenue sharing proposal (preliminary analysis attached).

Cost Analysis Applying the General Assumptions to each Specific Assumption A & B Above

FY	#Inst. Units	State Aid or Est. Approp.	Gen. Fund Under A	P.L. 874 Under A	Gen. Fund Under B	P.L. 874 Under B	Other Funds
73	1150	--	--	--	--	--	--
74	1173	39,143.8[1	11,476.8	26,332.0	27,498.8	10,320.0	1,335.0
75	1197	40,101.0[1	12,601.0	27,500.0	28,251.0	10,500.0	1,350.0
76	1221	24,359.0[2	24,359.0	--	24,359.0	--	--
77	1245	24,837.8[2	24,837.8	--	24,837.8	--	--
78	1270	25,336.5[2	25,336.5	--	25,336.5	--	--

- 1. Appropriation to unorganized borough.
- 2. Foundation program distribution.

V. DATE: 3/21/73

PREPARED BY: J. [Signature]

Introduced: 2/7/73
Referred: Health, Welfare
and Education, Local
Government and Finance

1 IN THE SENATE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 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 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 is amended by adding a new chapter to read:

10 CHAPTER 11. EDUCATIONAL SERVICE AREAS IN THE UNORGANIZED BOROUGH.

11 Sec. 14.11.005. PURPOSE. (a) It is the purpose of this chapter
12 in establishing educational service areas to provide for public educa-
13 tion in the unorganized borough thus encouraging maximum public parti-
14 cipation in the state's public education system and ensuring that the
15 system as it operates in rural Alaska will be responsive and account-
16 able to the constituency it serves.

17 (b) Nothing in this chapter prohibits an organized borough, or a
18 city or village or settlement in an unorganized area of the state from
19 becoming part of or being formed into an organized unit of local
20 government authorized by law.

21 Sec. 14.11.010. ESTABLISHMENT OF EDUCATIONAL SERVICE AREAS. The
22 unorganized borough shall be divided into educational service areas by
23 the state Board of Education on recommendation of the department.
24 Consideration of the boundaries of an educational service area by the
25 board shall follow a hearing held before one or more of its members
26 as designated by the chairman. In establishing the boundaries of
27 educational services areas, the board shall consider the location of
28 existing administrative centers as well as other factors designed to
29 ensure the creation of effective educational units and sound educa-

1 tional administration in rural Alaska.

2 Sec. 14.11.020. EDUCATIONAL SERVICE AREA BOARDS. Each educa-
3 tional service area shall have an area school board which shall consist
4 of five, seven, or nine members. The initial size of the area school
5 board shall be determined by the department at the time that the educa-
6 tional service area is established. However, the qualified voters in
7 an educational service area may increase or decrease the number of area
8 board members by placing the question on the ballot at a regular
9 election or a special election at least 90 days prior to a regular
10 election in the manner prescribed by law.

11 Sec. 14.11.030. EDUCATIONAL SERVICE AREA SCHOOL BOARD TERMS.

12 (a) The term of office of an educational service area school board
13 member is three years and until a successor takes office. However,
14 members of a newly created five member educational service area school
15 board hold office for initial terms as follows: two for a term of
16 three years, two for a term of two years, and one for a term of one
17 year. The members of a newly created seven member educational service
18 area school board hold office for initial terms as follows: three for a
19 term of three years, two for a term of two years, and two for a term of
20 one year. The members of a newly created nine member educational
21 service area school board hold office for initial terms as follows:
22 three members each for terms of three, two, and one years. Terms are
23 assigned to new members by lot.

24 (b) When a transition occurs increasing the size of an educational
25 service area school board, the length of terms of office of the new
26 members shall be assigned by lot so as to create a seven or nine man
27 board constituted as provided in subsection (a) of this section.

28 (c) When a transition occurs decreasing the size of an educational
29 service area school board to five or seven, all terms of office end as

1 of the next educational service area school board election and the newly
2 elected board shall constitute itself as provided in subsection (a) of
3 this section.

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

6 Sec. 14.11.040. TRANSITION. The transition from one size
7 educational service area school board to another size shall be made at
8 the regular election following the vote to alter the size of the
9 educational service area school board.

10 Sec. 14.11.050. QUALIFICATIONS, OATH, VACANCIES, ETC. The
11 eligibility to be an educational service area school board member, oath
12 of office, method of filling vacancies, and limitation of liability of
13 a member are all governed by the provisions of AS 14.20.070 - 14.20.090
14 and AS 14.12.120.

15 Sec. 14.11.060. POWERS AND DUTIES. An educational service area
16 board has the same powers and duties as a city or borough district
17 school board under AS 14.14.020, 14.14.050, 14.14.070 - 14.14.160 and
18 14.14.250 - 14.14.300 except as provided otherwise by this chapter or
19 other provisions of state law.

20 Sec. 14.11.070. CONTRACTS WITH SCHOOL DISTRICTS. (a) Where the
21 department determines that it is not feasible for an educational
22 service area to operate schools, including schools on military reserva-
23 tions, the schools shall be operated by contract with an existing city
24 or borough school district.

25 (b) No schools in an educational service area may be operated
26 by contract with a school district which is more than 300 miles from
27 any school in the educational service area.

28 (c) When the schools in an educational service area are operated
29 by contract with a city or borough school district, the educational

1 service area school board shall serve as an advisory board to the school
2 board of the operating district.

3 (d) An educational service area school board for an educational
4 service area in which one or more schools are operated by contract as
5 provided in this section shall be elected and constituted in the same
6 manner as provided for other educational service area boards by this
7 chapter. The powers and duties of an educational service area school
8 board as to schools operated by contract under this section shall be
9 provided for in the operations contract, but shall in no event exceed
10 the powers and duties provided for in AS 14.11.060.

11 Sec. 14.11.080. COMMUNITY EDUCATION COMMITTEES. Any community
12 in an educational service area may form a community education committee
13 to advise the educational service area school board on educational
14 concerns of the community.

15 Sec. 14.11.090. 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
22 educational service area board to obligate over 50 per cent of the
23 amount requested by the department to be appropriated or authorized
24 by the legislature for use by the educational service area board.

25 Sec. 14.11.100. BILINGUAL EDUCATION. A school in an educational
26 service area which is attended by at least 15 pupils whose primary
27 language is other than English shall have at least one teacher who
28 is fluent in the native language of the area where the school is
29 located. Written and other educational material, when language is a

1 factor, shall be presented in the language native to the area.

2 * Sec. 2. AS 14.07.085(b) is amended to read:

3 (b) One member shall be appointed from each of the four judicial
4 districts and three from the state at large with at least one member
5 representing educational service area [STATE-OPERATED RURAL] schools.

6 * Sec. 3. AS 14.12.010 is amended to read:

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

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

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

12 (3) the area outside organized boroughs and city school
13 districts is made up of educational service areas established under
14 AS 14.11 [OUTSIDE FIRST, SECOND, AND THIRD CLASS CITIES IS THE STATE-
15 OPERATED SCHOOL DISTRICT].

16 * Sec. 4. 14.12.020(a) is amended to read:

17 (a) Operation of educational service areas [THE STATE-OPERATED
18 SCHOOL DISTRICT] is under the management and control of the department
19 through the educational service area boards [BOARD OF THE STATE-OPERATED
20 SCHOOLS].

21 * Sec. 5. AS 14.12.020(c) is amended to read:

22 (c) The legislature shall provide to the Department of Education
23 the state money necessary to maintain and operate each educational
24 service area [THE STATE-OPERATED SCHOOL DISTRICT]. The borough
25 assembly for a borough school district, and the city council for a city
26 school district, shall provide the money which must be raised from
27 local sources to maintain and operate the district.

28 * Sec. 6. AS 14.14.090(4) is amended to read:

29 (4) transmit, when required by the assembly or council for

1 school districts or by the department for educational service areas
2 but not more often than once a month, a summary report and statement of
3 money expended;

4 * Sec. 7. AS 14.14.105 is amended to read:

5 Sec. 14.14.105. SICK LEAVE BANK. A local school [DISTRICT]
6 board, or the school board of an educational service area [DIRECTORS OF
7 THE STATE-OPERATED SCHOOL SYSTEM] may establish a sick leave bank to
8 enable a teacher, because of unusual circumstances, to draw not more
9 than twice the number of days of sick leave the teacher has accumulated.
10 The board may establish and administer the sick leave bank independently
11 or jointly with teachers.

12 *Sec. 8. AS 14.14.110 is amended to read:

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

26 * Sec. 9. AS 14.17.210(a) is amended to read:

27 (a) An educational service area [A STATE] school which becomes a
28 district school is considered an educational service area [A STATE]
29 school for purposes of financial support until the expiration of a

1 complete fiscal year after the date on which the school becomes a
2 district school. This subsection does not prevent a local government
3 from spending money to contribute to the financial support of an
4 educational service area [A STATE] school which becomes a district
5 school.

6 * Sec. 10. AS 14.17.210(c) is amended to read:

7 (c) In this section

8 (1) "educational service area [STATE] school" means a public
9 school in an educational service area [OPERATED BY THE DEPARTMENT OF
10 EDUCATION] and entirely financed by state money; and

11 (2) "district school" means a school which comes under the
12 jurisdiction of a city or borough district.

13 * Sec. 11. AS 14.17.250(3) is amended to read:

14 (3) "district" means any city or borough school district,
15 but does not include schools in educational service areas [THE STATE-
16 OPERATED SCHOOL DISTRICT];

17 * Sec. 12. AS 14.20.175(a) is amended to read:

18 (a) A teacher who has not acquired tenure rights is subject to
19 nonretention for the school year following the expiration of his
20 contract for any cause which the employer determines to be adequate.
21 However, at his request, the teacher is entitled to a written statement
22 of the cause for his nonretention. Each school [THE] board or
23 educational service area board [OF DIRECTORS FOR STATE SCHOOLS, AND THE
24 DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by regulation or bylaw
25 a procedure under which a nonretained teacher may, at his request, be
26 heard informally by [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR
27 MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS, AND BY] the local
28 school board or educational service area board [IN THE CASE OF A
29 DISTRICT SCHOOL].

1 * Sec. 13. AS 14.20.180(b) is amended to read:

2 (b) The tenure teacher may, within 15 days immediately following
3 receipt of the notification, notify the employer in writing that he
4 requests a hearing before the school board [,] or educational service
5 area board [IF THE TENURE TEACHER IS EMPLOYED BY THE STATE, BEFORE AN
6 APPEAL PANEL CONSISTING OF THE DIRECTOR AND TWO MEMBERS OF THE BOARD].

7 The tenure teacher may require in the notification that

8 (1) the hearing be either public or private,

9 (2) the hearing be under oath or affirmation,

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

11 (4) he be represented by counsel,

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

14 * Sec. 14. AS 14.20.180(c) is amended to read:

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

27 * Sec. 15. AS 14.20.207(2) is amended to read:

28 (2) "employer" means the school board, or educational service
29 area board or superintendent which appoints the teacher [OR, IN THE

1 CASE OF A TEACHER IN THE STATE-OPERATED SCHOOLS, THE BOARD OF DIRECTORS
2 FOR THE STATE-OPERATED SCHOOLS];

3 * Sec. 16. AS 14.20.230 is amended to read:

4 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards or
5 educational service area boards [OF DISTRICT SCHOOLS AND THE BOARD OF
6 THE STATE-OPERATED SCHOOLS] shall pay a qualified school administrator
7 a salary not less than the allowable amount for his position on the
8 teachers' scale provided in sec. 220(a) - (c) of this chapter, plus

9 (1) 25 per cent for the chief school administrator of a
10 district with an average daily membership of 500 or more;

11 (2) 20 per cent for the chief school administrator of a
12 district with an ADM of less than 500;

13 (3) 15 per cent for a principal or other administrator;

14 (4) 10 per cent for an assistant principal.

15 * Sec. 17. AS 14.20.310(a)(1) is amended to read:

16 (1) not more than one-half of one per cent of the total
17 number of teachers from all borough and city [SCHOOL DISTRICTS] and
18 educational service area schools [THE STATE-OPERATED SCHOOL DISTRICT]
19 may be on state-supported sabbatical leave in any year;

20 * Sec. 18. AS 14.20.320 is amended to read:

21 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of
22 a teacher to his teaching position, the teacher shall make a report to
23 the governing body concerning his educational accomplishments. A
24 teacher who does not serve for at least a full year after his return
25 shall refund to the district or educational service area board, if the
26 sabbatical leave was at district or educational service area expense,
27 or to the department [BOARD OF STATE-OPERATED SCHOOLS], if the
28 sabbatical leave was state-supported, money paid to him under sec. 310
29 of this chapter unless his failure to serve a full year after return is

1 attributable to sickness, injury or death.

2 * Sec. 19. AS 14.20.550 is amended to read:

3 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each
4 school board, and each educational service area board [THE BOARD OF
5 DIRECTORS FOR THE STATE-OPERATED SCHOOLS], shall negotiate with its
6 certificated employees in good faith on matters pertaining to their
7 employment and the fulfillment of their professional duties.

8 * Sec. 20. AS 14.30.186(b) is amended to read:

9 (b) The board of an educational service area [STATE-OPERATED
10 SCHOOLS] shall provide for special services in a school in the
11 educational service area [STATE-OPERATED SCHOOL DISTRICT] for
12 exceptional children represented by not less than five children residing
13 in the area served by the school.

14 * Sec. 21. AS 14.30.186(d) is amended to read:

15 (d) A school district or an educational service area [A STATE-
16 OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to provide
17 special services for exceptional children may cooperate with one or
18 more school districts or educational service areas [STATE-OPERATED
19 SCHOOLS] in providing special classes. If, under the cooperative
20 agreement, there are no special classes offered within a school district
21 or educational service area [STATE-OPERATED SCHOOL] exceptional children
22 may attend special classes in the cooperating school district or
23 educational service area [STATE-OPERATED SCHOOL] providing the special
24 classes.

25 * Sec. 22. AS 14.30.260 is amended to read:

26 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
27 for a district [,] or educational service area [THE BOARD OF DIRECTORS
28 FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT] in which special
29 services are provided [FOR,] may waive part of the qualifications for

1 teachers as set out in sec. 250 of this chapter, if necessary, during
2 the first school year special services are offered in the district or
3 educational service area [IN THE SCHOOL IN THE STATE-OPERATED SCHOOL
4 DISTRICT].

5 * Sec. 23. AS 14.30.285(a) is amended to read:

6 (a) An exceptional child may be sent to another school district or
7 educational service area [,] with the consent of the district [,] or
8 educational service area board [STATE-OPERATED SCHOOL] if the child
9 resides in a district or educational service [SCHOOL ATTENDANCE] area
10 where there is no provision for classes or the special education class
11 is not appropriate for the needs of the child.

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

13 (b) If a school board or educational service area [DISTRICT, OR
14 THE STATE DIRECTOR IF A STATE-OPERATED SCHOOL,] approves the enrollment
15 of an exceptional child in another school district or educational
16 service area [STATE-OPERATED SCHOOL APPROVED BY THE STATE DIRECTOR],
17 and the child is enrolled in the institution, the child's education
18 expenses shall be paid for as follows:

19 (1) the school district or educational service area [THE
20 BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall pay the receiving
21 district an amount of money equal to the receiving district or
22 educational service area's [DISTRICT'S] local cost per pupil rate;

23 (2) the Department of Education [OR THE BOARD OF DIRECTORS
24 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of
25 the annual cost of the child's education, at a school within its
26 jurisdiction, above that provided for in (b)(1) of this section.

27 * Sec. 25. AS 14.30.295(b) is amended to read:

28 (b) If a school district or educational service area [THE
29 STATE DIRECTOR, IF A STATE-OPERATED SCHOOL,] approves the enrollment of

1 an exceptional child in an out-of-state institution approved by the
2 commissioner, and the child is enrolled in the institution, the child's
3 education expenses shall be paid as follows:

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

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

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

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

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

24 * Sec. 26. AS 14.33.010 is amended to read:

25 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
26 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE
27 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough
28 or city school district or of an educational service area, or a private
29 or denominational school may require that school safety patrols be

1 established to assist pupils to cross streets and highways adjacent
2 to schools in safety.

3 * Sec. 27. AS 14.33.020(a) is amended to read:

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

9 * Sec. 28. AS 14.52.020(b) is amended to read:

10 (b) It is the intent of the legislature that insofar as the food
11 service and nutrition education programs of city or borough school
12 districts, or of educational service areas [THE STATE-OPERATED SCHOOLS]
13 are affected by this chapter, the directives of this legislation are
14 guidelines; the policies of this chapter are permissive and not
15 mandatory.

16 * Sec. 29. AS 14.60.010(5) is amended to read:

17 (5) "governing body" means the school board of a borough
18 or city school district or the board of an educational service area
19 [DIRECTORS FOR THE STATE-OPERATED SCHOOL DISTRICT];

20 * Sec. 30. AS 14.60.010(6) is amended to read:

21 (6) "school board" means the school board of a borough or
22 city school district or the board of an educational service area
23 [DIRECTORS OF THE STATE-OPERATED SCHOOL DISTRICT];

24 * Sec. 31. The ownership of land and buildings used in relation to
25 educational service areas shall remain vested in the state, and use permits
26 may be issued to the various educational service areas. Construction
27 required on land and buildings used in relation to educational service
28 areas shall be performed by the Department of Public Works.

29 * Sec. 32. Appropriations, records, equipment, and other assets of the

1 state-operated school system are transferred to the department for redistri-
2 bution to the educational service areas in a manner determined by the
3 department. Appropriations and other money available and to become available
4 to a school or area in the state-operated school district shall be available
5 for the objects and purposes for which appropriated or otherwise made
6 available, subject to terms, restrictions, limitations or other requirements
7 imposed by this section or state or federal law. The financial liabilities
8 of the state-operated school system not assumed by the department or an
9 educational service area shall be assumed by the general fund of the state.
10 All litigation, hearings, investigations, and other proceedings (except teach-
11 er negotiations) which may be transferred by this Act, remain in effect and
12 may be continued and completed notwithstanding a transfer or amendment
13 provided for in this Act. Certificates, orders, rules or regulations issued
14 or filed under authority of a law amended or repealed by this Act or
15 functions which may be transferred by this Act, remain in effect for the
16 term issued, until revoked, modified, or vacated under the provisions of
17 this Act. All contracts or other vested obligations created by a law amended
18 or repealed by this Act or by virtue of functions which may be transferred by
19 this Act, and in effect on the effective date of this Act, remain in effect
20 unless revoked, modified, or vacated under the provisions of this Act.

21 * Sec. 33. AS 14.07.050 - 14.07.055, 14.08, 14.14.170 - 14.14.200,
22 14.14.310, 14.60.010(7) and (8) and 39.05.060(8) are repealed.

23 * Sec. 34. Section 1 of this Act takes effect on the day after its
24 passage and approval or on the day it becomes law without approval.

25 * Sec. 35. Sections 2 -- 33 of this Act take effect on July 1, 1973.
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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

2/11/74

HOUSE

Mr. Speaker:

Date _____

The Committee on FINANCE has had SB 126

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 _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	_____
<u>W. Frank</u>	<u>_____</u>	_____
_____	<u>_____</u>	_____
<u>_____</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

Introduced: 2/3/73
Referred: State Affairs

1 IN THE SENATE

BY GROH

2 SENATE BILL NO. 126

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 multi-purpose senior centers."

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

8 * Section 1. AS 47 is amended by adding a new chapter to read:

9 CHAPTER 60. MULTI-PURPOSE SENIOR CENTERS.

10 Sec. 47.60.010. LEGISLATIVE FINDINGS. The legislature finds that
11 there is a need for multi-purpose senior centers in certain areas of the
12 state to provide certain services for elderly persons, that this need
13 can be at least partially met utilizing nonprofit corporations which
14 would undertake the establishment of multi-purpose senior center
15 projects, and that the establishment of these projects constitutes a
16 public purpose worthy of the cooperation of the state.

17 Sec. 47.60.020. AUTHORIZATION OF NONPROFIT CORPORATIONS FOR
18 ESTABLISHMENT OF MULTI-PURPOSE SENIOR CENTERS. Private, nonprofit
19 corporations, incorporated under state law, may undertake or may be
20 incorporated for the purpose of undertaking the development and operation
21 of multi-purpose senior centers.

22 Sec. 47.60.030. PURPOSES OF MULTI-PURPOSE SENIOR CENTERS. A
23 multi-purpose senior center is a facility where persons 60 years of age
24 or older are provided with services and activities suited to their
25 particular needs. The services and activities may include, but are not
26 limited to, health examinations, legal assistance, recreation programs,
27 general social activities, telephone reassurance programs, nutrition
28 classes, meals at minimum cost, counseling, protective services,
29 programs for shut-ins, and education programs.

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this chapter.

Sec. 47.60.090. FEDERAL REGULATION. Nothing in this chapter may be construed as a limitation on the power of the federal government to regulate the development and operation of multi-purpose senior centers.

CORRECTION

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

Introduced: 2/8/73
Referred: State Affairs

1 IN THE SENATE

BY GROH

2 SENATE BILL NO. 126

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 multi-purpose senior centers."

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

8 * Section 1. AS 47 is amended by adding a new chapter to read:

9 CHAPTER 60. MULTI-PURPOSE SENIOR CENTERS.

10 Sec. 47.60.010. LEGISLATIVE FINDINGS. The legislature finds that
11 there is a need for multi-purpose senior centers in certain areas of the
12 state to provide certain services for elderly persons, that this need
13 can be at least partially met utilizing nonprofit corporations which
14 would undertake the establishment of multi-purpose senior center
15 projects, and that the establishment of these projects constitutes a
16 public purpose worthy of the cooperation of the state.

17 Sec. 47.60.020. AUTHORIZATION OF NONPROFIT CORPORATIONS FOR
18 ESTABLISHMENT OF MULTI-PURPOSE SENIOR CENTERS. Private, nonprofit
19 corporations, incorporated under state law, may undertake or may be
20 incorporated for the purpose of undertaking the development and operation
21 of multi-purpose senior centers.

22 Sec. 47.60.030. PURPOSES OF MULTI-PURPOSE SENIOR CENTERS. A
23 multi-purpose senior center is a facility where persons 60 years of age
24 or older are provided with services and activities suited to their
25 particular needs. The services and activities may include, but are not
26 limited to, health examinations, legal assistance, recreation programs,
27 general social activities, telephone reassurance programs, nutrition
28 classes, meals at minimum cost, counseling, protective services,
29 programs for shut-ins, and education programs.

1 Sec. 47.60.040. POWERS OF CORPORATIONS. A nonprofit corporation
2 which undertakes the development and operation of multi-purpose senior
3 centers may:

4 (1) operate in one or more home rule and general law municipi-
5 palities;

6 (2) issue notes, bonds or other obligations for the purpose
7 of developing and operating multi-purpose senior centers;

8 (3) perform other functions necessary to carry out the pur-
9 poses of this chapter.

10 Sec. 47.60.050. ACCEPTANCE AND USE OF ASSISTANCE, COOPERATION AND
11 CONTRIBUTIONS. A nonprofit corporation may accept and use the assistance,
12 cooperation and contributions of private persons, charitable organiza-
13 tions and public agencies for the purpose of establishing and operating
14 a multi-purpose senior center.

15 Sec. 47.60.060. LEASE OF PROPERTY FROM STATE. The Department of
16 Administration may lease property under its jurisdiction, suitable for
17 use as a multi-purpose senior center, to a nonprofit corporation which
18 undertakes the development and operation of a multi-purpose senior
19 center.

20 Sec. 47.60.070. MUNICIPAL CONTRIBUTIONS. The governing body of a
21 home rule or general law municipality may give financial assistance to
22 a nonprofit corporation which undertakes the development and operation
23 of a multi-purpose senior center.

24 Sec. 47.60.080. EXEMPTION FROM TAXATION. A multi-purpose senior
25 center developed and operated by a nonprofit corporation under this
26 chapter is not subject to real or personal property taxation by a home
27 rule or general law municipality. The exemption granted under this
28 section continues in force only while the multi-purpose senior center is
29 owned and operated by a nonprofit corporation under the provisions of

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this chapter.

Sec. 47.60.090. FEDERAL REGULATION. Nothing in this chapter may be construed as a limitation on the power of the federal government to regulate the development and operation of multi-purpose senior centers.

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

POUCH H-JUNEAU 99601

April 1, 1974

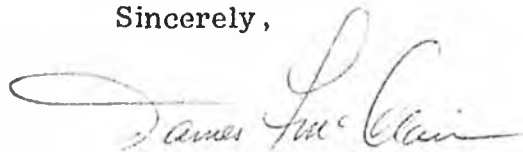
Jay Hogan, Director
Division of Legislative Finance
Legislative Budget and Audit Committee
Pouch WF
Juneau, Alaska 99801

Dear Mr. Hogan:

Earlier you had asked me for a Fiscal Note on SB 126, Senator Groh's bill concerning multi-purpose senior centers.

The Office of Aging has closely reviewed this bill and determined that there is no additional cost to the State directly associated with the passage of this bill. Essentially, the legislation is seen as enabling legislation which would hopefully provide some impetus to the development of senior citizen centers. The Department of Health and Social Services supports the bill as written.

Sincerely,



James F. McClain
Acting Deputy Commissioner

JFM: smb

cc: Hon. Clifford Groh, Chairman
Senate Finance Committee