

LDIR#120
MUNICIPAL
SCHOOLS AND
EDUCATION

MEMORANDUM

State of Alaska

Robert P. Isaac
Special Assistant to the
Commissioner of Education
Department of Education

DATE : June 19, 1969

TO: G. Kent Edwards
Attorney General

SUBJECT: Necessity for assembly
approval of supplemental
budgets for School Boards

By: Robert J. Mahoney
Assistant Attorney General

On June 17, 1969, you requested an opinion from this office concerning the interpretation of AS 07.15.330(d). Your specific question is whether the school board must submit an amended budget to the assembly for approval prior to spending funds received after approval of the original budget, when these funds were not designated as revenue in the original budget.

The statute in question, AS 07.15.330(d), provides as follows:

The school board shall submit the annual budget for the following school year to the assembly by April 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes, and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. Not later than May 31, the assembly shall appropriate the money to be made available from local sources from money available for the purpose.
[Emphasis added]

It is the opinion of this office that funds received, from other than local sources, in excess of the amounts designated in the budget that is approved must be set forth in an amended budget and receive the approval of the Borough Assembly prior to expenditure.

Introduced: 3/31/65
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 HOUSE BILL NO. 272

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to high school vocational
7 education programs in organized boroughs."

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

9 * Section 1. AS 07.15 is amended by adding a new section to
10 read:

11 Sec. 07.15.332. VOCATIONAL EDUCATION. (a) Each
12 borough school board shall incorporate into the curriculum
13 of the borough high schools a program of vocational educa-
14 tion.

15 (b) The president of each borough school board shall
16 appoint a vocational education committee consisting of five
17 members, each of whom is prominent in one of the major
18 industries or trades within the borough, to assist in the
19 planning and organization of the vocational education pro-
20 gram for the borough.

21 (c) Members of a vocational education committee shall
22 serve at the pleasure of the borough school board president
23 who appointed them and shall not receive compensation or
24 per diem.

GREATER ANCHORAGE AREA BOROUGH

104 NORTHERN LIGHTS BOULEVARD
ANCHORAGE, ALASKA 99503



June 27, 1968

OFFICE OF THE ATTORNEY

Mr. John M. Asplund, Chairman
Greater Anchorage Area Borough
104 Northern Lights Boulevard
Anchorage, Alaska 99503

Dear Mr. Asplund:

Re: Assembly's Authority in Setting Teacher
Salaries

This letter is written in response to a memorandum from Joseph R. Henri, general counsel, to Donald Berry, executive director, Alaska Municipal League, concerning "whether borough assembly has the right to determine teacher salaries." In reviewing the memorandum and further studying the Alaska Statutes, it appears as if the law is open to another interpretation than is reached in the memorandum.

The statutes relating to teacher contracts are:

1. AS 14.20.130 providing that the school board [AS 14.20.207(c)] may after January 1, issue contracts for the following school year to qualified employees.
2. AS 14.20.145 provides for automatic re-employment pursuant to the provisions of his contract unless otherwise agreed if the teacher is not told timely of his non-retention.
3. AS 14.20.220 providing for the minimum salary to be paid a teacher.
4. AS 07.15.330(h) and (j) provides:
"(h) State law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education and other general laws relating to schools, governs the exercise of the functions by the borough.
(j) The School board is responsible for the appointment, compensation, and control of all school employees and administrative officers in accordance with AS 14."

M E M O R A N D U M

TO: Claude Millsap, Jr., Borough Chairman

FROM: Billy G. Berrier, Borough Attorney

You have requested that I prepare an analysis of the education section of HB #12 for you. These provisions are covered in current law and in 2nd CS for SB 101. The provisions are as follows:

Zones

Current Law - AS 07.30.110 Borough Zones

§ 07.30.110

BOROUGHS

§ 07.35.020

area outside the first class city. No section may have a population which is less than one-half that of any other section. (§ 6.10 ch 146 SLA 1961; am § 16 ch 110 SLA 1962)

Sec. 07.30.110. Borough zones. The borough assembly may establish, alter, or abolish zones for the election of school board members in order to provide representation to separate and distinct areas within the borough. If the assembly establishes zones, school board members shall be elected from the zones in which they reside. Qualified voters may vote upon the candidacy of all the candidates, but candidates from each zone run only against other candidates from the same zone. The number of zones shall equal the number of school board members. No zone may have a population which is less than one-half that of any other zone. (§ 6.11 ch 146 SLA 1961; added by § 17 ch 110 SLA 1962)

2nd CS for SB 101 - Sec. 29.23.110

Sec. 29.23.110. BOROUGH ZONES. (a) The assembly may by ordinance establish, alter, or abolish zones for the election of school board members. If the assembly establishes zones, school board members represent the zones in which they reside. Voters may vote upon the candidacy of all candidates, but candidates from each zone run only against other candidates from the same zone. The number of zones equals the number of school board members. No zone may have a population which is less than ~~one-half~~^{85 per cent} that of any other zone.

(b) Borough zones shall be reapportioned in the manner prescribed in sec. 90 of this chapter for reapportionment of the assembly.



ALASKA LEGISLATIVE COUNCIL

EXPLANATORY NOTES TO THE

SUGGESTED STAFF REVISION

of

THE EDUCATION LAWS OF THE STATE

1 IN THE SENATE

BY BEGICH

2 SENATE BILL NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a school development fund in the
7 Department of Education and providing for the alloca-
8 tion of money from the fund; and providing for an
9 effective date."

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

11 * Section 1. AS 14 is amended by adding a new chapter to read:

12 CHAPTER 18. SCHOOL DEVELOPMENT FUND.

13 Sec. 14.18.010. SCHOOL DEVELOPMENT FUND. (a) There is in the
14 Department of Education a school development fund. The Department of
15 Revenue is custodian of the fund.

16 (b) The school development fund shall consist of appropriations
17 made by the legislature as well as all other money received and depos-
18 ited in the fund from public or private sources. An amount of
19 \$5,000,000 is authorized to be appropriated to the fund annually.

20 (c) The school development fund shall be utilized by the Depart-
21 ment of Education exclusively for the construction, rehabilitation,
22 repair, and maintenance of school facilities under its jurisdiction,
23 and for costs of insurance on buildings comprising the school facili-
24 ties during their construction, rehabilitation or repair.

25 (d) By October 1 of each fiscal year, the Department of Education
26 shall allocate the total amount of money in the fund according to the
27 following formula:

28 (1) an amount equal to 15 per cent of the money shall be
29 allocated to the state-operated school system;

1 IN THE SENATE

BY HAMMOND

2 SENATE BILL NO. 486

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing state aid for school construction
7 within borough and city school districts; and providing
8 for an effective date."

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

10 * Section 1. AS 43.18 is amended by adding a new section to read:

11 Sec. 43.18.150. EQUALIZED AID FOR SCHOOL CONSTRUCTION. (a) To
12 pay costs of school construction programs approved as otherwise provided
13 by law the state shall pay to an organized borough or a city which
14 is a school district a sum during each fiscal year equal to the follow-
15 ing: 10 per cent of the costs of construction less the amount of
16 local property, sales and use taxes which are collected within the
17 district through the prior fiscal year and are used to pay the costs
18 of the construction, times the millage and proportion of sales and
19 use tax rate comprising the amount so collected and used during the
20 prior fiscal year.

21 (b) Payments under (a) of this section shall be made only upon
22 application of the governing body to the department at a time and in
23 a form as the department prescribes. The department may promulgate
24 regulations to implement this section.

25 (c) The school construction account is established. Funds to
26 carry out the provisions of (a) of this section may be appropriated
27 annually by the legislature to the account. If amounts in the
28 account are insufficient for the purpose of each local government's
29 share authorized under (a) of this section, such funds as are available

Introduced: 4/10/70
Referred: Finance

BY THE RULES COMMITTEE BY RE-
QUEST OF THE SPECIAL COMMITTEE
ON MONETARY INVESTMENT

1 IN THE HOUSE

2 HOUSE BILL NO. 835

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the assumption of the bond obli-
7 gations of city and borough school districts, incurred
8 for costs of school construction, and outstanding on
9 September 10, 1969; and providing for an effective
10 date."

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

12 * Section 1. The state will, by contract with the respective cities and
13 boroughs, assume the bonded indebtedness incurred for costs of school con-
14 struction by city and borough school districts, which indebtedness was out-
15 standing on September 10, 1969, and will pay the amount of principal and
16 interest required to amortize that indebtedness as the payments become due.
17 Neither this section nor the contract executed under it impairs the obliga-
18 tion on contracts between the local governments and their respective bond-
19 holders.

20 * Sec. 2. Payments required by this Act shall be made from the school
21 bond redemption fund, in accordance with AS 37.35.

22 * Sec. 3. In this Act, "costs of school construction" means the cost of
23 acquiring, constructing, enlarging, repairing, remodeling, equipping or
24 furnishing of public elementary and secondary school buildings and includes
25 the cost of acquisition of sites; legal, engineering, fiscal, architectural
26 and other fees of specialists or consultants; costs of labor, materials,
27 equipment and supplies; and the costs of authorization, issuance and sale of
28 bonds needed for paying the other costs and fees listed in this section.

29 * Sec. 4. This Act takes effect July 1, 1970 if the Sixth State

Introduced: 4/10/70
Referred: Finance

BY THE RULES COMMITTEE BY RE-
QUEST OF THE SPECIAL COMMITTEE
ON MONETARY INVESTMENT

1 IN THE HOUSE

2 HOUSE BILL NO. 836

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the school bond redemption fund;
7 and providing for an effective date."

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

9 * Section 1. AS 37 is amended by adding a new chapter to read:

10 CHAPTER 35. SCHOOL BOND REDEMPTION FUND.

11 Sec. 37.35.010. ESTABLISHMENT OF FUND. There is established in
12 the Department of Revenue the school bond redemption fund, funded by
13 appropriations by the legislature. Money in this fund does not revert
14 to the general fund at the end of a fiscal period, but remains in the
15 fund to pay the principal and interest required to amortize the bonded
16 indebtedness described in sec. 20 of this chapter.

17 Sec. 37.35.020. PAYMENTS FROM FUND. (a) Money in the fund shall
18 be used to pay the principal and interest, as the payments become due,
19 on all bonds issued before September 10, 1969 by cities and organized
20 boroughs for costs of school construction, and for which there was
21 an outstanding indebtedness on that date, and for which the state has
22 by contract assumed the obligation.

23 (b) Cities and organized boroughs may be reimbursed for payments
24 made between September 10, 1969 and July 1, 1970 on bonds described in
25 (a) of this section. This reimbursement shall be made from the school
26 bond redemption fund. No reimbursement may be made for payments made
27 before September 10, 1969.

28 (c) In this section, "costs of school construction" means the
29 cost of acquiring, constructing, enlarging, repairing, remodeling,

Introduced: 2/26/69
Referred: Local Govern-
ment and Health, Welfare
and Education

BY BEGICH, JOSEPHSON, MILLER,
B. PHILLIPS, AND RADER

1 IN THE SENATE

2 SENATE BILL NO. 203

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mediation and negotiation pro-
7 cedures for teachers."

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

9 * Section 1. AS 14.20 is amended by adding new sections to read:

10 ARTICLE 6. NEGOTIATION.

11 Sec. 14.20.550. NEGOTIATION WITH CERTIFIED EMPLOYEES. Each school
12 board, and the state Board of Education for the state-operated schools,
13 shall negotiate with its certificated employees in good faith on all
14 matters pertaining to their employment and the fulfillment of their
15 professional duties.

16 Sec. 14.20.560. TEACHERS' BARGAINING GROUPS. (a) When a majority
17 of the certificated employees in a school district have designated an
18 organization of their own choosing to bargain for them, the organization
19 shall be recognized by the school board as the bargaining agent for all
20 the certificated staff, except superintendents of schools.

21 (b) The organization representing a majority of the certificated
22 employees of a school district shall, upon the request of the school
23 board, submit an affidavit verifying that it does represent a majority
24 of the certificated employees. Recognition of the employee bargaining
25 agency by a school board is valid for one year and renewable annually.
26 The school board is entitled to an affidavit of membership from the
27 employee bargaining agency once each year.

28 (c) Upon the request of 25 per cent of the certificated employees
29 in a district, the school board shall hold, within 20 days, an election