



LAWS OF ALASKA

1975

Source

Chapter No.

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124

AN ACT

Relating to public education in the unorganized borough; and providing for an effective date.

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

- * Section 1. AS 14.08.010 - 14.08.170 are repealed.
- * Sec. 2. AS 14.08 is amended by adding new sections to read:

CHAPTER 8. EDUCATION IN THE UNORGANIZED BOROUGH.

Sec. 14.08.011. PURPOSE. (a) It is the purpose of this chapter to provide for public education in the unorganized borough and the military reservations in the state.

(b) Nothing in this chapter prohibits an organized borough, city, village, community or settlement in an unorganized area of the state from becoming part of or being formed into an organized political subdivision authorized under AS 29.

Sec. 14.08.021. AUTHORITY. The legislature delegates to school boards for each regional educational attendance area the authority to operate the public schools in those areas in accordance with the provisions of this chapter, subject to the provisions of this title and the regulations promulgated under it that apply to all school districts in the state.

Sec. 14.08.031. REGIONAL EDUCATIONAL ATTENDANCE AREAS. (a) The Department of Community and Regional Affairs in consultation with the Department of Education and local communities shall divide the unorganized borough into educational service areas using the boundaries or subboundaries of the regional corporations established under the

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Alaska Native Claims Settlement Act, unless by referendum a community votes to merge with another community contiguous to it but within the boundaries or sub-boundaries of another regional corporation.

(b) An educational service area established in the unorganized borough under (a) of this section constitutes a regional educational attendance area. As far as practicable, each regional educational attendance area shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the formation of the regional educational attendance areas, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the regional school attendance areas.

(c) Military reservation schools shall be included in a regional educational attendance area. However, operation of military reservation schools by a city or borough school district may be required by the department under AS 14.12.020(a) and AS 14.14.110. Where the operation of the military reservation schools in a regional educational attendance area by a city or borough school district is required by the department, the military reservation shall not be considered part of the regional educational attendance area for the purposes of regional school board membership or elections.

(d) U. S. Bureau of Indian Affairs schools shall be included in a regional educational attendance area boundary.

Sec. 14.08.041. REGIONAL SCHOOL BOARDS. (a) A regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board.

(b) The qualified voters of the communities receiving educational services in each regional educational attendance area shall elect a regional school board of not less than five nor more than eleven members to be elected for the same term, in the same manner and with the same qualifications as a city or borough school district board under ch. 12 of this title. The initial number of regional school board members shall be determined by the department in consultation with the local communities in the regional educational attendance areas. However, the qualified voters in a regional educational attendance area may increase or decrease the number of regional school board members established under this section by placing the question on the ballot at a regular school board election in the manner prescribed by law. A change in the number of school board members shall not be effective until the next regular school board election.

(c) A regional school board shall consist of five, seven, nine or 11 members.

(d) Regional school board members shall be elected at large by the qualified voters of the communities receiving

educational services in the entire regional educational attendance area. However, each seat on the school board shall be designated by letter or number, and a candidate for regional school board must indicate the seat for which he is a candidate on his declaration of candidacy or other nomination papers when he files for office.

(e) A vacancy on a regional school board shall be filled in accordance with AS 14.12.070.

Sec. 14.08.051. SCHOOL BOARD SECTIONS. (a) The commissioner in consultation with the Department of Community and Regional Affairs and the local communities may divide a regional educational attendance area into sections only for the purpose of nominating and electing regional school board members. If a regional educational attendance area is divided into sections each school board member shall represent, as nearly as practicable, an equal number of persons. The basis for the division of a regional educational attendance area into sections shall be the total population of the area as reported in the most recent decennial federal census. If the census is five years old or older, then other reliable population data, including but not limited to population estimates based on public school enrollments, public utility connections, registered voters or certified employment payrolls, shall be used as the basis for the division of the area into sections. Each section within a regional educational attendance area shall consist of compact, contiguous territory and, as far as practicable, each section shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the division of the regional school attendance area into sections, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the sections.

(b) The division of a regional educational attendance area into sections, or subsequent recasting of the section boundaries, may be proposed by the regional school board or by a petition containing signatures of qualified voters in the area equal to 15 per cent of the total vote cast in the most recent regional school board election. The division of the area into sections, or subsequent recasting of section boundaries, is subject to approval by a majority of the qualified voters voting on the question in the regional educational attendance area at the next regular school board election or a special election called for that purpose, and takes effect at the next regular school board election.

(c) If a regional educational attendance area has been divided into sections, the commissioner shall recast the boundaries of the sections within 90 days following the official reporting of the decennial federal census in accordance with (a) of this section.

(d) Multi-member sections may be created. However,

(1) the commissioner shall designate each seat.

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within a multi-member section by letter or number, and a candidate for regional school board within that section must indicate the seat for which he is a candidate on his declaration of candidacy or other nomination papers when he files for office; and

(2) no section may be represented by more than

(A) three members, if a board consists of five members;

(B) four members, if a board consists of seven members;

(C) five members, if a board consists of nine members; or

(D) six members, if a board consists of 11 members.

(e) If a regional educational attendance area has been divided into sections, board members shall be residents of the section from which they are elected, but they shall be elected by the qualified voters of the entire regional educational attendance area.

Sec. 14.08.061. TERM OF OFFICE. (a) Members elected to a regional school board shall serve staggered three-year terms. However,

(1) the term of office of all of the members of a regional school board elected from the same multi-member section may not expire at the same time; and

(2) for the first board elected, the term of office of each member shall be determined by lot, according to the following schedule:

(A) the members of the first five-member school board shall hold office for terms as follows: one member for a one-year term; two for a two-year term and two for a three-year term;

(B) the members of the first seven-member school board hold office for terms as follows: two members for a one-year term, two for a two-year term and three for a three-year term;

(C) the members of the first nine-member school board hold office for terms as follows: three for a one-year term; three for a two-year term and three for a three-year term;

(D) the members of the first 11-member school board hold office for terms as follows: three for a one-year term, four for a two-year term and four for a three-year term.

(b) If a regional educational attendance area is divided into sections under sec. 51 of this chapter where the school board formerly was elected at large, or if the number of regional school board members is increased or

decreased by the qualified voters in the regional educational attendance area under sec. 41(b) of this chapter, the term of office of all members of the existing board shall terminate on the date on which the new board members take office, and the provisions of (a) of this section are applicable to the determination of the terms of office of the new members of the regional school boards.

(c) Nothing in this section precludes a board member from being reelected.

Sec. 14.08.071. ELECTIONS. (a) In each regional educational attendance area in the unorganized borough, the lieutenant governor, within not less than 60, nor more than 90 days after the establishment of the regional educational attendance area, shall provide for the election of a regional school board.

(b) Except for the first election of regional school board members under (a) of this section, election shall be held annually on the first Tuesday in October. Elections shall be supervised by the director of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall promulgate regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under ch. 12 of this title and AS 29.28.

(c) The cost of each regional school board election, or recall election under sec. 81 of this chapter, shall be borne by the state.

Sec. 14.08.081. RECALL. The members of a regional school board are subject to recall in accordance with AS 29.-28.130 - 29.28.250, except that the commissioner of education shall perform the functions of a municipal clerk, and the state Board of Education shall perform the functions of the assembly or council under those sections.

Sec. 14.08.091. ADMINISTRATION. (a) The regional school boards shall be organized in accordance with AS 14.-14.070, and, before taking office, each school board member shall take and sign the oath or affirmation prescribed by AS 14.12.090.

(b) The officer of the board responsible for the custody of regional educational attendance area funds shall execute a bond of \$50,000 with the commissioner.

Sec. 14.08.101. POWERS. A regional school board may

(1) sue and be sued;

(2) contract with the department, the Bureau of Indian Affairs, or any other school district, agency, or regional board for the provision of services, facilities, supplies or utilities;

(3) determine its own fiscal procedures including but not limited to policies and procedures for the purchase

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of supplies and equipment; the regional school boards are exempt from the Fiscal Procedures Act (AS 37.05);

(4) appoint, compensate and otherwise control all school employees in accordance with this title; these employees are not subject to the state personnel Act (AS 39.-25);

(5) adopt regulations governing organization, policies and procedures for the operation of the schools;

(6) establish maintain, operate, discontinue and combine schools subject to the approval of the commissioner;

(7) recommend to the commissioner a school construction and rehabilitation program based on an evaluation of the condition of existing school facilities and a determination of the requirements for new school construction, rehabilitation or other upgrading of school facilities; and

(8) exercise those other functions that may be necessary for the proper performance of its responsibilities.

Sec. 14.08.111. DUTIES. A regional school board shall:

(1) provide, during the school term of each year, an educational program for each school age child who is a resident of the district;

(2) develop a philosophy of education, principles and goals for its schools;

(3) employ a chief school administrator and approve the employment of the professional administrators, teachers and noncertificated personnel necessary to operate its schools;

(4) establish the salaries to be paid its employees;

(5) designate the employees authorized to direct disbursements from the school funds of the board;

(6) submit the reports prescribed for all school districts;

(7) provide for an annual audit in accordance with AS 14.14.050; and

(8) provide custodial services and routine maintenance of school buildings and facilities.

Sec. 14.08.121. FUNDING. (a) The legislature shall fund the operational costs of the regional educational attendance area schools in the following manner:

(1) the amount of basic need as defined in AS 14.17.021(b); and

(2) an additional amount equal to the average local tax contributions per pupil in average daily member-

ship (ADM) for school operating costs in the city and borough school districts in the prior fiscal year.

(b) Funds for the operation of the regional educational attendance area schools shall be appropriated annually to the Department of Education for distribution to the regional school boards in the manner prescribed in AS 14.17.160 - 14.17.180.

Sec. 14.08.131. CONFLICT OF INTEREST; DISQUALIFICATION FROM VOTING. A board member having a direct or indirect pecuniary interest in a contract for erection of buildings, heating, ventilation, furnishing or repairing the buildings or in a contract for the furnishing of supplies for a regional school is disqualified from voting on any question involving his pecuniary interest unless the member has disclosed that interest to the board and the remaining members have approved the member's participation in the voting.

Sec. 14.08.141. REGIONAL RESOURCE CENTERS. A regional educational attendance area or any other school district in the state may participate in regional or statewide resource centers which may be established by the department. Services provided by a resource center include, but are not limited to accounting, payroll and other fiscal services, media services, instructional support services, bilingual-bicultural educational services, inservice and staff development services, student services, diagnostic services, school management and training services and school board member training. Funds for the operation and administration of a regional resource center shall be provided by the department.

Sec. 14.08.151. LAND AND BUILDINGS. The ownership of land and buildings used in relation to regional educational attendance area schools shall remain vested in the state, and use permits shall be given to the regional school boards.

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

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

(1) each first class city in the unorganized borough is a city school district;

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

(3) the area outside organized boroughs and outside first class cities is divided into regional educational attendance areas.

* Sec. 4. AS 14.12.020(a) is repealed and re-enacted to read:

(a) Each regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board. The regional school board manages and controls schools on military reservations

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within its regional educational attendance area until the military mission is terminated or so long as management and control by the regional educational attendance area is approved by the department. However, operation of the military reservation schools by a city or borough school district may be required by the department under AS 14.-14.110. If the military mission of a military reservation terminates or continued management and control by the regional educational attendance area is disapproved by the department, operation, management and control of schools on the military reservation transfers to the city or borough school district in which the military reservation is located.

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

(c) The legislature shall provide the state money necessary to maintain and operate the regional educational attendance areas. The borough assembly for a borough school district, and the city council for a city school district, shall provide the money which must be raised from local sources to maintain and operate the district.

* Sec. 6. AS 14.12.030(d) is amended to read:

(d) Each city or borough school district that is operating schools on a military reservation under sec. 20(a) of this chapter has one nonvoting delegate from the military reservation or reservations to the school district board to advise and assist the board in matters relating to the military reservation schools operated by the school district and to act as liaison between the board and the military community. The nonvoting delegate shall be appointed by the state Board of Education, shall serve at the pleasure of the state Board of Education, and shall be an inhabitant of the area served by the military reservation schools operated by the school district by contract. If an elected community school committee is established on a military reservation, the only inhabitants of that military reservation who are eligible for appointment as the nonvoting delegate are those inhabitants who are members of the elected school committee.

* Sec. 7. AS 14.14.170 is amended to read:

Sec. 14.14.170. COMMUNITY SCHOOL COMMITTEES. (a) There is established a community school committee in each community or military reservation served by a school operated by a regional educational attendance area. If the regional educational attendance area school has an average daily membership of less than 251 pupils, the community school committee consists of three members. If the average daily membership is more than 250 pupils, the community school committee consists of five members.

(b) [deleted]

(c) In communities qualifying for three-member community school committees under (a) of this section, voters qualified under sec. 180 of this chapter may increase the committee to five members by referendum conducted at an election coinciding with an election for community school committee members. In communities qualifying for five-

member community school committees under (a) of this section, voters qualified under sec. 180 of this chapter may increase the committee to seven members by referendum conducted at an election coinciding with an election for community school committee members.

(d) The date of election for community school committee members is the same as that for regular municipal elections in the second class city having the largest population in the area served by the committee or, if there is no second class city within the area, on an annual election date for such elections fixed by regulations of the department.

(e) Elections under (c) and (d) of this section shall be conducted upon such notice and otherwise substantially in the same manner as regular municipal elections which are held within the largest second class city in the area served by the committee. If there is no second class city within the area, elections shall be conducted upon at least 10 days published or posted public notice of the election and of the question or nominees to be voted on and under general rules for the elections as may be promulgated by regulation of the department. Elections relating to community school committees shall be supervised by the regional school board but shall be administered within second class cities as part of the regular municipal election.

(f) Elected members of community school committees are subject to recall in accordance with the provisions of AS 29.28.130 - 29.28.250, except that the chief school administrator of a regional educational attendance area shall perform the functions of the municipal clerk, and the regional school board shall perform the functions of the assembly or council under those sections.

* Sec. 8. AS 14.14.180 is amended to read:

Sec. 14.14.180. QUALIFICATIONS OF COMMUNITY SCHOOL COMMITTEE MEMBERS AND VOTERS. (a) A person may vote at an election for community school committee members and may be elected to membership on a community school committee who

- (1) is a citizen of the United States;
- (2) has passed his 18th birthday;
- (3) is an inhabitant of the area served by the school for at least 30 days preceding the election.

(b) Election to a community school committee is not an election to a civil office of this state.

* Sec. 9. AS 14.14.190 is amended to read:

Sec. 14.14.190. TERMS OF OFFICE AND VACANCY. (a) The terms of the initial members of a three-member community school committee are one, two, and three years, respectively, and until a successor takes office. Thereafter, members shall be elected to terms of three years and until a successor takes office.

(b) Of the initial members of a community school committee which consists of five members, one member is elected for a one-year term, two members for a two-year term, and two members for a three-year term, and until a successor takes office. Thereafter, all members are elected to terms of three years and until a successor takes office.

(c) If a three-member community school committee is increased to a five-member committee, the two additional members are elected for terms of two years and three years respectively. Thereafter, all members are elected to three-year terms. If a five-member committee is increased to a seven-member committee, the two additional members are elected for terms of two years and three years respectively. Thereafter, all members are elected to three-year terms and until a successor takes office.

(d) Vacancies on community school committees will be filled by the remaining members until the next regular election. At that time an election will be held for the remaining portion of the term.

* Sec. 10. AS 14.14.200 is repealed and re-enacted to read:

Sec. 14.14.200. DUTIES. A community school committee shall review and make recommendations to the board of the regional educational attendance area concerning the curriculum, program and general operation of the local school and shall exercise additional responsibilities and functions as may be delegated by the regional school board.

* Sec. 11. AS 14.14.310 is amended to read:

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

(1) "board" means the governing body of a borough or city school district or regional educational attendance area;

(2) "district" means a borough, city or regional educational attendance area.

* Sec. 12. AS 14.17.051 is repealed and re-enacted to read:

Sec. 14.17.051. INSTRUCTIONAL UNIT ALLOTMENT. (a) The instructional unit allotment for each school district or regional educational attendance area is as follows:

(1) if the district or area is in that part of the state lying within the boundaries of election district 1, 4 or 8, the district or area shall receive the base instructional allotment;

(2) if the district or area is in that part of the state lying within the boundaries of election district 2, 3 or 7, the district or area shall receive 103.75 per cent of the base instructional unit allotment;

(3) if the district or area is in that part of the state lying within the boundaries of election district 5, 9, 10 or 11, the district or area shall receive 107.50

per cent of the base instructional unit allotment;

(4) if the district or area is in that part of the state lying within the boundaries of election district 16, south of the Arctic Circle, the district or area shall receive 111.25 per cent of the base instructional unit allotment;

(5) if the district or area is in that part of the state lying within the boundaries of election district 6, the district or area shall receive 115 per cent of the base instructional unit allotment;

(6) if the district or area is in that part of the state lying within the boundaries of election district 12, 13 or 18, the district or area shall receive 126.25 per cent of the base instructional unit allotment;

(7) if the district or area is in that part of the state lying within the boundaries of election district 14 or 19, the district or area shall receive 130 per cent of the base instructional unit allotment;

(8) if the district or area is in that part of the state lying within the boundaries of election district 15, 16 (north of the Arctic Circle), or 17, the district or area shall receive 133.75 per cent of the base instructional unit allotment.

(b) If a school district or regional educational attendance area is entitled to less than 25 total instructional units under sec. 31 of this chapter, the school district shall receive no less than 107.50 per cent of the base instructional unit allotment, notwithstanding the provisions of (a)(1) - (2) of this section.

(c) The instructional unit allotment established in (a) of this section for any school district which does not have access to Anchorage, Ketchikan or Fairbanks by road, railroad or Alaska State Ferry System shall be increased an additional five per cent above its instructional unit allotment under (a)(1) - (8) of this section.

(d) For the purposes of this section, a school district or regional educational attendance area is considered to be located in the election district in which its administrative offices are located. However, if a school district or a regional educational attendance area operating a school in a remote area is authorized by the commissioner to calculate the number of units to which that school is entitled under sec. 31(c) of this chapter the commissioner may consider that school to lie in the election district in which it is actually located.

(e) For the purposes of this section "election district" means an election district designated in the governor's proclamation of reapportionment and redistricting of December 7, 1961, and retained as to the house of representatives by the governor's proclamation of September 3, 1965.

* Sec. 13. AS 14.17.210 is amended to read:

Sec. 14.17.210. STATE AID TO NEWLY ESTABLISHED DISTRICT SCHOOLS. (a) A regional educational attendance area school which becomes a city or borough district school is considered a regional educational attendance area school for purposes of financial support until the expiration of a complete fiscal year after the date on which the school becomes a city or borough district school. This subsection does not prevent a local government from spending money to contribute to the financial support of a regional educational attendance area school which becomes a city or borough district school.

(b) For each subsequent fiscal year, the state shall disburse to the city or borough school district only the money to which the district is entitled under the public school foundation program.

(c) [deleted]

* Sec. 14. AS 14.17.250(3) is amended to read:

(3) "district" means any city or borough school district;

* Sec. 15. AS 14.20.175(a) is amended to read:

(a) A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of his contract for any cause which the employer determines to be adequate. However, at his request, the teacher is entitled to a written statement of the cause for his nonretention. The boards of city and borough school districts and regional educational attendance areas shall provide by regulation or bylaw a procedure under which a nonretained teacher may, at his request, be heard informally by the board.

* Sec. 16. AS 14.20.180(b) is amended to read:

(b) The tenure teacher may, within 15 days immediately following receipt of the notification, notify the employer in writing that he requests a hearing before the school board. The tenure teacher may require in the notification that

- (1) the hearing be either public or private,
- (2) the hearing be under oath or affirmation,
- (3) he have the right of cross-examination,
- (4) he be represented by counsel,

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

* Sec. 17. AS 14.20.180(c) is amended to read:

(c) Upon receipt of the notification requesting a hearing, the employer shall immediately arrange for a hearing, and shall notify the tenure teacher or administrator in

writing of the date, time, and place of the hearing. A written transcript, tape, or similar recording of the proceedings shall be kept. Transcribed copies shall be furnished to the tenure teacher for cost upon his request. A final decision of the school board requires a majority vote of the membership. The vote shall be by roll call. The final decision shall be written and contain specific findings of fact and conclusions of law. A written notification of the decision shall be furnished to the tenure teacher within 10 days of the date of the decision.

- * Sec. 18. AS 14.20.205 is amended to read:

Sec. 14.20.205. JUDICIAL REVIEW. If a school board reaches a decision unfavorable to a teacher, the teacher is entitled to a de novo trial in the superior court. However, a teacher who has not attained tenure rights is not entitled to judicial review according to this section.

- * Sec. 19. AS 14.20.207(2) is amended to read:

(2) "employer" means the school board or superintendent which appoints the teacher;

- * Sec. 20. AS 14.20.230 is amended to read:

Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards of city and borough school districts and regional educational attendance areas shall pay a qualified school administrator a salary not less than the allowable amount for his position on the teachers' scale provided in sec. 220(a) - (c) of this chapter, plus

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

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

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

(4) 10 per cent for an assistant principal.

- * Sec. 21. AS 14.20.550 is amended to read:

Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each city, borough and regional school board, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties.

- * Sec. 22. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.555. OPTIONAL COORDINATED EMPLOYEE NEGOTIATIONS. (a) Negotiations between the certificated employees of the regional educational attendance areas and the respective regional school boards shall be conducted by one team representing all the certificated employees, one team representing all the certificated administrative personnel if

they have joined together to negotiate independently as provided in sec. 560(f) of this chapter, and one team representing all the participating regional school boards.

(b) Each team may consist of as many members as there are regional school boards. Each board is entitled to one member on the team. However, each negotiating team shall consist of not less than five members.

(c) A regional educational attendance area board may by resolution choose to conduct its own negotiations in accordance with sec. 550 of this chapter.

* Sec. 23. AS 14.30.186(b) is amended to read:

(b) The board of a regional educational attendance area shall provide for special services in a school in the area for exceptional children represented by not less than five children residing in the area served by the school.

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

(d) A school district or a regional educational attendance area required by secs. 10 - 305 of this chapter to provide special services for exceptional children may cooperate with one or more school districts or regional educational attendance areas in providing special classes. If, under the cooperative agreement, there are no special classes offered within a school district or regional educational attendance area, exceptional children may attend special classes in the cooperating school district or regional educational attendance area providing the special classes.

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

Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board for a district or regional educational attendance area may waive part of the qualifications for teachers as set out in sec. 250 of this chapter, if necessary, during the first school year special services are offered in the district or area.

* Sec. 26. AS 14.30 is amended by adding new sections to read:

ARTICLE 4. BILINGUAL-BICULTURAL EDUCATION.

Sec. 14.30.400. BILINGUAL-BICULTURAL EDUCATION. City or borough district school boards and regional educational attendance area boards shall provide a bilingual-bicultural education program for each school in a city or borough school district or regional educational attendance area which is attended by at least eight pupils of limited English-speaking ability and whose primary language is other than English. A bilingual-bicultural education program shall be provided under a plan of service which has been developed in accordance with regulations adopted by the department. Nothing in this section precludes a bilingual-bicultural education program from being provided for less than eight pupils in a school.

Sec. 14.30.410. BILINGUAL-BICULTURAL EDUCATION FUND.

(a) There is in the Department of Education a bilingual-bicultural education fund which is an account in the general fund to receive money appropriated by the legislature for bilingual-bicultural education and to be used for bilingual-bicultural education program implementation and operation, including but not limited to the establishment of a statewide bilingual-bicultural educational center.

(b) The department shall adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts and regional educational attendance areas and the statewide center.

- * Sec. 27. AS 14.33.010 is amended to read:

Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS.

The school board of a borough or city school district or regional educational attendance area, or a private or denominational school may require that school safety patrols be established to assist pupils to cross streets and highways adjacent to schools in safety.

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

(a) If a school board, or a private or denominational school determines that a safety patrol should be established for a school, the principal of the school shall appoint pupils in the school to serve as members of the patrol.

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

(5) "governing body" means the school board of a borough or city school district or a regional educational attendance area;

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

(6) "school board" means the school board of a borough or city school district or a regional educational attendance area;

- * Sec. 31. AS 14.60.010(7) and (8) are repealed.

- * Sec. 32. AS 14.60.010 is amended by adding a new paragraph to read:

(10) "regional educational attendance area" means an educational service area in the unorganized borough which may or may not include a military reservation, and which contains one or more public schools of grade levels K-12 or any portion of those grade levels which are to be operated under the management and control of a single regional school board.

- * Sec. 33. AS 15.65.050 is amended to read:

Sec. 15.65.050. APPLICATION OF SECTION 40 OF THIS CHAPTER. Section 40 of this chapter applies to all elections, general or special, held in a city, organized borough, school district or regional educational attendance

area in the unorganized borough.

- * Sec. 34. AS 29.33.050 is repealed and re-enacted to read:

Sec. 29.33.050. EDUCATION. Each borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis as provided in AS 14.14.060. A military reservation within an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, management and control of schools on military reservations transfers to the borough school district in which the military reservation is located.

- * Sec. 35. AS 29.41.010(a) is repealed and re-enacted to read:

(a) A third class borough shall exercise the areawide powers of education and tax assessment and collection in the manner provided for second class boroughs. Provisions of law relative to first and second class organized boroughs apply with respect to third class boroughs only to the extent they are consistent with this chapter. A military reservation within an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, management and control of schools on military reservations transfers to the borough school district in which the military reservation is located.

- * Sec. 36. AS 39.05.060(a)(8) is repealed.

- * Sec. 37. AS 39.25.110 is amended by adding a new paragraph to read:

(16) certified teachers and noncertified employees employed by a regional educational attendance area established and organized under AS 14.08.031 - 14.08.041 to teach in, administer or operate schools under the operation, control and management of a regional educational attendance area school board.

- * Sec. 38. TRANSITION: BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS. (a) The members of the Board of Directors for State-Operated Schools, who are incumbents on the effective date of this Act, shall administer the public schools in the unorganized borough, subject to the limitations of (d) of this section, during a one-year transition period between July 1, 1975, and

June 30, 1976, inclusive, until school boards in each regional educational attendance area are established and organized under AS 14.08.031 - 14.08.041, and become operational under sec. 39(a) of this Act.

(b) The board of directors consists of nine members appointed by the governor from the areas served, subject to confirmation by the legislature in joint session. The term of office of board members is three years or until June 30, 1976, whichever is earlier, on which date the authority of the board terminates and the terms of office of its membership expire.

(c) The members of the board of directors are entitled to travel expenses and per diem as provided by law for members of other boards and commissions.

(d) During the one-year transition period prescribed in (a) of this section, the board of directors shall act as the temporary regional school board for schools in the unorganized borough, and for schools on a military reservation that are not subject to the provisions of AS 14.12.020(a) and 14.14.110, that are not within a regional educational attendance area that has become operational under sec. 39(a) of this Act. While acting as the temporary regional school board for those schools, the board may exercise the powers of, and is subject to the duties imposed upon, a regional school board under this Act.

(e) As each regional educational attendance area is established and the regional school board organized under AS 14.08.-031 - 14.08.041, the board of directors shall redistribute the property and assets of the State-Operated School System to each regional educational attendance area in the manner the board determines.

* Sec. 39. TRANSITION: DEPARTMENT OF EDUCATION. (a) School boards for the regional educational attendance areas established and organized under AS 14.08.031 - 14.08.041 shall begin operation of the schools in the area under their control and management on a date mutually agreed upon by the regional school board and the commissioner of education in consultation with the Board of Directors for State-Operated Schools, but not later than July 1, 1976.

(b) As each regional educational attendance area is established and the regional school board organized under AS 14.08.-031 - 14.08.041, the Department of Education shall redistribute all state and federal funds appropriated to the State-Operated School System to the regional educational attendance area in the manner prescribed by law.

(c) After June 30, 1976, the remaining debts of the State-Operated School System shall be assumed by the state and paid from appropriations for that purpose from the general fund.

* Sec. 40. TRANSITION: PENDING PROCEEDINGS; REGULATIONS; LEGAL OBLIGATIONS. All litigation, hearings, investigations and other proceedings pending under a law amended for functions which may be transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or amendment provided for in this Act. Certificates, orders, rules or regulations issued or filed under authority of a law amended by this Act or functions which may be transferred by this Act, remain in

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effect for the term issued, unless revoked, vacated, or otherwise modified under the provisions of this Act. All contracts or other obligations created by a law amended by this Act or by virtue of functions which may be transferred by this Act, and in effect on the effective date of this Act, remain in effect unless revoked or modified under the provisions of this Act.

* Sec. 41. TRANSITION: PERSONNEL. (a) All teachers, as defined in AS 14.20.207(1), in the communities or regional offices served by the State-Operated School System on the effective date of this Act and who have been retained for the 1975-76 school year are subject to the provisions of AS 14.20.147.

(b) All permanent noncertificated employees of the State-Operated School System in the communities and regional offices who are state employees on the effective date of this Act shall be terminated by the state and shall be rehired by the respective regional school boards or by the temporary regional school board under sec. 38 of this Act.

(c) The Department of Education shall assist the certificated and permanent noncertificated employees in the central office of the State-Operated School System on the effective date of this Act in finding positions for which they are qualified.

* Sec. 42. The terms of office of members of the first regional school boards shall terminate as follows:

(1) for those with one-year terms, on the date on which a newly elected board member takes office after the regular school board election in 1976;

(2) for those with two-year terms, on the date on which a newly elected board member takes office after the regular school board election in 1977; and

(3) for those with three-year terms, on the date on which a newly elected board member takes office after the regular school board election in 1978.

* Sec. 43. Chapter 46, sec. 33, SLA 1970 is repealed.

* Sec. 44. AS 14.08.031 - 14.08.071, as enacted by sec. 2 of this Act take effect immediately in accordance with AS 01.10.-070(c).

* Sec. 45. AS 14.08.011 - 14.08.021 and AS 14.08.081 - 14.-08.151 as enacted by sec. 2 of this Act, and secs. 1 and 3 - 43 of this Act take effect July 1, 1975.