



LAWS OF ALASKA

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Source

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Chapter No.

113

AN ACT

Relating to the expenses of housing nonresident charter school students; relating to authorizing charter school programs to provide domiciliary and other services to nonresident charter school students; relating to duties of the state Board of Education; and relating to the establishment of state boarding schools.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 2, 1997

Actual Effective Date: September 30, 1997

AN ACT

1 Relating to the expenses of housing nonresident charter school students; relating to authorizing
2 charter school programs to provide domiciliary and other services to nonresident charter school
3 students; relating to duties of the state Board of Education; and relating to the establishment
4 of state boarding schools.

5

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

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

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

12 (a) The program of a charter school may be designed to serve

13 (1) students within an age group or grade level; [OR]

14 (2) students who will benefit from a particular teaching method or

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1 curriculum; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for the construction of [ITS] facilities;

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

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

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

9 (8) establish procedures for staff evaluation; and

10 (9) provide staff training.

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

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

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

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

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

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

23 (1) requirements relating to school district operations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 described in (a).

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

3 (10) is enrolled in

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

5 or

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

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

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

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

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

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

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