

CONSTITUTIONAL AND STATUTORY PROVISIONS

Alaska Constitution

Article I, Section 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Article VII, Section 1. Public Education. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Article X, Section 1. Purpose and Construction. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

Alaska Statutes

AS 14.03.010. Establishment of school system. There is established in the state a system of public schools to be administered and maintained as provided in this title.

AS 14.03.060. Elementary, junior high, and secondary schools. (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade.

AS 14.03.070. School age. A child who is six years of age or who will become six years of age before November 2 following the beginning of the school year, and who is under the age of 20 and has not completed the 12th grade, is of school age.

AS 14.03.080. Free education. (a) A child of school age is entitled to attend public school without payment of tuition during the school term in the school district in which he is a resident subject to the provisions of AS 14.14.110 and AS 14.14.120.

(b) A person over school age may be admitted to the public school in the school district in which he is a resident at the discretion of the governing body of the school district. A person over school age may be charged tuition by the governing body of the school district.

(c) A child under school age may be admitted to the public school in the school district of which he is a resident at the discretion of the governing body of the school district if the child meets minimum standards prescribed by the board evidencing that the child has the mental, physical and emotional capacity to perform satisfactorily for the educational program being offered.

(d) A child who is five years of age shall be admitted to a school in the district of which he is a resident if immediately before he became a resident of the district, he was legally enrolled in the public schools of another district or state.

AS 14.07.010. Department of Education. The Department of Education includes the commissioner of education, the state Board of Education, and the staff necessary to carry out the functions of the department.

AS 14.07.020. Duties of the department. The department shall:

(1) exercise general supervision over the public schools of the state except the University of Alaska;

(2) study the conditions and needs of the public schools of the state and adopt or recommend plans for the improvement of the public schools;

(3) provide advisory and consultative services to all public school governing bodies and personnel;

(4) prescribe by regulation a minimum course of study for the public schools;

(5) establish, in coordination with the Department of Health and Welfare, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;

(6) accredit those public, private, and denominational schools which meet accreditation standards prescribed by regulation by the department;

(7) prescribe by regulation, after consultation with the Department of Health and Welfare, standards that will assure healthful and safe conditions in the public schools of the state;

(8) in cooperation with the Department of Health and Welfare, exercise general supervision over public and private preelementary schools and over the educational component of nurseries as defined in AS 47.35.080(4); preelementary schools in this paragraph means schools for children ages three through five years when the schools' primary function is educational.

AS 14.07.030. Powers of the Department. The department may

(1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;

(2), (3) and (4) Repealed Sec. 1 ch 205 SLA 1970.

(5) enter into contractual agreements with the Bureau of Indian Affairs to share boarding costs of secondary school students;

(6) provide for citizenship night schools when and where expedient;

(7) provide for the sale or other disposition of abandoned or obsolete buildings and other state-owned school property;

(8) prescribe a classification for items of expense of school districts;

(9) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies, or to political subdivisions;

(10) enter into contractual agreements with school districts to provide more efficient or economical educational services;

(11) provide for the issuance of elementary and secondary diplomas to persons not in school who have completed the equivalent of an eighth or twelfth grade education, respectively, in accordance with standards established by the department;

(12) exercise disapproval power under AS 14.08.100.

AS 14.09.010. Purpose. (a) It is the purpose of secs. 10 - 150 of this chapter, in creating the Alaska state-operated school system to provide the public education in the unorganized borough.

(b) Secs. 10 - 150 of this chapter do not prohibit an organized borough, city, or village, or a settlement in an unorganized area of the state from becoming part of or being formed into an organized subdivision authorized by law.

AS 14.08.030. Powers and duties of the board of directors. The board of directors shall

(1) develop a philosophy of education, principles, and goals for the state-operated school system;

(2) select and employ the director of education for state-operated schools subject to the approval of the governor;

(3) approve the employment of the professional administrators, teachers, and nonprofessional administrative personnel necessary to the operation of the state-operated schools;

(4) establish the salaries to be paid the director of education and its regularly employed, certificated staff members provided the director's salary is subject to the approval of the governor;

(5) promulgate rules and regulations covering organization, policies, and procedures, and have printed copies available to all personnel;

(6) initiate questions of policy for consideration and report by the director of education, and pass upon the recommendations of the director in matters of policy, appointment or dismissal of employees, salary schedules or personnel regulations, and other matters pertaining to the welfare of the schools;

(7) require reports from the director concerning conditions of efficiency and needs of the schools, and take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system;

(8) submit an annual operational budget to the governor for inclusion in the regular state budget;

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

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

(11) submit such reports as the commissioner may prescribe for all school districts;

(12) establish, maintain, operate, discontinue, and combine state-operated schools where it considers necessary;

(13) provide for the construction, purchase, rental, maintenance, and equipment of the necessary school buildings or classrooms for the state-operated schools;

(14) pay tuition and boarding or transportation costs of secondary school students in cases where the establishment of state-operated secondary schools is unsound for economic or educational reasons.

AS 14.08.101. Submission of plans. The board of directors shall submit all plans relating to the establishment, discontinuance, or combining of schools to the Department, and may not execute these plans until they are approved. The plans shall be considered approved unless they are disapproved by the department within 120 days of submission.

AS 14.12.010. Districts of state public school system. The districts of the state public school system are as follows:

(1) each first, second, and third 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, second, and third class cities is the state-operated school district.

AS 14.12.020. Support, management, and control.

(a) Operation of the state-operated school district is under the management and control of the board of the state-operated schools.

(b) Each borough or city school district shall be operated on a district-wide basis under the management and control of a school board.

(c) The legislature shall provide the state money necessary to maintain and operate the state-operated school district. 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.

AS 14.14.060. Relationship between borough school district and borough. (a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough administrator shall have the custody of, invest and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) The borough school board shall submit the school budget for the following school year to the borough 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. By May 31, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of a school building shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent design for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly.

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough administrator, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) 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, governing the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purpose of supplies and equipment.

AS 14.14.065. Relationship between city school district and city. The relationships between the school board of a city school district and the city council and executive or administrator are governed in the same manner as provided in sec. 60 of this chapter [AS 07.15.330] for the school board of a borough school district and the borough assembly and executive or administrator.

AS 14.14.110. Cooperation with other districts. When necessary to provide more efficient or more economical educational services, a district may cooperate or the department may require a district to cooperate with other districts, state-operated schools, or the Bureau of Indian Affairs in providing educational services or in establishing boarding and tuition arrangements, arrangements for the exchange of pupils or teachers, or other similar arrangements. However, if a cooperative arrangement requires pupils to live away from their usual homes, the school board shall provide classes within the attendance area when there are at least eight children eligible to attend elementary and secondary school in the attendance area.

AS 14.14.120. Inoperative district. (a) When there are fewer than eight children eligible to attend elementary and secondary school in a district, the school board may declare the district inoperative for that school year.

(b) During the school year in which a district is inoperative, the school board shall perform those functions necessary to preserve the financial integrity of the district to preserve the property and assets of the district, and to otherwise insure against disruption of the continuity of the district business.

(c) An inoperative school board shall, if practicable, pay the tuition and boarding costs necessary to enable the school age children within the district to attend school in another district. If a child in an inoperative school district is not attending school in another district, the department shall provide correspondence courses and other materials and charge the school board of the inoperative district an amount equal to the actual cost to the department.

(d) The terms of the office of a school board are not affected by a declaration that the district is inoperative. However, new board members shall not be elected during the time a district is inoperative. In the event more than three terms expire during the time a district is inoperative the functions of the school board shall be assumed by the assembly or council until the district becomes operative. When the district becomes operative an expired school board term shall be filled by the assembly or council until the next regular school election when a school board member shall be elected to serve the balance of the term.

AS 14.17.010. Public school foundation account. (a) The public school foundation account is established. The account consists of appropriations for distribution to districts under this chapter.

(b) The money of the account may be used only in aid of public schools as provided by this chapter.

AS 14.17.021. State aid. (a) The amount of state aid for which each school district may qualify is calculated by multiplying the basic need as defined in (b) of this section by the equalized percentage as defined in (c) of this section.

(b) The basic need of each school district is determined by multiplying the instructional unit allotment of the district as defined in sec. 51 of this chapter by the number of instructional units in the district.

(c) The equalized percentage for each school district is computed according to the formula $P_i = 1 - (1 - K) V_i / V_s$ in which

(1) P_i (equalized percentage) = per cent of need to be provided by the state;

(2) K (level of average state support of basic need to be provided by the state;

(3) V_i (valuation per pupil in average daily membership in the district) = full and true value of taxable real and personal property within the district divided by the average daily membership of the district;

(4) V_s = average of the valuation per pupil in average daily membership for all the districts of the state;

(5) state aid as computed under this section shall constitute at least 90 per cent of the basic need as defined by the department of each school district.

AS 14.17.071. Required local effort. (a) Payment of state aid to a local school district under this chapter is contingent upon matching by the district in the amount of the required local effort for that district in the ratio of required local effort: state contribution = $1:P_i/(1-P_i)$.

(b) For purposes of this section, P_i = equalized percentage as defined in sec. 21(c) of this chapter.

(1) is provided an academic education comparable to that offered by the public schools in the area, either by attendance at a private school in which the teachers are certificated according to AS 14.20.020 or by tutoring by personnel certificated according to AS 14.20.020;

(2) attends a school operated by the federal government;

(3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to sec. 45 of this chapter;

AS 14.30.010. When attendance compulsory. (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by attendance at a private school in which the teachers are certificated according to AS 14.20.020 or by tutoring by personnel certificated according to AS 14.20.020;

(2) attends a school operated by the federal government;

(3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to sec. 45 of this chapter;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the pupil resides within two miles of a federal or private school which he is eligible and able to attend;

(8) is excused in writing signed by a majority of the members of the school board of a district or by the director of state-operated schools for a child in such a school, or

(9) has completed the 12th grade.

AS 14.60.010. Definitions. As used in this title, unless the context otherwise requires,

(1) "public schools" include elementary schools, high schools, citizenship night schools for adults, and other public educational institutions which may be established; however, nothing in this title includes schools for Alaska Natives under the control of the federal government and administered and supervised through the Bureau of Indian Affairs;

(9) "attendance area" means the geographic area designated by the department to be served by a school.

AS 43.18.170. State aid for retirement of school construction debt. (a) During each fiscal year the state shall allocate to an organized borough or a city which is a school district one-half of the following sums, exclusive of any funds received from state or federal sources for school construction costs:

AS 44.27.020. Duties of department. The Department of Education shall

(1) administer the state's program of education at the elementary and secondary levels, including programs of vocational education, vocational rehabilitation, library services, and correspondence courses;

(2) administer the historical library and museum;

(3) plan, finance and operate related school and educational activities and facilities.

Alaska Administrative Code

4 AAC 06.020. SECONDARY EDUCATION. (a) Every child of school age shall have the right to a secondary education in his community of residence, whether in a city district, a borough district, or the state-operated school system.

(b) This section does not apply if a child

(1) has daily access to a secondary school by being transported a reasonable distance in accordance with pupil transportation regulations;

(2) has a physical or mental condition which medical authority determines will make attendance impractical;

(3) is in the custody of a court or law enforcement officials;

(4) has been suspended or denied admittance according to Section 45 of Chapter 30, Alaska Statutes.

4 AAC 06.025. STANDARDS FOR SECONDARY EDUCATION PROGRAM LEVELS. (a) The Minimum Standards for Offering Secondary Education, first edition, dated 11/4/71 are adopted and shall constitute the minimum guidelines for offering secondary programs. Copies of the standards may be obtained by writing Department of Education, Pouch F, Juneau, Alaska 99801.

(b) Nothing in this chapter shall preclude a district from establishing boarding programs on a district-wide basis to enable students to obtain a more comprehensive education than provided in the Minimum Standards.

(c) Nothing in this chapter shall preclude enrollment in special education programs as provided in AS 14.30.180 - 351.

4 AAC 24.010. SUBMISSION OF PLANS RELATING TO THE ESTABLISHMENT, DISCONTINUANCE, OR CONSOLIDATION OF SCHOOLS. Operational plans or applications for schools, submitted by the board of directors in accordance with AS 14.03.100, shall include the following:

(1) Area map showing location of attendance center, proximity to other schools, attendance area, proposed transportation routes;

4 AAC 24.020. APPROVAL OF PLANS, APPLICATIONS. (a) The following factors will be considered in approving or disapproving plans and applications:

- (1) number of school age children;
- (2) number of preschool children;
- (3) adequacy of facilities;
- (4) proximity of other schools;
- (5) effect of school on other area schools.

(b) Operational plans include changes in pupil attendance centers in areas which affect other districts, and the addition of one or more elementary or secondary grades to an existing school.

State-Operated School System - Bylaws (Proposed)

LONG-RANGE PLANNING FOR FACILITIES.

- a. Development of school facilities shall be guided by long-range planning which identifies building needs and which project for at least a five-year period the building and priorities required to meet those needs.
- b. The district superintendent shall establish procedures for projecting probably student enrollments at least five years in advance. Such enrollment projections shall be utilized in both long-range and immediate planning for school buildings.
- c. District Committee
A district building committee shall be established by the district superintendent to advise him and the Board of Directors in the development and coordination of district-wide planning for facilities. The superintendent shall assign to the committee such staff personnel as he deems should be members, and shall determine the additional membership of the committee.
- d. Regional Committee
In each rural administrative region, the education committee of the regional native corporation for that area shall be invited to have a representative participate as an advisory panel in the development and coordination of region-wide planning for facilities. The district superintendent may provide arrangements for staff members in each region to participate as part of such advisory panel or to establish a separate advisory committee.
- e. Local Committee
In each community served by an advisory school board, that board shall be responsible for establishing any local building committee or panel it deems necessary.

ESTABLISHING NEW SECONDARY PROGRAMS.

- a. A community with a school of less than twelve grades or its equivalent, whether operated by the Alaska State-Operated School System or by the Bureau of Indian Affairs, may request the addition of secondary programs. The request must be based on adequate planning, must be financially and programatically feasible, and must be submitted not later than January 15 for the following school year.
- b. The request for a new secondary program shall be initiated by the advisory school board, with assistance of the local and regional staff. The regional superintendent shall review the request, attach his recommendations, and forward to the District Superintendent. A district staff committee shall review the request and also make their recommendations to the District Superintendent. The District Superintendent shall then make his recommendation to the Board of Directors.
- c. When a new secondary program has been approved, it shall be the responsibility of the regional superintendent to see that the new program is implemented.

SCHOOL. EDUCATION IN LIEU OF AN ESTABLISHED

- a. In communities where there is no established school or program the following alternatives are suggested for providing educational services:
 1. Correspondence study.
 2. Parental or paraprofessional tutoring with assistance from the District.
 3. Provision of a part time teacher.
 4. Transfer to an adjacent school where feasible.
- b. In communities where there is no established school the regional superintendent shall form an advisory school committee to advise the District Superintendent of the means by which educational services are to be provided.

ESTABLISHING NEW SCHOOLS.

- a. Definition: For the purposes of implementing policy, "school" is defined as a separate education unit composed of students, one or more full-time teachers, a school building, necessary equipment and supplies, and an advisory school board.
- b. A request for a new school, or for the reopening of a school previously closed, may be initiated by a village council; an advisory school committee, or by a group of at least five parents of school-age children in the community and must be submitted not later than January 15 for the following year.
- c. All requests shall be made to the regional superintendent in whose area the community lies. He or she shall provide the necessary forms, information, and assistance to citizens interested in the possible establishment of a school.
- d. Requests shall be reviewed by a district staff committee. Their review shall be limited to questions of funding and program feasibility as they relate to overall district budget and concerns, as well as to the interpretation and implementation of district policy.
- e. Recommendations of the regional superintendent and the district committee shall go to the District Superintendent who shall make the decision.

Authority: AS 14.03.020(5)
14.03.093(12)