

**SENATE BILL NO. 238**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR CLAMAN

Introduced: 2/19/24

Referred: Education, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to education funding; relating to the public education fund; relating to**  
2 **the base student allocation; and providing for an effective date."**

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

4 **\* Section 1.** AS 14.03.150(c) is amended to read:

5 (c) The department may not award a school construction or major  
6 maintenance grant under AS 14.11 to a municipality that is a school district or a  
7 regional educational attendance area that is not in compliance with (a) of this section.

8 The department shall reduce the amount of state aid under **AS 14.17.410(b)**  
9 [AS 14.17.400] for which a school district may qualify by the amount, if any, paid by  
10 the department under (b) of this section.

11 **\* Sec. 2.** AS 14.17.410(b) is amended to read:

12 (b) Public school funding consists of state aid, a required local contribution,  
13 and eligible federal impact aid determined as follows:

14 (1) state aid equals basic need minus a required local contribution and

1 90 percent of eligible federal impact aid for that fiscal year; basic need equals the  
2 **amount appropriated by the legislature for state aid, distributed proportionately**  
3 **to a district according to the district adjusted ADM of the district** [SUM  
4 OBTAINED UNDER (D) OF THIS PARAGRAPH, MULTIPLIED BY THE BASE  
5 STUDENT ALLOCATION SET OUT IN AS 14.17.470]; district adjusted ADM is  
6 calculated as follows:

7 (A) the ADM of each school in the district is calculated by  
8 applying the school size factor to the student count as set out in AS 14.17.450;

9 (B) the number obtained under (A) of this paragraph is  
10 multiplied by the district cost factor described in AS 14.17.460;

11 (C) the ADMs of each school in a district, as adjusted  
12 according to (A) and (B) of this paragraph, are added; the sum is then  
13 multiplied by the special needs factor set out in AS 14.17.420(a)(1) and the  
14 secondary school vocational and technical instruction funding factor set out in  
15 AS 14.17.420(a)(3);

16 (D) the number obtained for intensive services under  
17 AS 14.17.420(a)(2) and the number obtained for correspondence study under  
18 AS 14.17.430 are added to the number obtained under (C) of this paragraph or  
19 under (H) and (I) of this paragraph;

20 (E) notwithstanding (A) - (C) of this paragraph, if a school  
21 district's ADM adjusted for school size under (A) of this paragraph decreases  
22 by five percent or more from one fiscal year to the next fiscal year, the school  
23 district may use the last fiscal year before the decrease as a base fiscal year to  
24 offset the decrease, according to the following method:

25 (i) for the first fiscal year after the base fiscal year  
26 determined under this subparagraph, the school district's ADM adjusted  
27 for school size determined under (A) of this paragraph is calculated as  
28 the district's ADM adjusted for school size, plus 75 percent of the  
29 difference in the district's ADM adjusted for school size between the  
30 base fiscal year and the first fiscal year after the base fiscal year;

31 (ii) for the second fiscal year after the base fiscal year

1 determined under this subparagraph, the school district's ADM adjusted  
2 for school size determined under (A) of this paragraph is calculated as  
3 the district's ADM adjusted for school size, plus 50 percent of the  
4 difference in the district's ADM adjusted for school size between the  
5 base fiscal year and the second fiscal year after the base fiscal year;

6 (iii) for the third fiscal year after the base fiscal year  
7 determined under this subparagraph, the school district's ADM adjusted  
8 for school size determined under (A) of this paragraph is calculated as  
9 the district's ADM adjusted for school size, plus 25 percent of the  
10 difference in the district's ADM adjusted for school size between the  
11 base fiscal year and the third fiscal year after the base fiscal year;

12 (F) the method established in (E) of this paragraph is available  
13 to a school district for the three fiscal years following the base fiscal year  
14 determined under (E) of this paragraph only if the district's ADM adjusted for  
15 school size determined under (A) of this paragraph for each fiscal year is less  
16 than the district's ADM adjusted for school size in the base fiscal year;

17 (G) the method established in (E) of this paragraph does not  
18 apply to a decrease in the district's ADM adjusted for school size resulting  
19 from a loss of enrollment that occurs as a result of a boundary change under  
20 AS 29;

21 (H) notwithstanding (A) - (C) of this paragraph, if one or more  
22 schools close and consolidate with one or more other schools in the same  
23 community and district and, as a result of the consolidation, basic need  
24 generated by the district's ADM of the consolidated schools as adjusted under  
25 (A) - (C) of this paragraph decreases, the district may use the last fiscal year  
26 before the consolidation as the base fiscal year to offset that decrease for the  
27 first four fiscal years following consolidation according to the following  
28 method:

29 (i) for the first two fiscal years after the base fiscal year,  
30 the district's ADM of the consolidated schools as adjusted under (A) -  
31 (C) of this paragraph is calculated by dividing the sum of the district's

1 ADM of the consolidated schools as adjusted under (A) - (C) of this  
2 paragraph for the base fiscal year by the sum of the district's ADM of  
3 the consolidated schools for the base fiscal year without adjustment,  
4 and subtracting the quotient obtained by dividing the district's ADM of  
5 the consolidated schools for the current fiscal year as adjusted under  
6 (A) - (C) of this paragraph by the sum of the district's ADM of the  
7 consolidated schools for the current fiscal year without adjustment,  
8 multiplying that number by the sum of the district's ADM of the  
9 consolidated schools for the current fiscal year without adjustment, and  
10 adding that number to the sum of the district's ADM of the consolidated  
11 schools for the current fiscal year as adjusted under (A) - (C) of this  
12 paragraph;

13 (ii) for the third fiscal year after the base fiscal year, the  
14 district's ADM of the consolidated schools as adjusted under (A) - (C)  
15 of this paragraph is calculated by dividing the sum of the district's  
16 ADM of the consolidated schools as adjusted under (A) - (C) of this  
17 paragraph for the base fiscal year by the sum of the district's ADM of  
18 the consolidated schools for the base fiscal year without adjustment,  
19 and subtracting the quotient obtained by dividing the sum of the  
20 district's ADM of the consolidated schools for the current fiscal year as  
21 adjusted under (A) - (C) of this paragraph by the sum of the district's  
22 ADM of the consolidated schools for the current fiscal year,  
23 multiplying that number by the sum of the district's ADM of the  
24 consolidated schools for the current fiscal year without adjustment,  
25 multiplying that number by 66 percent, and adding that number to the  
26 sum of the district's ADM of the consolidated schools for the current  
27 fiscal year as adjusted under (A) - (C) of this paragraph;

28 (iii) for the fourth fiscal year after the base fiscal year,  
29 the district's ADM of the consolidated schools as adjusted under (A) -  
30 (C) of this paragraph is calculated by dividing the sum of the district's  
31 ADM of the consolidated schools as adjusted under (A) - (C) of this

1 paragraph for the base fiscal year by the sum of the district's ADM of  
 2 the consolidated schools for the base fiscal year without adjustment,  
 3 and subtracting the quotient obtained by dividing the sum of the  
 4 district's ADM of the consolidated schools for the current fiscal year as  
 5 adjusted under (A) - (C) of this paragraph by the sum of the district's  
 6 ADM of the consolidated schools for the current fiscal year,  
 7 multiplying that number by the sum of the district's ADM of the  
 8 consolidated schools for the current fiscal year without adjustment,  
 9 multiplying that number by 33 percent, and adding that number to the  
 10 sum of the district's ADM of the consolidated schools for the current  
 11 fiscal year as adjusted under (A) - (C) of this paragraph;

12 (iv) to calculate the district's basic need for each fiscal  
 13 year, the number obtained through the calculation in (i), (ii), or (iii) of  
 14 this subparagraph is added to the number obtained under (C) of this  
 15 paragraph for the remainder of the district;

16 (I) if the basic need calculated under (H)(i) - (iii) of this  
 17 paragraph for one of the first four fiscal years after consolidation is less than  
 18 the basic need calculated under (A) - (C) of this paragraph for that fiscal year,  
 19 the basic need may not be adjusted under (H) of this paragraph for that fiscal  
 20 year;

21 (J) a district may not offset a decrease under (H) of this  
 22 paragraph if

23 (i) a new facility is constructed in the district for the  
 24 consolidation; or

25 (ii) the district offset a decrease under (E) of this  
 26 paragraph in the same fiscal year;

27 (K) a district that offsets a decrease under (H) of this paragraph  
 28 may not reopen a school that was closed for consolidation in the district until

29 (i) seven or more years have passed since the school  
 30 closure; and

31 (ii) the district provides evidence satisfactory to the

1 department that the schools affected by the consolidation are over  
2 capacity;

3 (L) a district may not reopen and reconsolidate a school that  
4 was consolidated in the district more than once every seven years for purposes  
5 of the calculations made under (H) of this paragraph;

6 (M) a district offsetting a decrease under (H) of this paragraph  
7 shall provide the department with the list of schools participating in the  
8 consolidation and the corresponding ADM;

9 (2) the required local contribution of a city or borough school district is  
10 the equivalent of a 2.65 mill tax levy on the full and true value of the taxable real and  
11 personal property in the district as of January 1 of the second preceding fiscal year, as  
12 determined by the Department of Commerce, Community, and Economic  
13 Development under AS 14.17.510 and AS 29.45.110, not to exceed 45 percent of a  
14 district's basic need for the preceding fiscal year as determined under (1) of this  
15 subsection.

16 \* **Sec. 3.** AS 14.17.430 is amended to read:

17 **Sec. 14.17.430. State funding for correspondence study. Funding** [EXCEPT  
18 AS PROVIDED IN AS 14.17.400(b), FUNDING] for the state centralized  
19 correspondence study program or a district correspondence program, including a  
20 district that offers a statewide correspondence study program, includes [AN  
21 ALLOCATION FROM THE PUBLIC EDUCATION FUND IN] an amount  
22 calculated by multiplying the ADM of the correspondence program by 90 percent.

23 \* **Sec. 4.** AS 14.17.440(a) is amended to read:

24 (a) **Funding** [EXCEPT AS PROVIDED IN AS 14.17.400(b), FUNDING] for  
25 state boarding schools established under AS 14.16.010 includes [AN ALLOCATION  
26 FROM THE PUBLIC EDUCATION FUND IN] an amount **appropriated by the**  
27 **legislature** [CALCULATED BY

28 (1) DETERMINING THE ADM OF STATE BOARDING SCHOOLS  
29 BY APPLYING THE SCHOOL SIZE FACTOR TO THE STUDENT COUNT AS  
30 DESCRIBED IN AS 14.17.450;

31 (2) MULTIPLYING THE NUMBER OBTAINED UNDER (1) OF

1 THIS SUBSECTION BY THE SPECIAL NEEDS FACTOR IN AS 14.17.420(a)(1)  
 2 AND THE SECONDARY SCHOOL VOCATIONAL AND TECHNICAL  
 3 INSTRUCTION FUNDING FACTOR SET OUT IN AS 14.17.420(a)(3) AND  
 4 MULTIPLYING THAT PRODUCT BY THE BASE STUDENT ALLOCATION;  
 5 AND

6 (3) MULTIPLYING THE PRODUCT DETERMINED UNDER (2)  
 7 OF THIS SUBSECTION BY THE DISTRICT COST FACTOR THAT IS  
 8 APPLICABLE TO CALCULATION OF THE STATE AID FOR THE ADJACENT  
 9 SCHOOL DISTRICT UNDER AS 14.17.460].

10 \* **Sec. 5.** AS 14.17.500(a) is amended to read:

11 (a) A district shall prepare and submit to the department by November 5 of  
 12 each fiscal year, in the manner and on forms prescribed by the department, an estimate  
 13 of its ADM and other student count data, including per school student count data, for  
 14 the succeeding fiscal year upon which computations can be made to estimate the  
 15 amount of state aid for which the district may be eligible under **AS 14.17.410(b)**  
 16 [AS 14.17.400] in the succeeding fiscal year. In making its report, the district shall  
 17 consider its ADM, other student count data, the pattern of growth or decline of the  
 18 student population in preceding years, and other pertinent information available to the  
 19 district.

20 \* **Sec. 6.** AS 14.17.610(b) is amended to read:

21 (b) Distribution of state aid under (a) of this section shall be made as required  
 22 under AS 14.17.410. If a district receives more state aid than it is entitled to receive  
 23 under this chapter, the district shall immediately remit the amount of overpayment to  
 24 the commissioner, to be returned to the **general** [PUBLIC EDUCATION] fund. The  
 25 department may make adjustments to a district's state aid to correct underpayments  
 26 made in previous fiscal years.

27 \* **Sec. 7.** AS 14.17.900(b) is amended to read:

28 (b) Money to carry out the provisions of this chapter may be appropriated  
 29 annually by the legislature [INTO THE PUBLIC EDUCATION FUND. IF THE  
 30 AMOUNT APPROPRIATED TO THE FUND FOR THE PURPOSES OF THIS  
 31 CHAPTER IS INSUFFICIENT TO MEET THE ALLOCATIONS AUTHORIZED

1 UNDER AS 14.17.400 - 14.17.470 FOR A FISCAL YEAR, STATE AID SHALL BE  
2 REDUCED ACCORDING TO AS 14.17.400(b)].

3 \* **Sec. 8.** AS 37.07.020(b) is amended to read:

4 (b) In addition to the budget and bills submitted under (a) of this section, the  
5 governor shall submit a capital improvements program covering the succeeding six  
6 fiscal years. The governor shall also submit a fiscal plan with estimates of significant  
7 sources and uses of funds for the succeeding 10 fiscal years. The fiscal plan

8 (1) must include sufficient details to identify

9 (A) significant sources of funds;

10 (B) significant uses of funds, including lump sum projections

11 of

12 (i) operating expenditures;

13 (ii) capital expenditures;

14 (iii) debt service expenditures;

15 (iv) fund capitalizations;

16 (v) appropriations of income of the Alaska permanent  
17 fund (art. IX, sec. 15, Constitution of the State of Alaska), if any;

18 (2) must balance sources and uses of funds held while providing for  
19 essential state services and protecting the economic stability of the state;

20 (3) must include projected balances of significant funds held in  
21 separate accounts, including the budget reserve fund (art. IX, sec. 17, Constitution of  
22 the State of Alaska) [, THE PUBLIC EDUCATION FUND (AS 14.17.300),] and the  
23 Alaska capital income fund (AS 37.05.565);

24 (4) must set out significant assumptions used in the projections with  
25 sufficient detail to enable the legislature to rely on the fiscal plan in understanding,  
26 evaluating, and resolving issues of state budgeting, including information that supports  
27 major areas of operating increases, such as population demographics that affect the  
28 need for particular government services.

29 \* **Sec. 9.** AS 14.17.300, 14.17.400, 14.17.470, 14.17.480(b), and 14.17.490(c) are repealed.

30 \* **Sec. 10.** This Act takes effect July 1, 2024.