

Introduced by: Glanville
Date: March 3, 1981
Hearing: April 7, 1981
Vote: 9 YES, 6 NO
Action: Ref Special Comt w/publication & hearing required before final action.

KENAI PENINSULA BOROUGH

Withdrawn by Sponsor

ORDINANCE 81-25

11-4-81

PROVIDING FOR FAMILY CHOICE IN EDUCATION BY THE ESTABLISHMENT OF A VOUCHER SYSTEM FOR THE DISTRIBUTION OF THE LOCAL SHARE EDUCATIONAL FUNDS.

WHEREAS, the family has been the primary institution for training children in moral, social and educational values and should remain so; and

WHEREAS, society has relied increasingly upon its public school system for the inculcation of the values, but individual families have little choice as to the values which will be taught to their children; and

WHEREAS, the essential strength of American democracy rests in the ability of each citizen to freely choose, and exercise, diverse political, social, moral, religious and educational beliefs; and

WHEREAS, many citizens feel that a single educational system can never adequately serve a pluralistic society; and

WHEREAS, this diversity is best served by encouraging the operation of alternative education which widens the choice for individualized curricula and social orientations; and

WHEREAS, the child and the parents should have the ability to choose the school which the child will attend and the curricula which the child will be taught; and

WHEREAS, providing a mechanism by which the child and the parents may choose among different schools will foster excellence in education through promoting efficiency and responding to social needs and expectations; and

WHEREAS, the Assembly finds that the best mechanism to foster these goals is by providing a voucher system for the reimbursement of tuition and related expenses, to be utilized by each pupil;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSUAL BOROUGH:

Section 1. That the Borough Code is amended by adding a new chapter, to be numbered 5.24, which reads:

CHAPTER 5.24
Educational Vouchers

5.24.010 Family Choice In Education-Purpose. A. This chapter may be cited as the Family Choice In Education Ordinance.

B. The purpose of this chapter is to foster educational excellence by encouraging competition for educational resources, by allocating a portion of the Borough's local share for education to every student attending a state recognized school located within the Borough. The Assembly further desires to encourage educational diversity in curricula among every school within the Borough so as to provide meaningful choice in education for every family.

5.24.020 Definitions. A. Local share is defined as that amount of money appropriated by the Assembly each year in accordance with Section 5.04.021 of the Borough Code as the Borough's share of the operating cost of the public school system.

B. School shall mean every school recognized by the State of Alaska.

C. Department of Education shall mean the State of Alaska Department of Education.

D. Pupil shall mean any child who is a student of any school in the grades kindergarden through twelfth grade.

E. Parents shall mean any adult who has legal responsibility for and authority over a minor, whether the natural parent or parents of such pupil or a guardian or other legal representative of the pupil.

F. Voucher shall mean a certificate entitling a parent to a fixed sum of money per semester to be used for the educational enhancement of his child.

G. Public School shall mean any educational facility operated by the Kenai Peninsula Borough School District Board of Education as of February 1, 1981 or thereafter initiated, constructed or operated by the Board of Education.

5.24.030 Establishment of Voucher System. A. On or before August 1 of each year, the Superintendent of the Borough School District shall compile and maintain a list of every school within the Borough which is recognized by the Department of Education.

B. There is established a voucher system for the distribution of local share funds. The voucher shall be for the benefit of each pupil and may be freely utilized by a parent at any school meeting the requirements of this chapter.

C. Vouchers shall be issued in the name of the parents for the benefit of each pupil whose parents request the issuance of the voucher by September 15 and January 15 of each year.

D. The amount of each voucher shall be calculated as follows: The Superintendent shall ascertain the total amount of the local share appropriated for that year and the number of pupils who have requested the issuance of vouchers as of the close of business on September 15 and January 15 of each year. The amount of each voucher for each semester shall be the product of dividing one-half of the appropriated local share by the number of vouchers which have been requested for that semester.

E. The Superintendent of Schools shall cause legal notice to be published, and may give such other notice to parents and pupils as he deems desirable, advising parents and pupils of the voucher system and of the deadline for application of each voucher.

F. The Superintendent of Schools shall establish a series of accounts for each school meeting the requirements of this chapter and shall ascertain, by certified report made by each principal the enrollment of each school as of October 1 and February 1 of each year and the number of vouchers which have been submitted to each principal as of that date. Thereafter, the Superintendent shall promptly credit to each school's operational accounts the amount of the local share to which that school is entitled.

5.24.040 Enrollment-Transferability of Funds. A. The effect of this chapter is confined to the proportionate distribution of local share funds among the various qualifying schools and the procedures for utilizing those funds.

B. Enrollment in any school participating in the voucher system shall be open to any pupil residing within the Borough, subject to the following exceptions:

1. Every school shall establish a maximum enrollment based upon the physical capacity of that school and the availability of educational resources.

2. In the event of public schools, the Superintendent of Schools shall make every effort to accomodate every student desiring to enroll in a particular school, whether or not such child presents the principal with an educational voucher.

3. In the event of private schools, enrollment may not be conditioned upon any specific qualifications as to race, color, creed, or national origin.

4. Except as qualified above, all pupils shall be enrolled in the order which they are registered.

C. Pupils may transfer, with the consent of their parents, to any school within the voucher system, at any time of the year, so long as such transfer:

1. Is made with the consent of the pupil's parents.

2. Does not, in the opinion of the Superintendent of Schools, cause a serious disruption of the pupil's educational progress and this standard shall be construed liberally in favor of the pupil's transfer.

3. Does not exceed the maximum enrollment of the school to which the transfer is sought.

4. Is made with the consent of the Principal of the school to which the transfer is sought.

The Superintendent of Schools shall prorate the transferring pupil's voucher funds between the two schools in proportion to the number of days spent by the transferring student at each school.

D. To the extent consistent with the overall educational goals of the School District, the principal of each public school should be encouraged to exercise freedom in devising curricula and educational programs which encourage educational excellence and thus serve to attract students of the number and type desired by that school. Any changes proposed by a particular school principal shall be made with the concurrence of the Borough Board of Education and a local parent advisory committee established for each school.

5.24.050 Establishment of Comprehensive Pupil Testing Program-Publication of Statistical Results, The Superintendent of Schools may conduct a testing program for all pupils in schools participating in the voucher system. Testing shall be independent of any participation or administration of the personnel of the affected school and shall be kept confidential. All such tests shall be conducted in October and May. There-

after, the character of such tests and the statistical results by grade and by age group within each school shall be public record and shall be made available to the parents of every child of school age residing within the Borough.

5.24.060 Private Schools Control of Curricula. Any non-public schools participating in the voucher system established by this chapter shall have the right to allocate its educational resources, devise its curricula, and hire or terminate personnel without regard to any contract or Board of Education regulation established for the governance of the public schools, so long as all such allocations, curricula, and acts otherwise conform to the requirements of this chapter and do not contravene any State statute or regulation or policy of the State of Alaska Department of Education.

5.24.070 Transportation of Pupils. The Superintendent of Schools shall cause an integrated system of pupil transportation to be established which will serve the pupils of all schools participating in the voucher system and which will provide at no cost, transportation to the schools nearest to residence.

5.24.080 Capital Facilities-Construction and Use.

A. No public funds from the local share, or other Borough sources, shall be utilized for the construction of any capital facilities for a non-public school participating in the voucher system and all such capital improvement costs shall be borne by the organization or persons sponsoring such schools. In this context, capital construction includes all additions or renovations to facilities, construction of new facilities, or maintenance expenses in excess of \$500 per occurrence.

B. The construction of capital improvements to any public school operated by the Borough School District shall be authorized in the customary manner provided elsewhere in this code and in the Alaska Statutes.

C. Pupils of any school participating in the voucher system may utilize, from time to time, the recreational, cultural and educational facilities of any other public school participating in the system without charge so long as such use does not overburden those facilities or result in any unsafe condition.

5.24.090 Regulation Authority. In order to facilitate the implementation of this chapter, the Borough Board of Education may adopt such accounting regulations applicable to the private schools participating in the voucher system. Such regulations shall be of a procedural nature only and made to facilitate the efficient implementation of the

made to facilitate the efficient implementation of the voucher system. No regulation shall be inconsistent with the provisions and intent of this chapter. This section does not limit in any fashion the power otherwise held by the Board of Education to make regulations for the conduct, curricula, and governance of the public schools.

Section 2. That the Mayor is authorized to effectuate this Ordinance, which takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS _____ DAY OF _____, 1981.

Paul Fischer
Assembly President

ATTEST:

Borough Clerk