

Article 02. STATE BOARD OF EDUCATION AND EARLY DEVELOPMENT

Sec. 14.07.075. Creation.

There is created at the head of the Department of Education and Early Development a Board of Education and Early Development consisting of seven members.

Sec. 14.07.080. Creation and term of office. [Repealed, Sec. 14 ch 96 1967].
Repealed or Renumbered

Sec. 14.07.085. Appointment of members.

(a) The seven members of the board, no more than four of whom shall be members of the same political party as the governor, shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. In appointing board members, the governor shall consider recommendations made by recognized educational associations in the state.

(b) One member shall be appointed from each of the four judicial districts and three from the state at large with at least one member representing regional educational attendance areas.

(c) The members are entitled to the expenses, travel, and per diem allowances provided by law.

(d) A member may act and receive compensation from the date of appointment until confirmation or rejection by the legislature.

Sec. 14.07.090. Appointment of members. [Repealed, Sec. 14 ch 96 SLA 1967].
Repealed or Renumbered

Sec. 14.07.095. Term of office.

The members of the board shall be appointed for overlapping five-year terms commencing on the March 1 following the date of the member's appointment. Except as provided in AS 39.05.080(4), a member appointed to fill a vacancy serves for the unexpired term of the member whose vacancy is filled. A vacancy occurring during a term of office is filled in the same manner as the original appointment.

Sec. 14.07.100. Executive officer. [Repealed, Sec. 14 ch 96 SLA 1967].

Repealed or Renumbered

Sec. 14.07.105. Quorum and chair.

(a) Four members constitute a quorum.

(b) The board shall designate one member of the board as the chairperson who serves as chair of the board at the pleasure of the board.

Sec. 14.07.110. Appointment of commissioner. [Repealed, Sec. 14 ch 96 SLA 1967].

Repealed or Renumbered

Sec. 14.07.115. Removal.

Members of the board serve at the pleasure of the governor.

Sec. 14.07.120. Term of office and vacancy. [Repealed, Sec. 14 ch 96 SLA 1967].

Repealed or Renumbered

Sec. 14.07.125. Meetings.

The board shall meet at least quarterly. Meetings may be called by the chair or by a majority of the members of the board. Meetings shall be held in Juneau unless a majority of the members of the board changes the place of a meeting.

Sec. 14.07.130. Removal of commissioner. [Repealed, Sec. 14 ch 96 SLA 1967].

Repealed or Renumbered

Sec. 14.07.135. Legal assistance.

The Department of Law shall provide all legal services for the board.

Sec. 14.07.140. Commissioner administers department. [Repealed, Sec. 14 ch 96 SLA 1967].

Repealed or Renumbered

Sec. 14.07.145. Commissioner of education and early development.

(a) The board shall appoint the commissioner of education and early development subject to the approval of the governor. The commissioner shall be the principal executive officer of the department.

(b) The commissioner shall be appointed without regard to political affiliation and shall have at least a master's degree with five years' experience in the field of education since receiving it, with at least three of the five years in an exclusively administrative position.

(c) The commissioner serves at the pleasure of the board and may not be appointed by the board for a fixed term.

(d) The commissioner shall receive the salary set out in AS 39.20.080.

(e) The commissioner shall employ and remove all classified personnel in the department subject to AS 39.25 (State Personnel Act). The commissioner may employ and remove personnel in the exempt or partially exempt service subject to the approval of the board. Personnel in the exempt or partially exempt service have a right of appeal to the board if they are removed.

(f) [Repealed, Sec. 5 ch 14 SLA 1996].

Sec. 14.07.150. Budget and fiscal authority.

The commissioner has responsibility and authority for the preparation and execution of a budget and for the other fiscal affairs of the department, subject to the approval of the board.

Sec. 14.07.155. Partisan candidacy prohibited.

A member of the board may not be a candidate for partisan political office while serving as a member of the board.

Sec. 14.07.160. Bylaws.

(a) The board may adopt bylaws for the management of the department.

(b) The bylaws shall be written and distributed in a manner so as to be readily available to personnel of the department.

(c) This section may not be construed to allow the use of a bylaw rather than a regulation where the subject is of statewide importance or interest.

Sec. 14.07.165. Duties.

The board shall adopt

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

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

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

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

(5) regulations implementing the secondary school student competency examination provisions of AS 14.03.075, including the criteria and procedure under which a governing body uses a waiver to grant a diploma to a student; criteria regarding granting a waiver must include provisions that a waiver may only be granted for students who enter the system late or have rare or unusual circumstances meriting a waiver.

Sec. 14.07.168. Report to the legislature.

Not later than the 30th legislative day of each regular session of the legislature, the board shall prepare and present in person to the legislative committees having jurisdiction over education an annual report that describes the efforts of the board to develop, maintain, and continuously improve a comprehensive quality public education system, as provided for under the bylaws of the board. The report must include

(1) a summary of the resolves and rationales provided in support of policy decisions made under AS 14.03.015;

(2) program and curriculum changes made, discussed, or recommended in meetings held under AS 14.07.125;

(3) additional information relevant to efforts made to improve and maintain the public education system.

Sec. 14.07.170. Additional powers and duties of board.

(a) The board may

(1) appoint unpaid advisory commissions;

(2) require school boards or school personnel to submit to the department, in the form the board may require, the district budget or any information or reports that are reasonably necessary to assist the department in carrying out its functions.

(b) The board shall review grant applications recommended under AS 14.11.013 and may approve grant applications under AS 14.11.015.

Sec. 14.07.181. Pamphlet concerning controlled substances. [Repealed, Sec. 19 ch 6 SLA 1998].
Repealed or Renumbered