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IN THE HOUSE BY MR. ERWIN
HOUSE BILL NO. 280
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled: "An Act relating to the removal of members of the Board of Education; amending Sec. 11, Ch. 64, SLA 1959."

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

Section 1. Sec. 11, Ch. 64, SLA 1959 is amended to read as follows:

Department of Education. There shall be a principal executive officer of the Department of Education to be known as the Commissioner of Education.

The Department of Education is hereby vested with the duties, powers, and responsibilities involved in the administration of the State's program of education at the elementary and secondary levels, including programs of vocational education, vocational rehabilitation, library services, and correspondence courses; the administration of the Historical Library and Museum; and the planning, financing, and operation of all related school and educational activities and facilities except that nothing in this Act shall be construed to extend or enlarge the State's functions with respect to independent school systems now established by law.

The functions and authority heretofore performed and exercised by the Department of Education, the Board of Education, the Commissioner of Education; the Historical

1 Library and Museum Commission; the Department of Library
2 Service, the Board of Library Service; the Textbook
3 Commission; the Board of Vocational Rehabilitation; and
4 the Board of Vocational Education are hereby transferred to
5 the Department of Education.

6 There is hereby created within the Department of
7 Education a Board of Education consisting of six members,
8 appointed for overlapping three-year terms. The principal
9 executive officer shall not be a member of the Board but
10 shall be ex officio secretary and have the right to cast
11 tie-breaking votes only. The Board members shall be
12 appointed by the Governor without regard to political
13 affiliation, subject to confirmation by a majority of the
14 members of the Legislature in joint session. In the
15 appointment of Board members, the Governor shall give con-
16 sideration to recommendations made by recognized educational
17 associations in the State. The Governor may remove any
18 board member only for inefficiency, neglect of duty, or
19 misconduct in office by delivering to him a written copy
20 of the charges and affording such member the opportunity
21 of being heard in person or through counsel at a public
22 hearing to be held before the Governor or his designee
23 upon not less than ten days' notice by registered mail. The
24 member shall have the right of confrontation by and cross
25 examination of all witnesses against him. Upon removal as
26 aforsaid, the Governor or his designee shall file in the
27 proper State office a complete statement of all charges made
28 against the member and the findings thereon.

29 The Governor shall appoint the Commissioner of Education

1 from a list of qualified persons nominated by the Board of
2 Education, subject to the right of the Governor to request
3 additional nominations. The appointment shall be subject
4 to confirmation by a majority of the members of the Legis-
5 lature in joint session. The Commissioner of Education
6 shall serve for a term of 5 years. In the event of a
7 vacancy in the office of Commissioner of Education a suc-
8 cessor shall be appointed, in the manner provided for the
9 regular appointment, to fill the unexpired term.

10 The Board may submit a resolution to the Governor
11 requesting the removal of the Commissioner. The resolution
12 shall set forth the grounds for the request and the Governor
13 shall afford the Commissioner and the Board an opportunity
14 to be heard.

15 The Board of Education must confirm programming actions
16 of the Commissioner of Education, except as hereinafter
17 provided, but shall not have administrative, budgeting, or
18 fiscal powers; and such administrative, budgeting, and
19 fiscal power shall reside in the Commissioner of Education.

20 All rules and regulations shall originate with the
21 Commissioner of Education, but shall not become effective
22 until approved by a majority of the Board of Education.
23 In the event the Board of Education fails to approve such
24 rules or regulations, public hearings shall be held con-
25 cerning the issues in question. If, subsequent to public
26 hearings, the Board and the Commissioner continue to dis-
27 agree, the issue shall be certified in writing by the Board
28 and the Commissioner to the Governor who shall make a
29 decision thereon, which decision shall be final.

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Any provision of this Act to the contrary notwithstanding, the Board is hereby vested with the duties, powers and responsibilities involved in reviewing, adopting, approving, and administering the plans for vocational education and vocational rehabilitation to be submitted to Federal authorities for the purpose of securing Federal aid.

Sec. 2. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.