

1 IN THE SENATE BY MCNEALY

2 SENATE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a governing board for the
7 state Department of Education; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 14.10 is amended by adding a new section to
11 read:

12 Sec. 14.10.132. REGULATIONS OF THE DEPARTMENT OF EDU-
13 CATION. (a) Regulations of the department may be adopted
14 by either the board or by the commissioner. The secretary
15 of state, however, in addition to observing all other re-
16 quirements in AS 44.62.060 regarding the filing of regu-
17 lations, shall not file a regulation, amendment or order of
18 repeal adopted by the commissioner unless he receives a
19 written statement from the board indicating that a majority
20 of its full membership approves the regulation, amendment,
21 or order of repeal. The board shall establish, giving due
22 regard to the existing procedures for adopting and filing
23 regulations in AS 44.62.060 and AS 44.62.180 - 44.62.290,
24 an appropriate procedure whereby the board reviews, during
25 the adoption process, each regulation, amendment or order
26 of repeal proposed by the commissioner and indicates its
27 approval or disapproval.

28 (b) An emergency regulation, amendment or order of
29 repeal adopted by the commissioner need not receive the

1 approval of the board to be effective. However, the regu-
2 lation, amendment or order of repeal is subject to the
3 review of the board during its next regular or special
4 meeting and the commissioner shall amend or repeal the
5 regulation, amendment or order of repeal if directed to do
6 so by the board.

7 * Sec. 2. AS 14.10.140(4) is amended to read:

8 (4) prepare, or have prepared, minimum courses
9 of study for the public schools in accordance with the
10 standards prescribed by the board;

11 * Sec. 3. AS 14.10.140 is amended by adding new subsections
12 to read:

13 (14) establish, maintain, govern, and operate
14 state-operated schools as directed by the board; and

15 (15) discontinue or combine state-operated schools
16 in accordance with the direction of the board.

17 * Sec. 4. AS 14.10.150 is amended by adding a new subsection
18 to read:

19 (13) pay tuition and boarding or transportation
20 costs of high school students in cases where state-operated
21 high schools are not established.

22 * Sec. 5. AS 14.10 is amended by adding new sections to read:

23 Sec. 14.10.165. STATE BOARD OF EDUCATION. The state
24 Board of Education consists of five members, one from each
25 judicial district and one at large.

26 Sec. 14.10.167. APPOINTMENT OF MEMBERS. The members
27 of the Board shall be appointed by the governor subject to
28 the approval of a majority of all the members of the Senate
29 and House of Representatives of the Legislature in joint

1 session assembled.

2 Sec. 14.10.172. TERMS OF OFFICE. The term of office
3 for each member of the board is six years. However, the
4 terms of the initial board shall be as follows: two members
5 serve two years, two members serve four years, and two
6 members serve six years. No member may serve more than
7 two consecutive six-year terms.

8 Sec. 14.10.175. REMOVAL FROM OFFICE. The governor
9 may remove a member of the board for malfeasance or mis-
10 feasance in office by delivering to the member a written
11 copy of the charges. The member shall have an opportunity
12 to be heard in person or through counsel at a public hearing
13 before the governor or his designee upon at least ten days'
14 notice by registered mail. The member has the right to con-
15 frontation by and cross-examination of all witnesses against
16 him. If the member is removed, the governor or his designee
17 shall file a complete statement of all charges made against
18 the member and the findings in the proper state office.

19 Sec. 14.10.177. VACANCIES. Vacancies in the board
20 shall be filled by the governor for the remainder of the
21 term. However, the governor shall not appoint a person to
22 fill a vacancy if the person has previously been selected to
23 be a member of the board but has failed to gain the approval
24 of the legislature.

25 Sec. 14.10.182. QUALIFICATIONS OF BOARD MEMBERS.
26 Each board member shall be a United States citizen and a
27 resident of the state. The members of the board shall have
28 a sound knowledge of education in the state and shall be
29 selected without regard to political affiliation.

1 Sec. 14.10.185. MEETINGS. The board shall hold at
2 least two regular meetings annually at the state capital,
3 and at least two regular meetings annually at the place
4 within the state the board selects, for the transaction of
5 business. The board shall hold a special meeting on the
6 request of the commissioner, or on the request of two board
7 members, at the time and place within the state that the
8 board selects.

9 Sec. 14.10.187. QUORUM. A majority of the members
10 of the board constitutes a quorum for the transaction of
11 business, for the performance of a duty, and for the ex-
12 ercise of a power, except a majority of the full membership
13 of the five members is required to approve regulations or
14 carry resolutions.

15 Sec. 14.10.192. COMPENSATION. Each member of the board
16 is entitled to travel expenses and per diem allowed by law
17 for each day going to or from, and for each day in actual
18 attendance at, board meetings and conferences authorized
19 by the board.

20 Sec. 14.10.203. DUTIES OF THE BOARD. The board shall
21 (1) formulate the policy and exercise the general
22 supervision of the department and of the public schools of
23 the state except the University of Alaska;

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

27 (3) prescribe by regulation a minimum course
28 of study for the public schools;

29 (4) prescribe by regulation standards for the

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accreditation of public, private, and denominational schools by the department;

(5) 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;

(6) determine when and where state-operated schools shall be established; and

(7) exercise the duties and powers 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. 14.10.205. POWERS OF THE BOARD. The board may

(1) determine when a state-operated school shall be discontinued or combined with another state-operated school; and

(2) appoint unpaid advisory commissions.

Sec. 14.10.215. COMMISSIONER OF EDUCATION. The commissioner is the principal executive officer of the Department of Education. The commissioner shall be a qualified school administrator.

Sec. 14.10.217. APPOINTMENT OF COMMISSIONER. The commissioner shall be appointed by the board subject to the approval of the governor and shall serve at the pleasure of the board.

Sec. 14.10.222. COMPENSATION. The commissioner is entitled to compensation, and to reimbursement for expenses incurred in the discharge of his official duties, according

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to law.

Sec. 14.10.235. FUNCTIONS OF COMMISSIONER. The commissioner has the administrative, fiscal, and budgeting powers for the department. He shall appoint the division heads and other personnel necessary to carry out the operation of the department.

Sec. 14.10.245. REPORTS. The commissioner may require school boards or school personnel to submit to the department in the form the commissioner may require, the district budget or any information or reports which are reasonably necessary to assist the department in carrying out its functions.

* Sec. 6. AS 14.20.020(b) is amended to read:

(b) The department [COMMISSIONER] shall by regulation establish qualification requirements for issuance of a teacher's certificate. [HE MAY ESTABLISH VARIOUS] Various classes of teacher's certificates may be established.

* Sec. 7. AS 14.20.020(c) is amended to read:

(c) In addition to requirements established by the department [COMMISSIONER, AFTER SEPTEMBER 1, 1962,] no person who has not received at least a baccalaureate degree from an accredited college or university or school whose credits are approved by an accredited institution of higher education may be issued a teacher's certificate. This subsection is not applicable to (1) persons employed in the state public school system on September 1, 1962, and (2) persons issued a temporary certificate during an emergency requiring the issuance of temporary certificates as determined in the discretion of the commissioner of education.

1 * Sec. 8. The following laws are repealed: AS 14.10.150(1) -
2 (3); and AS 14.10.160 - 260.

3 * Sec. 9. This Act takes effect July 1, 1966.
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