

BY BOARDMAN, ANDERSON, BANFIELD, BEIRNE,
BORER, BRADY, CESSNUM, FINK FRITZ, HARRIS,
HAUGEN, HOLM, MILLER, MOORE, MOSES, POWELL,
SACKETT, SIMPSON, SMITH, STEVENS, STRANDBERG,
TILLION, WIGGINS, WRIGHT, AND YOUNG AT THE
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the governance of the Department
7 of Education; and providing for the Board of Education
8 to head the department."

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

10 * Section 1. AS 14.07 is amended by adding new sections to read:

11 Sec. 14.07.075. CREATION. There is created at the head of the
12 Department of Education a Board of Education consisting of seven
13 members.

14 Sec. 14.07.085. APPOINTMENT OF MEMBERS. (a) The seven members
15 of the board shall be appointed by the governor without regard to
16 political affiliation, subject to confirmation by a majority of the
17 members of the legislature in joint session. In appointing board mem-
18 bers, the governor shall consider recommendations made by recognized
19 educational associations in the state.

20 (b) One member shall be appointed from each of the four judicial
21 districts and three from the state at large.

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

24 (d) A member may act and receive compensation from his appoint-
25 ment until his confirmation or rejection by the legislature.

26 Sec. 14.07.095. TERM OF OFFICE. The members of the board shall
27 be appointed for overlapping six-year terms. A member appointed to
28 fill a vacancy serves for the unexpired term of the member he succeeds.

29 Sec. 14.07.105. QUORUM AND CHAIRMAN. (a) Four members

1 constitute a quorum.

2 (b) The governor shall designate one member of the board as the
3 chairman and the chairman serves as a member of the board at the
4 pleasure of the governor.

5 Sec. 14.07.115. REMOVAL. A member of the board other than the
6 chairman may be removed by the governor for cause. The chairman may
7 be removed from the board as set out in sec. 105 of this chapter.

8 Sec. 14.07.125. MEETINGS. The board shall meet at least
9 quarterly. Meetings may be called by the chairman or by a majority of
10 the members of the board. Meetings shall be held in Juneau unless a
11 majority of the members of the board changes the place of a meeting.

12 Sec. 14.07.135. LEGAL ASSISTANCE. The Department of Law shall
13 provide all legal services for the board.

14 Sec. 14.07.145. COMMISSIONER OF EDUCATION. (a) The board shall
15 appoint the commissioner of education with the approval of the gover-
16 nor. The commissioner shall be the principal executive officer of the
17 department.

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

23 (c) The commissioner may be appointed by the board for a term of
24 office not to exceed five years. He may be removed during his term of
25 office by four members of the board with the approval of the governor.

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

28 (e) The commissioner shall employ and remove all classified
29 personnel in the department subject to the State Personnel Act

1 (AS 39.25). He may employ and remove personnel in the exempt or
2 partially exempt service subject to the approval of the board. Per-
3 sonnel in the exempt or partially exempt service have a right of appeal
4 to the board if they are removed. The commissioner may not sit on the
5 board during an appeal.

6 * Sec. 2. AS 14.07.150 is amended to read:

7 Sec. 14.07.150. BUDGET AND FISCAL AUTHORITY. The commissioner
8 has [SOLE] responsibility and authority for the preparation and execu-
9 tion of a budget and for the other fiscal affairs of the department,
10 subject to the approval of the board.

11 * Sec. 3. AS 14.07 is amended by adding a new section to read:

12 Sec. 14.07.155. LIMITATIONS ON BOARD. No member of the board may
13 be a candidate for public office during his term of office.

14 * Sec. 4. AS 14.07.160 is amended to read:

15 Sec. 14.07.160. PRESCRIPTION OF BYLAWS. (a) The board [COMMIS-
16 SIONER OR HIS DESIGNEE] may adopt bylaws for the internal management of
17 the state-operated schools to the same extent that a school board may
18 adopt bylaws for the management of the district.

19 (b) The bylaws shall be written and distributed in a manner so as
20 to be readily available to personnel of state-operated schools.

21 (c) This section shall not be construed to allow the use of a
22 bylaw rather than a regulation where the subject is of statewide im-
23 portance or interest.

24 * Sec. 5. AS 14.07.170 is amended to read:

25 Sec. 14.07.170. ADDITIONAL POWERS OF BOARD [COMMISSIONER]. The
26 board [COMMISSIONER] may

27 (1) appoint unpaid advisory commissions;

28 (2) require school boards or school personnel to submit to
29 the department, in the form the board [COMMISSIONER] may require, the

1 district budget or any information or reports which are reasonably
2 necessary to assist the department in carrying out its functions.

3 * Sec. 6. AS 14.07.052 is amended to read:

4 Sec. 14.07.052. STATE TEXTBOOK COMMISSION. (a) The State Text-
5 book Commission shall consist of the following:

6 (1) two representatives from on-base schools, to be selected
7 by the board [COMMISSIONER];

8 (2) one elementary and one secondary teacher to represent
9 state-operated rural schools, to be selected by the board [COMMISS-
10 SIONER];

11 (3) one elementary and one secondary teacher to represent
12 small districts, to be selected by the board [COMMISSIONER];

13 (4) one representative for each school board electing to
14 send a representative to sit on the State Textbook Commission, each to
15 be selected by the school board sending the representative;

16 (5) one representative to be selected by and to represent
17 the State School Board Association;

18 (6) the commissioner or his designee serves as chairman of
19 the commission.

20 * Sec. 7. AS 14.07.055 is amended to read:

21 Sec. 14.07.055. EXPENSES AND PER DIEM. Expenses and per diem
22 shall be paid by the department for those members appointed by the
23 board [COMMISSIONER].

24 * Sec. 8. AS 14.07.060 is repealed and re-enacted to read:

25 Sec. 14.07.060. PROMULGATION OF REGULATIONS. The board shall
26 promulgate regulations which are necessary to carry out the provisions
27 of this title. All regulations shall be promulgated under the Admin-
28 istrative Procedure Act (AS 44.62).

29 * Sec. 9. AS 23.15.050 is amended to read:

1 Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The
2 board shall appoint a director of the Office of Vocational Rehabili-
3 tation. The director [SERVES AS THE EXECUTIVE OFFICER OF THE BOARD AND
4 has the administrative authority delegated to him by the board and
5 necessary to carry out secs. 10 - 210 of this chapter and the regula-
6 tions and policies adopted by the board.

7 * Sec. 10. AS 39.05.060 is amended to read:

8 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
9 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
10 member of the Local Boundary Commission, Alcoholic Beverage Control
11 Board, [BOARD OF EDUCATION,] Employment Security Advisory Council,
12 Alaska State Housing Authority, Board of Fish and Game, and Board of
13 Tourism shall be a citizen of the United States. The governor shall
14 appoint each member on the basis of interest in public affairs, good
15 judgment, knowledge and ability in the field of action of the depart-
16 ment for which appointed, and with a view to providing diversity of
17 interest and points of view in the membership. Appointments are sub-
18 ject to confirmation by a majority of the members of the legislature in
19 joint session. Initial appointments of members are as follows: (1)
20 in the case of three-member boards, for one, two and three years; (2)
21 in the case of five-member boards, for one, two, three, four and five
22 years; (3) in the case of six-member boards, two members serve for
23 one year, two for two years, and two for three years; (4) and in the
24 case of eight-member boards, two members serve for one year, two for
25 two years, two for three years, and two for four years. Initial terms
26 date from February 1 before appointment. A vacancy occurring during a
27 term of office is filled in the same manner as the original appointment
28 is made and for the balance of the unexpired term. Each member holds
29 office at the pleasure of the governor notwithstanding the member's

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term.

* Sec. 11. AS 44.27.010 is repealed and re-enacted to read:

Sec. 44.27.010. BOARD AND COMMISSIONER OF EDUCATION. There is at the head of the Department of Education a Board of Education. The commissioner of education is the principal executive officer of the department.

* Sec. 12. Upon initial appointment, two members of the board shall be appointed for two years, two for four years, and three for six years.

* Sec. 13. AS 14.07.080 - 14.07.140 are repealed.