

Original sponsors: Boardman,
Anderson, Banfield, et al

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1 IN THE HOUSE

BY THE HEALTH, WELFARE,
AND EDUCATION COMMITTEE

2 CS FOR HOUSE BILL NO. 2

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

Sec. 14.07.085. APPOINTMENT OF MEMBERS. (a) The seven members
of the board shall be appointed by the governor without regard to
political affiliation, 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.

(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 his appoint-
ment until his confirmation or rejection by the legislature.

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

Sec. 14.07.105. QUORUM AND CHAIRMAN. (a) Four members constitute
a quorum.

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

4 Sec. 14.07.115. REMOVAL. (a) A member of the board may be
5 removed by the governor for cause.

6 (b) In this section, "cause" is defined as

7 (1) incompetency which is the inability or the unintentional
8 or intentional failure to perform the duties of a member of the board;

9 (2) immorality which is the commission of an act which,
10 under the laws of the State Constitution, constitutes a crime involving
11 moral turpitude; or

12 (3) malfeasance or misfeasance in office which includes,
13 but is not limited to, the failure of a member to comply with the rules
14 or regulations adopted by the board.

15 Sec. 14.07.125. MEETINGS. The board shall meet at least quar-
16 terly. Meetings may be called by the chairman or by a majority of
17 the members of the board. Meetings shall be held in Juneau unless a
18 majority of the members of the board changes the place of a meeting.

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

21 Sec. 14.07.145. COMMISSIONER OF EDUCATION. (a) The board
22 shall appoint the commissioner of education with the approval of the
23 governor. The commissioner shall be the principal executive officer
24 of the department.

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

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

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

6 (e) The commissioner shall employ and remove all classified
7 personnel in the department subject to the State Personnel Act
8 (AS 39.25). He may employ and remove personnel in the exempt or
9 partially exempt service subject to the approval of the board. Person-
10 nel in the exempt or partially exempt service have a right of appeal
11 to the board if they are removed.

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

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

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

18 Sec. 14.07.155. LIMITATIONS ON BOARD. No member of the board
19 may be a candidate for partisan political office while serving as a
20 member of the board.

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

22 Sec. 14.07.160. PRESCRIPTION OF BYLAWS. (a) The board [COMMISS-
23 SIONER OR HIS DESIGNEE] may adopt bylaws for the internal management of
24 the state-operated schools to the same extent that a school board may
25 adopt bylaws for the management of the district.

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

28 (c) This section shall not be construed to allow the use of a
29 bylaw rather than a regulation where the subject is of statewide

1 importance or interest.

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

3 Sec. 14.07.170. ADDITIONAL POWERS OF BOARD [COMMISSIONER]. The
4 board [COMMISSIONER] may

5 (1) appoint unpaid advisory commissions:

6 (2) require school boards or school personnel to submit to
7 the department, in the form the board [COMMISSIONER] may require, the
8 district budget or any information or reports which are reasonably
9 necessary to assist the department in carrying out its functions.

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

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

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

15 (2) one elementary and one secondary teacher to represent
16 state-operated rural schools, to be selected by the board [COMMI-
17 SIONER];

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

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

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

25 (6) the commissioner or his designee serves as chairman of
26 the commission.

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

28 Sec. 14.07.055. EXPENSES AND PER DIEM. Expenses and per diem
29 shall be paid by the department for those members appointed by the

1 board (COMMISSIONER).

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

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

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

8 Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The board
9 shall appoint a director of the Office of Vocational Rehabilitation.
10 The director [SERVES AS THE EXECUTIVE OFFICER OF THE BOARD AND] has the
11 administrative authority delegated to him by the board and necessary
12 to carry out secs. 10 - 210 of this chapter and the regulations and
13 policies adopted by the board.

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

15 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
16 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
17 member of the Local Boundary Commission, Alcoholic Beverage Control
18 Board, [BOARD OF EDUCATION,] Employment Security Advisory Council,
19 Alaska State Housing Authority, Board of Fish and Game, and Board of
20 Tourism shall be a citizen of the United States. The governor shall
21 appoint each member on the basis of interest in public affairs, good
22 judgment, knowledge and ability in the field of action of the depart-
23 ment for which appointed, and with a view to providing diversity of
24 interest and points of view in the membership. Appointments are
25 subject to confirmation by a majority of the members of the legislature
26 in joint session. Initial appointments of members are as follows:
27 (1) in the case of three-member boards, for one, two and three years;
28 (2) in the case of five-member boards, for one, two, three, four and
29 five years; (3) in the case of six-member boards, two members serve for

1 one year, two for two years, and two for three years; (4) and in the
2 case of eight-member boards, two members serve for one year, two for
3 two years, two for three years, and two for four years. Initial terms
4 date from February 1 before appointment. A vacancy occurring during a
5 term of office is filled in the same manner as the original appointment
6 is made and for the balance of the unexpired term. Each member holds
7 office at the pleasure of the governor notwithstanding the member's
8 term.

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

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

14 * Sec. 12. Upon initial appointment, two members of the board shall be
15 appointed for one year, two for two years, and three for three years.

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