

Original sponsors: Boardman,
Anderson, Banfield, et al

Offered: 3/11/
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 2nd CS FOR 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 Educa-
8 tion 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, no more than four of whom shall be members of the same
16 political party as the governor, shall be appointed by the governor,
17 subject to confirmation by a majority of the members of the legislature
18 in joint session. In appointing board members, the governor shall
19 consider recommendations made by recognized educational associations
20 in the state.

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

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

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

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

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

3 **(b) The board shall designate one member of the board as the**
4 **chairman who serves as chairman of the board at the pleasure of the**
5 **board.**

6 **Sec. 14.07.115. REMOVAL. (a) A member of the board may be**
7 **removed by the governor for cause.**

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

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

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

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

17 **Sec. 14.07.125. MEETINGS. The board shall meet at least quarterly.**
18 **Meetings may be called by the chairman or by a majority of the members**
19 **of the board. Meetings shall be held in Juneau unless a majority of**
20 **the members of the board changes the place of a meeting.**

21 **Sec. 14.07.135. LEGAL ASSISTANCE. The Department of Law shall**
22 **provide all legal services for the board.**

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

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

1 three of the five years in an exclusively administrative position.

2 (e) The commissioner may be appointed by the board for a term
3 of office not to exceed five years. He may be removed during his term
4 of office by four members of the board for cause as defined in sec. 115
5 of this chapter and may be removed by the governor without cause.

6 (d) The commissioner shall receive the salary set out in AS 39.-
7 .20.080.

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

14 * Sec. 2. AS 14.07 is amended by adding a new section to read:

15 Sec. 14.07.155. LIMITATIONS ON BOARD. No member of the board may
16 be a candidate for partisan political office while serving as a member
17 of the board.

18 * Sec. 3. AS 14.07.160 is amended to read:

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

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

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

28 * Sec. 4. AS 14.07.170 is amended to read:

29 Sec. 14.07.170. ADDITIONAL POWERS OF BOARD [COMMISSIONER].

1 The board [COMMISSIONER] may

2 (1) appoint unpaid advisory commissions;

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

7 * Sec. 5. AS 14.07.052 is amended to read:

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

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

12 (2) one elementary and one secondary teacher to represent
13 state-operated rural schools, to be selected by the board [COMMISSIONER];

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

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

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

21 (6) the commissioner or his designee serves as chairman of
22 the commission.

23 * Sec. 6. AS 14.07.055 is amended to read:

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

27 * Sec. 7. AS 14.07.060 is repealed and re-enacted to read:

28 Sec. 14.07.060. PROMULGATION OF REGULATIONS. The board shall
29 promulgate regulations which are necessary to carry out the provisions

1 of this title. All regulations shall be promulgated under the Adminis-
2 trative Procedure Act (AS 44.62).

3 * Sec. 8. AS 23.15.050 is amended to read:

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

10 * Sec. 9. AS 39.05.060 is amended to read:

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

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office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term.

* Sec. 10. 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. 11. Upon initial appointment, two members of the board shall be appointed for one year, two for two years, one for three years, one for four years and one for five years.

* Sec. 12. AS 14.07.080 - 14.07.140 are repealed.