

Original sponsors: Boardman,
Anderson, Banfield, et al

Offered: 4/6/67

1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR 2d 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 of
7 Education; and providing for the Board of Education to
8 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 members.

13 Sec. 14.07.085. APPOINTMENT OF MEMBERS. (a) The seven members
14 of the board, no more than four of whom shall be members of the same
15 political party as the governor, shall be appointed by the governor,
16 subject to confirmation by a majority of the members of the legislature
17 in joint session. In appointing board members, the governor shall
18 consider recommendations made by recognized educational associations
19 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 with at least one member
22 representing state-operated rural schools.

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 commencing February 1 of
29 the year of appointment. A member appointed to fill a vacancy serves

1 for the unexpired term of the member he succeeds. A vacancy occurring
2 during a term of office is filled in the same manner as the original
3 appointment.

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

6 (b) The board shall designate one member of the board as the
7 chairman who serves as chairman of the board at the pleasure of the
8 board.

9 Sec. 14.07.115. REMOVAL. Members of the board serve at the
10 pleasure of the governor.

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

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

17 Sec. 14.07.145. COMMISSIONER OF EDUCATION. (a) The board shall
18 appoint the commissioner of education subject to the approval of the
19 governor. The commissioner shall be the principal executive officer
20 of the department.

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

26 (c) The commissioner may be appointed by the board for a term
27 of office not to exceed five years. He may be removed during his term
28 of office by four members of the board for cause as defined in this
29 section.

1 (d) In this section, "cause" is defined as

2 (1) incompetency which is the inability or the unintentional
3 or intentional failure to perform the duties of the commissioner;

4 (2) immorality which is the commission of an act which,
5 under the laws of the state, constitutes a crime involving moral
6 turpitude; or

7 (3) malfeasance or misfeasance in office which includes, but
8 is not limited to, the failure of the commissioner to comply with the
9 rules or regulations adopted by the board.

10 (e) The commissioner shall receive the salary set out in
11 AS 39.20.080.

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

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

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

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

24 Sec. 14.07.155. LIMITATIONS ON BOARD. No member of the board may
25 be a candidate for partisan political office while serving as a member
26 of the board.

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

28 Sec. 14.07.160. PRESCRIPTION OF BYLAWS. (a) The board [COMMIS-
29 SIONER OR HIS DESIGNEE] may adopt bylaws for the internal management of

1 the state-operated schools to the same extent that a school board may
2 adopt bylaws for the management of the district.

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

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

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

9 Sec. 14.07.170. ADDITIONAL POWERS OF BOARD [COMMISSIONER]. The
10 board [COMMISSIONER] may

11 (1) appoint unpaid advisory commissions;

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

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

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

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

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

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

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

28 (5) one representative to be selected by and to represent
29 the Association of Alaska School Boards [STATE SCHOOL BOARD ASSOCIATION];

1 (6) the commissioner or his designee serves as chairman of
2 the commission.

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

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

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

8 Sec. 14.07.060. PROMULGATION OF REGULATIONS. The board shall
9 promulgate regulations which are necessary to carry out the provisions
10 of this title. All regulations shall be promulgated under the Adminis-
11 trative Procedure Act (AS 44.62).

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

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

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

20 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
21 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
22 member of the Local Boundary Commission, Alcoholic Beverage Control
23 Board, [BOARD OF EDUCATION,] Employment Security Advisory Council,
24 Alaska State Housing Authority, Board of Fish and Game, and Board of
25 Tourism shall be a citizen of the United States. The governor shall
26 appoint each member on the basis of interest in public affairs, good
27 judgment, knowledge and ability in the field of action of the depart-
28 ment for which appointed, and with a view to providing diversity of
29 interest and points of view in the membership. Appointments are subject

1 to confirmation by a majority of the members of the legislature in
2 joint session. Initial appointments of members are as follows: (1) in
3 the case of three-member boards, for one, two and three years; (2) in
4 the case of five-member boards, for one, two, three, four and five years
5 (3) in the case of six-member boards, two members serve for one year,
6 two for two years, and two for three years; (4) and in the case of
7 eight-member boards, two members serve for one year, two for two years,
8 two for three years, and two for four years. Initial terms date from
9 February 1 before appointment. A vacancy occurring during a term of
10 office is filled in the same manner as the original appointment is made
11 and for the balance of the unexpired term. Each member holds office
12 at the pleasure of the governor notwithstanding the member's term.

13 * Sec. 11. AS 39.05 is amended by adding a new section to read:

14 Sec. 39.05.065. QUALIFICATIONS OF MEMBERS OF THE BOARD OF
15 EDUCATION. Each member of the Board of Education shall be a citizen
16 of the United States and have been a resident of Alaska for at least
17 three years.

18 * Sec. 12. AS 44.27.010 is repealed and re-enacted to read:

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

23 * Sec. 13. Upon initial appointment, two members of the board shall be
24 appointed for one year, two for two years, one for three years, one for four
25 years and one for five years.

26 * Sec. 14. AS 14.07.080 - 14.07.140 are repealed.
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