

Introduced: 3/29/78  
Referred: Labor & Management  
and Health, Education &  
Social Services

BY THE LABOR AND  
MANAGEMENT COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 571

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a School Superintendents Regulatory  
7 Commission."

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

9 \* Section 1. AS 14.20 is amended by adding new sections to read:

10 Sec. 14.20.660. CREATION OF A COMMISSION. There is created the  
11 School Superintendents Regulatory Commission for the purpose of main-  
12 taining high standards among school superintendents in regard to their  
13 professional and ethical conduct, as well as in the performance of their  
14 contractual obligations.

15 Sec. 14.20.670. APPOINTMENT AND QUALIFICATIONS. The commission  
16 consists of five members appointed by the governor and confirmed by a  
17 majority of the members of the legislature in joint session. Each  
18 member, in addition to having held the position qualifying him for  
19 appointment under sec. 680 of this chapter, or a similar position, for  
20 at least five years immediately preceding his appointment, shall be a  
21 citizen of the United States and a resident of the state.

22 Sec. 14.20.680. COMPOSITION OF THE COMMISSION. The commission  
23 consists of the following members:

- 24 (1) three superintendents;  
25 (2) one representative of the office of the commissioner of  
26 education;  
27 (3) one representative of an Alaska institution of higher  
28 learning.

29 Sec. 14.20.690. SELECTION OF MEMBERS. (a) Members of the commis-

1 sion shall be selected as follows:

2 (1) the superintendents from a list of nine names submitted  
3 by the Superintendents Advisory Commission;

4 (2) the representative of the office of the commissioner of  
5 education from a list of three names submitted by the commissioner;

6 (3) the representative of an Alaska institution of higher  
7 learning from lists of names submitted by Alaska institutions of higher  
8 learning, each list not to exceed three names.

9 (b) The lists shall be submitted to the commissioner who shall  
10 submit them as a group to the governor's office.

11 (c) At least 30 days before a position on the commission is due to  
12 become vacant, the chairman shall cause notice of the impending vacancy  
13 to be published and to be conveyed to each organized group eligible to  
14 submit a list of nominees.

15 Sec. 14.20.700. TERM OF OFFICE. (a) The term of office for each  
16 member of the commission is three years and until a successor is ap-  
17 pointed, except that members of the first commission shall be appointed  
18 as follows: two members for one year, two members for two years, and  
19 one member for three years. Members of the first commission shall draw  
20 by lot for the initial term of appointment.

21 (b) Vacancies shall be filled by appointment by the governor for  
22 the unexpired term.

23 (c) No individual may serve more than a total of two three-year  
24 terms.

25 (d) The commission shall select a chairman from among its members.

26 Sec. 14.20.710. DISMISSAL. Any member may be removed by the  
27 governor for misconduct, malfeasance or nonfeasance in office, or in-  
28 capacity.

29 Sec. 14.20.720. REIMBURSEMENT. Members of the commission are

1 entitled to per diem according to law and are to be granted administra-  
2 tive leave with full pay by their employer for time spent in the perfor-  
3 mance of official duties under secs. 660 - 800 of this chapter. If a  
4 member is required to spend more than 15 days in a fiscal year in the  
5 performance of his official duties under secs. 660 - 800 of this chapter,  
6 the state shall reimburse the employer for costs incurred after the 15th  
7 day.

8 Sec. 14.20.730. RESPONSIBILITIES OF COMMISSION. (a) The commis-  
9 sion shall have the initial responsibility of developing, after oppor-  
10 tunity to comment is provided all the superintendents in the state,  
11 criteria of professional practices in areas including, but not limited  
12 to:

- 13 (1) ethical and professional performance; and
- 14 (2) performance of contractual obligations.

15 Sec. 14.20.740. DUTIES OF COMMISSION. The commission shall

- 16 (1) establish procedures, and adopt regulations to implement  
17 the purposes of secs. 660 - 800 of this chapter;
- 18 (2) conduct investigations and hearings on alleged violations  
19 by superintendents of ethical or professional administrative perfor-  
20 mance, contractual obligations, and professional administrative miscon-  
21 duct;
- 22 (3) review the regulations of the department as they relate  
23 to administrator certification and recommend necessary changes;
- 24 (4) review the decisions of the department regarding the  
25 issuance or denial of administrator certificates and in its discretion  
26 recommend reversal of decisions.

27 Sec. 14.20.750. POWERS OF COMMISSION. (a) The commission may

- 28 (1) study proposals developed by regular committees of any  
29 existing professional organization whose members are within the teaching

1 profession;

2 (2) subpoena witnesses, place them under oath, and maintain  
3 written records;

4 (3) warn or reprimand superintendents if in the judgment of  
5 the commission such action is warranted;

6 (4) suspend or revoke the certificate of a superintendent for  
7 one of the reasons set out in sec. 30 of this chapter if the commis-  
8 sioner of education concurs;

9 (5) make any recommendation to the board or to school boards  
10 which will promote an improvement in the performance of superintendents;

11 (6) request assistance through any of the investigative  
12 processes of any existing professional teaching organizations when  
13 analyzing charges of breach of ethical or professional administrative  
14 practices;

15 (7) appoint an executive secretary, delegate those minis-  
16 terial functions to him as the commission may decide and set his com-  
17 pensation with a starting salary not exceeding range 26, step B of AS  
18 39.27.010.

19 (b) A decision issued by the commission with the approval of the  
20 commissioner of education under (a)(4) of this section is final.

21 Sec. 14.20.760. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.  
22 The Administrative Procedure Act (AS 44.62) applies to regulations and  
23 proceedings under secs. 660 - 800 of this chapter.

24 Sec. 14.20.770. EFFECT OF STANDARDS. Superintendents are obli-  
25 gated to abide by the ethical and professional standards established by  
26 regulation by the commission.

27 Sec. 14.20.780. DEFINITIONS. In secs. 660 - 800 of this chapter,

28 (1) "commission" means the School Superintendents Regulatory  
29 Commission;

1 (2) "superintendent" means the chief school administrator of  
2 a school district with seven or more full-time equivalent certificated  
3 staff members, the administrator included.

4 Sec. 14.20.800. SHORT TITLE. Sections 660 - 800 of this chapter  
5 shall be known as the School Superintendents Regulatory Act.

6 \* Sec. 2. AS 14.20.370 is amended to read:

7 Sec. 14.20.370. TEACHING PROFESSION. Teachers required by Alaska  
8 law to be certificated, instructors in institutions of higher learning,  
9 school administrators, school program administrators, and school coun-  
10 selors are within the teaching profession, with the exception of those  
11 school administrators who are "superintendents" as defined in sec. 790  
12 of this chapter.

13 \* Sec. 3. AS 14.20.207(1) is amended to read:

14 (1) "teacher" means a person serving in a teaching, coun-  
15 seling, or administrative capacity and required to be certificated in  
16 order to hold the position, excluding those school administrators who  
17 are "superintendents" as defined in sec. 790 of this chapter;

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