



LAWS OF ALASKA

1967

Source

Chapter No.

FCCS2dCSHB 2

96

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, no more than four of whom shall be members of the same political party as the governor, shall be appointed by the governor, 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 with at least one member representing state-operated rural schools.

(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 appointment 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 five-year terms commencing February 1 of the year of appointment. A member appointed to fill a vacancy serves for the unexpired term

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The commissioner shall employ and remove all classified personnel in the department subject to the State Personnel Act (AS 39.25). He may employ and remove personnel in the exempt or partially exempt service subject to the approval of the board. Personnel in the exempt or partially exempt service have a right of appeal to the board

if they are removed.

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

Sec. 14.07.150. BUDGET AND FISCAL AUTHORITY. The commissioner has responsibility and authority for the preparation and execution of a budget and for the other fiscal affairs of the department, subject to the approval of the board.

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

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

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

Sec. 14.07.160. PRESCRIPTION OF BYLAWS. (a) The board may adopt bylaws for the internal management of the state-operated schools to the same extent that a school board may adopt bylaws for the management of the district.

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

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

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

Sec. 14.07.170. ADDITIONAL POWERS OF BOARD. The board may

(1) appoint unpaid advisory commissions;

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

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

Sec. 14.07.052. STATE TEXTBOOK COMMISSION. (a) The State Textbook Commission shall consist of the following:

(1) two representatives from on-base schools, to be selected by the board;

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

(3) one elementary and one secondary teacher to represent small districts, to be selected by the board;

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

sending the representative;

(5) one representative to be selected by and to represent the Association of Alaska School Boards;

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

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

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

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

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

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

Sec. 23.15.050. DIRECTOR OF VOCATIONAL REHABILITATION. The board shall appoint a director of the Office of Vocational Rehabilitation. The director has the administrative authority delegated to him by the board and necessary to carry out secs. 10 - 210 of this chapter and the regulations and policies adopted by the board.

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

Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each member of the Local Boundary Commission, Alcoholic Beverage Control Board, Employment Security Advisory Council, Alaska State Housing Authority, Board of Fish and Game, and Board of Tourism shall be a citizen of the United States. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session. Initial appointments of members are as follows: (1) in the case of three-member boards, for one, two and three years; (2) in the case of five-member boards, for one, two, three, four and five years; (3) in the case of six-member boards, two members serve for one year, two for two years, and two for three years; (4) and in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years. Initial terms date from February 1 before appointment. A vacancy occurring during a term of 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. 11. AS 39.05 is amended by adding a new section to read:

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

* Sec. 12. 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. 13. 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. 14. AS 14.07.080 - 14.07.140 are repealed.