



LAWS OF ALASKA

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Source

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Chapter No.

78

AN ACT

Relating to postsecondary education; and providing for an effective date.

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

* Section 1. AS 14.40.685 is amended to read:

Sec. 14.40.685. PROVISIONS OF SERVICES. State participation under Articles VIII and XIII of the Western Regional Higher Education Compact shall be limited to the provision of adequate services and facilities in the fields of law, dentistry (to include dental hygiene), medicine, public health, veterinary medicine, pharmacy, physical therapy, occupational therapy, optometry, podiatry, forestry and graduate library studies.

* Sec. 2. AS 14.40 is amended by adding a new section to read:

Sec. 14.40.695. ADMINISTRATION. The Alaska Commission on Postsecondary education shall administer the state's participation in the Western Regional Higher Education Compact.

* Sec. 3. On the effective date of this Act, the administration of the state's participation in the Western Regional Higher Education Compact (AS 14.40.660 - 14.40.695) shall be transferred from the Office of the Governor to the Alaska Commission on Postsecondary Education.

* Sec. 4. AS 14.40 is amended by adding new sections to read:

ARTICLE 11. ALASKA COMMISSION ON POSTSECONDARY EDUCATION.

Sec. 14.40.901. PURPOSE, INTENT. (a) The legislature finds and declares that it has become essential for Alaska

to provide for a more efficient use of financial resources, both federal and state, in providing postsecondary educational services to its citizens. Thus, the state should create a more closely articulated system of planning for postsecondary education, with special reference to occupational education and the unique contribution made by the community colleges. The objective of secs. 901 - 915 of this chapter is the coordinated, comprehensive planning for postsecondary education in Alaska, encompassing public, private and proprietary postsecondary educational institutions and agencies in the state, in order to lessen the disparate planning efforts of the several state agencies and others now planning one or more elements of postsecondary education. At the same time, the Education Amendments of 1972 (PL 92-318) affords the state the opportunity to draw together programs widely scattered outside the statewide university system but which are related to postsecondary, and especially higher, education that would be more effectively administered by a more visible single agency and thus more clearly and directly accountable to the legislature and to the people of Alaska.

(b) The legislature affirms that the legal authority for the operation and management of the statewide university system remains with the Board of Regents of the University of Alaska and the legal authority for the operation and management of other postsecondary educational programs remains with the governing boards of the other private nonprofit and proprietary institutions in the state.

Sec. 14.40.903. CREATION, COMPOSITION, APPOINTMENT OF MEMBERS. (a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of

(1) two members of the Board of Regents of the University of Alaska designated by the members of that body;

(2) one person representing private higher education in the state selected jointly by the Boards of Trustees of Alaska Methodist University and Sheldon Jackson College from among their membership;

(3) one person representing the Department of Education selected by the state Board of Education;

(4) five persons broadly and equitably representative of the general public appointed by the governor;

(5) one member of the state Advisory Council on Vocational Education designated by the members of that body;

(6) one person from among the members of the local community college advisory councils appointed, initially, by the governor until the state Advisory Council on Community Colleges is established and organized under sec. 909(b) of this chapter; then, one member of the state Advisory Council on Community Colleges designated by the members of that body;

(7) two members from the legislature, one of whom shall be designated by the Legislative Council and one by the Legislative Budget and Audit Committee.

(b) No governing body member, trustee, official or employee of either a public, private or proprietary institution of postsecondary or higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose of (a)(4) of this section.

(c) The governor's appointees are subject to confirmation by the legislature and shall serve at the pleasure of the governor for four-year staggered terms. Members appointed or designated by bodies or agencies other than the governor serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointment.

(d) For the purpose of (a)(4) of this section, "broadly and equitably representative of the general public" means that the public membership of the commission shall include adequate representation both on the basis of sex and on the basis of the significant racial, ethnic, geographic and economic groups in the state.

Sec. 14.40.905. OFFICERS. The chairman and vice-chairman shall be elected from among the members of the commission for a one-year term and no member of the commission may serve as chairman for more than two consecutive one-year terms.

Sec. 14.40.907. MEETINGS, RULES, VOTES REQUIRED. The commission shall prescribe its own rules of procedure. The commission shall meet once quarterly at a time and place determined by the chairman, and at other times and places as the chairman, or a majority of the members of the commission, consider necessary. A quorum is a majority of the members of the commission. The votes of the commission members shall be recorded, and effective action requires the affirmative vote of a majority of the commission members present. No commission member may, with respect to a matter before the commission, vote for or on behalf of, or in any way exercise the vote of, another member of the commission.

Sec. 14.40.909. FUNCTIONS OF THE COMMISSION. (a) The commission has the following functions, advisory to the governing boards of institutions of public and private higher education in Alaska, to the governor, the legislature and to other appropriate state and federal officials:

(1) coordinating the development of comprehensive plans for the orderly, systematic growth of public and private postsecondary education, including community colleges and occupational education, in the state and submit recommendations on the need for, and location of, new facilities and programs;

(2) advise as to the functions and purposes of the colleges and universities, both public and private, in the state and counsel as to the programs appropriate to each;

(3) review the annual budgets and capital outlay requests of the University of Alaska and of each of the private colleges and universities in the state, and present

comments on the general level of support sought;

(4) review and advise as to the working of all consortia and other cooperative agreements between the institutions of higher education in the state that are parties to them;

(5) submit to the governor and to the legislature within 10 days after the beginning of each regular session of the legislature a report which recommends necessary or desirable changes, if any, in the functions and programs of the several segments of the total complex of both public and private postsecondary education in Alaska.

(b) The commission shall

(1) develop a comprehensive statewide plan for coordinated postsecondary education in the state and serve as the state commission on postsecondary education required under sec. 1202 of Title XII of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);

(2) establish a state advisory council on community colleges and develop a comprehensive statewide plan for the expansion and improvement of the community colleges under sec. 1001 of Title X of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, sec. 186; 86 Stat. 312, 313);

(3) serve as the state agency required under secs. 105 of Title I (Community Service and Continuing Education), 603 of Title VI (Financial Assistance for Undergraduate Education) and 704 of Title VII (Construction of Academic Facilities) of the Higher Education Act of 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005, 1123) as authorized by sec. 1202(c) of Title XII of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);

(4) administer the provisions of AS 14.40.751 - 14.40.806 (student loan and tuition grant program), and serve as the student financial aid committee;

(5) administer the provisions of AS 14.47 (regulation of educational institutions);

(6) resolve any disputes that exist or arise under a consortium or other cooperative agreement between institutions of public and private higher education in the state.

(c) The commission may establish task forces, committees or subcommittees, not necessarily consisting of commission members, to advise and assist the commission in carrying out its functions assigned by state or federal statute. The commission may contract with, or use, existing institutions of higher education or other individuals or organizations to make studies, conduct surveys, submit recommendations or otherwise contribute to the work of the commission. The commission may appoint a committee to be responsible for the area of student financial aid.

Sec. 14.40.911. COLLECTION OF DATA. The commission may require the institutions of public and private higher education, and other institutions of postsecondary education, in the state to submit data on costs, selection and retention of students, enrollments, plant capacities and use and other matters pertinent to effective planning and coordination, and shall furnish information concerning these matters to the governor, to the legislature and to other state and federal agencies as requested by them.

Sec. 14.40.913. EXECUTIVE OFFICER AND STAFF; ADMINISTRATION. (a) The commission may appoint an executive officer. The executive officer is a member of the exempt service under AS 39.25.110, serves at the pleasure of the commission, and he receives compensation fixed by the commission. The executive officer appoints persons to the staff positions authorized by the commission, and staff compensation is fixed by the commission. The executive officer is the executive secretary of the student financial aid committee. Each employee of the commission shall elect membership either in the state teachers' retirement system (AS 14.25), if qualified, or in the public employees' retirement system (AS 39.35).

(b) The Alaska Commission on Postsecondary Education is not a division in the Department of Education. The commission, its members, executive officer and staff are in the Department of Education for administrative support services only, and they are not subject to the direction of the commissioner of education or the state Board of Education.

Sec. 14.40.915. COMPENSATION AND PER DIEM. Members of the commission serve without compensation but are entitled to per diem and travel expenses as may be authorized by law for boards and commissions.

* Sec. 5. AS 14.40.753(a) is repealed and re-enacted to read:

(a) There is created the student financial aid committee composed of the members of the Alaska Commission on Postsecondary Education. The commission may delegate its functions under secs. 751 - 806 of this chapter to a committee of its members, with augmented membership as the commission considers appropriate. The executive officer of the commission is the executive secretary of the committee. The Alaska Commission on Postsecondary Education shall administer the program established by secs. 751 - 806 of this chapter.

* Sec. 6. AS 14.40.763(1) is amended to read:

(1) If a loan is in default, the commission may notify the student that repayment of the remaining balance is accelerated and due by sending the student a notice by registered or certified mail.

* Sec. 7. AS 14.40.801(c) is amended to read:

(c) Private universities and colleges in which students receiving tuition grants are enrolled and which are signatory to a consortium agreement with the University of Alaska

must abide by a decision rendered by the commission when disagreements arise or exist between the parties.

* Sec. 8. AS 14.40.806 is amended by adding a new paragraph to read:

(6) "commission" means the Alaska Commission on Postsecondary Education.

* Sec. 9. AS 14.47.010 is amended to read:

Sec. 14.47.010. REQUIREMENTS FOR CONFERRING OF DIPLOMAS. No person may confer a diploma unless the person meets the requirements established by the commission.

* Sec. 10. AS 14.47.020 is amended to read:

Sec. 14.47.020. ESTABLISHMENT OF REQUIREMENTS. In establishing requirements for the conferring of diplomas the commission shall promulgate regulations taking into consideration

- (1) course offerings;
- (2) facilities;
- (3) financial stability;
- (4) personnel;
- (5) operating practices, and
- (6) admission practices.

* Sec. 11. AS 14.47.030 is amended to read:

Sec. 14.47.030. HEARING AND ORDER ON VIOLATIONS. (a) On the complaint of any person or on its own motion the commission may conduct an investigation to determine if the requirements of secs. 10 - 20 of this chapter are being met. If there are grounds for believing that a person is not meeting the requirements the commission may institute proceedings under AS 44.62.330 - 44.62.630. On a finding of a violation of sec. 20 of this chapter, the commission shall order the respondent to cease conferring diplomas until the requirements are met.

(b) If a respondent is the subject of an order under (a) of this section, the respondent may confer no diploma without the approval of the commission showing that the respondent has complied with the regulations promulgated under sec. 20 of this chapter.

* Sec. 12. AS 14.47.050 is amended to read:

Sec. 14.47.050. PENALTY. A person who violates an order of the commission issued under sec. 30(b) of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment in a jail for not more than 30 days, or by a fine of not more than \$1,000, or by both. Each diploma conferred in violation of sec. 30(b) of this chapter is a separate violation.

* Sec. 13. AS 14.47.060 is amended by adding a new paragraph to read:

(1) "commission" means the Alaska Commission on Postsecondary Education;

* Sec. 14. AS 14.47.100 is amended to read:

Sec. 14.47.100. USE OF NAMES PROHIBITED. No person, persons, school, institution, organization or association offering a course of instruction in any field of study, vocation, or skill may designate the person, persons, school, institution, organization or association a college, university, junior college or community college without the approval of the commission.

* Sec. 15. AS 14.47.110 is amended to read:

Sec. 14.47.110. REGULATIONS. The commission shall promulgate regulations establishing standards for the use of the designations listed in sec. 100 of this chapter.

* Sec. 16. AS 14.47.120 is amended to read:

Sec. 14.47.120. HEARING AND ORDER ON VIOLATIONS. On complaint of any person or on its own motion the commission may conduct an investigation to determine if there has been a violation of sec. 100 of this chapter, or a regulation promulgated under this chapter. If there are grounds for believing that there is a violation, the Alaska Commission on Postsecondary Education may institute proceedings under AS 44.62.330 - 44.62.630. On a finding of a violation the commission shall order the respondent to cease using the prohibited designation.

* Sec. 17. AS 14.47.140 is amended to read:

Sec. 14.47.140. PENALTY. A person who violates an order of the Alaska Commission on Postsecondary Education issued under sec. 120 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment in a jail for not more than 30 days, or by a fine of not more than \$1,000, or by both.

* Sec. 18. AS 39.25.110 is amended by adding a new paragraph to read:

(14) the executive officer of the Alaska Commission on Postsecondary Education.

* Sec. 19. One public member appointed under AS 14.40.903-(a)(4) shall be appointed for a one-year term, one for a two-year term, one for a three-year term and two for four-year terms.

* Sec. 20. This Act takes effect July 1, 1974.