

CHAPTER 42.

AN ACT

[S. B. 2]

To create a Board of Education and to prescribe its functions and to repeal conflicting Acts relative to the public school system and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. The Board of Education for the Territory of Alaska shall consist of five (5) members, appointed by the Governor, one from each Judicial Division, and one at large. The Term of office of each member of the Board shall be six (6) years, except that of the first members appointed under this Act, two (2) shall be appointed to serve until April 1, 1935, two (2) until April 1, 1937 and one (1) until April 1, 1939 or until their successors are appointed and qualified. All appointments by the Governor shall be subject to the approval of a majority of all of the members of the Senate and House of Representatives of the Legislature in joint session assembled, and the names of the appointees to succeed members whose terms of office expire on the first day of April following shall be submitted to the Legislature for consideration within five days after the opening of the biennial session of the Legislature, provided, that when an appointment is made at a time when the Legislature is not in session the appointment shall be submitted to the Legislature for approval within five (5) days after the opening of the first session of the Legislature after such appointment, and such appointee may discharge the functions of the office until the Legislature either disapproves or fails to approve the appointment. If any such appointment be disapproved by the Legislature another name shall be submitted within three (3) days after such disapproval. Any appointee whose name has been submitted to the Legislature for approval and has failed of such approval, shall not be eligible to hold office as a member of the

Board of Education created.

Terms of members prescribed.

Approval of appointments by House and Senate.

Board under any appointment thereafter made and not approved by the Legislature.

Vacancies filled by Governor.

Vacancies in the Board of Education shall be filled by appointment by the Governor, immediately upon notice by the Board that a vacancy exists.

Qualifications of members.

Section 2. No one shall be appointed as a member of the Board of Education unless he is a citizen of the United States, is at least thirty (30) years of age, and is a resident of the Territory, and of the Division from which he is appointed and has been such a resident continuously for at least three (3) years immediately preceding his appointment. No member of the Board shall during his term of office be engaged as a professional educator.

Attendance at meetings—loss of membership.

Section 3. A member of the Board of Education shall automatically cease to be a member thereof upon failure to attend two (2) consecutive meetings of the Board, unless previous to said meetings he shall have secured consent of a majority of the Board, authorizing his absence. If a member loses his membership by reason of his non-attendance such member shall not be qualified for reappointment for two (2) years after he ceases to be a member.

Removal of member.

Section 4. Any member may be removed by the Governor, by and with the consent of a majority of the whole Board, for conviction of a felony or of a misdemeanor involving moral turpitude or for mental or physical disability to perform the duties of the office, or for malfeasance or misfeasance in office, upon making known to such member in writing the charges against him, and upon giving him an opportunity to be heard in person and by counsel in his own defense, upon not less than thirty (30) days notice.

Appointment of first board, when.

Section 5. It shall be the duty of the Governor to appoint for confirmation by the Legislature the first members of the Board of Education immediately upon

the passage and approval of this Act. The first meeting of the Board of Education appointed under this Act shall be held at the capitol on or before August 1, 1933. Regular meetings shall be held thereafter annually at the capitol in Juneau at a time fixed by the Board; provided, that special meetings shall be called by the Commissioner of Education at the written request of a majority of the members of the Board, or may be called by the Governor on his own initiative, at such places in the Territory as may be designated in the call for the special meeting. Written or telegraphic notice of the first meeting of the Board of Education and of all special meetings shall be given to each member thereof at his last known address at least fifteen (15) days prior to the date of such meeting. The regular meetings of the Board shall not last to exceed ten (10) days, and a special meeting shall last not to exceed five (5) days. Three (3) members shall constitute a quorum but a less number may adjourn from day to day for a period not exceeding ten (10) days; provided, however, that no action may be taken or resolution or motion adopted by the Board unless at least three (3) affirmative votes are in favor thereof.

First meeting.

Regular meetings.

Notice of meetings.

Section 6. Each member of the Board of Education shall receive his actual traveling expenses and subsistence while attending a meeting of the Board, and in addition thereto, the sum of Ten Dollars (\$10.00) per day for each day such member is actually and necessarily absent from his place of residence as a result of his attendance at Board meetings. Per diem and traveling expenses of the Board members shall be paid by warrants drawn on the Territorial Treasurer against the appropriations to be made to cover expenses and salaries of the Board of Education.

Expenses of Board.

Section 7. The Board of Education shall have supervision of the public school system of the Territory exclusive of the Alaska Agricultural College and School of Mines, and shall discharge the duties imposed by Chap-

Powers and duties of Board.

ter 97, Session Laws of Alaska of 1929 upon the Board of Education not otherwise herein provided, together with such additional duties as are imposed by this Act or by future legislation. Whenever requested to do so by the Governor it shall also be the duty of the Board to assume the same control and functions over the schools established under the provisions of the Act of Congress of January 27th, 1905, entitled "An Act to provide for the construction and maintenance of roads, and establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," and Acts amendatory thereof.

The Board of Education shall:

Adopt rules and regulations.

(a) Adopt rules and regulations, not inconsistent with law, for its own government, for the government of the employees and appointees of the Board and for the government of the schools.

Appointment of Commissioner of Education.

(b) Appoint, at a salary of not to exceed Five Thousand (\$5,000.000) Dollars per annum, a Commissioner of Education, who shall be the executive officer and secretary of the Board, and upon his recommendation shall appoint such assistant executives and specialists as in its judgment are necessary for the efficient conduct of the work of the office of the Commissioner of Education, and fix their compensation not inconsistent with law.

Require reports.

(c) Require school boards to make such reports as are deemed necessary.

Settle educational controversy.

(d) Constitute the final court of appeals in all educational controversies, and shall delegate to the Commissioner of Education the execution of all policies decided upon.

Certify teachers and establish teaching standards.

(e) Prescribe rules and regulations for the certification of teachers and shall have authority to estab-

lish minimum standards for certificates, which standards shall not be less than the minimum prescribed by law. Such standards as prescribed by the Board of Education shall not effect the validity of certificates issued before such standards become effective. The Board, however, may require that renewal of certificates be made in accordance with the standards established by it.

(f) Supervise the expenditures of the funds appropriated for the use of the schools of the Territory, except those appropriated for the Alaska Agricultural College and School of Mines, and its decision in these matters shall be final.

Supervise expenditure of funds.
Except—

(g) Study the educational conditions and needs of the public schools of the Territory and adopt or recommend plans for the improvement of the administration and efficiency thereof, and shall incorporate into the biennial report of the Commissioner of education the report of its activities, which shall include recommendations for the enactment of such legislation as it may deem necessary for the improvement of the Territorial school system.

Study conditions and recommend improvements.

(h) Whenever, in the opinion of the Board of Education, the educational needs of the community may be adequately served by closing a school and transporting the pupils to another school, it may do so and provide for the transportation of the pupils out of funds allotted to the school so closed.

Close schools and provide transportation.

Section 8. The commissioner of Education shall be appointed for a term of four (4) years and he may be removed by the Board for immorality, misconduct in office, insubordination, incompetency, or wilful neglect of duty, upon making known to him, in writing, the charges against him, and upon giving him an opportunity to be heard in person and by counsel in his own defense, upon not less than ten (10) days notice.

Commissioner of Education—
term and removal.

Vacancies, how filled.

Section 9. Vacancies in the office of Commissioner of Education shall be filled by the Board of Education.

Chief clerk to assume duties, when.

When a vacancy occurs all the powers and duties of the Commissioner of Education are hereby conferred upon the Chief Clerk in his office during such vacancy.

Present Commissioner to retain office until—.

Section 10. Article 2 of Chapter 97 and Chapter 115 of the Session Laws of Alaska, 1929, are hereby repealed; but the Commissioner of Education elected under the provisions of the said Chapter 115 shall be entitled to retain his office in conformity with the terms thereof.

Powers of Governor transferred.

Section 11. The power heretofore delegated to the Governor, under Chapter 97 of the Session Laws of 1929, to act as President of the Board of Education, is hereby repealed, and such functions shall be hereafter vested in the Board of Education created by this Act.

Functions of board may be delegated, when—

Section 12. In all cases where the approval of the Board of Education of any Act of the Commissioner of Education is necessary to make such act legal or valid, such function of the Board may be by them delegated to one or more of their members or to the Commissioner of Education, to be exercised on behalf of the Board, during the time it is not in session.

Expenses of Commissioner's office payable, how.

Section 13. The expenses of the office of the Commissioner of Education shall be paid out of appropriations for that purpose made upon vouchers approved by the Auditor.

Emergency.

Section 14. An emergency is hereby declared to exist and this Act shall take effect and be in force immediately upon its passage and approval; provided, however, that the Board of Education created by Chapter 97 of the Session Laws of Alaska of 1929 shall continue to function until the Board created by this Act shall be appointed and approved, and the authority of the Governor as President of said Board shall continue until the Board hereby created shall be convened.

Approved April 24, 1933.