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# Bylaws

of the State Board of Education  
& Early Development

September 15, 2018



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# Bylaws of the State Board of Education

## ARTICLE I: PREAMBLE

**SECTION 1.1 Preamble:** The Constitution of the State of Alaska directs the legislature to establish and maintain a system of public schools open to all children of the State. (Article 7, Section 1) Toward this end, Alaska Statute designates the State Board of Education and Early Development as the head of the Department of Education and Early Development and the Commissioner of Education and Early Development as the chief executive officer of the Department of Education and Early Development. (AS 44.27.010)

*(Adopted September 15, 2018)*

## ARTICLE II: OBJECT

**SECTION 2.1 MISSION:** The State Board of Education is committed to the following mission for Alaska's education system: An excellent education for every student every day.

**SECTION 2.2-VISION:** The State Board of Education seeks to achieve the following vision for all students.

All students will:

- Succeed in their education and work
- Shape worthwhile and satisfying lives for themselves
- Exemplify the best values of society, and
- Be effective in improving the character and quality of the world about them. (AS 14.03.015)

*(Adopted September 15, 2018)*

## ARTICLE III: MEMBERS

**SECTION 3.1 MEMBERS.** The State Board of Education shall consist of seven members, no more than four of whom shall be members of the same political party as the governor. (AS 14.07.085)

**SECTION 3.2 APPOINTMENT OF MEMBERS.** Members of the board shall be appointed by the governor subject to confirmation by a majority of the members of the legislature in joint session. 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 regional education attendance areas. (AS 14.07.085)

**SECTION 3.3 ADVISORY MEMBERS.** The board will appoint, as advisory members of the board, one military representative, one student advisory member elect, and one student advisory member, under provisions set forth in 4 AAC 03.025. Advisory members may participate in the work of the board, and may deliberate and debate matters brought to the attention of the board. An advisory member, except for the advisory member elect, may cast an advisory vote, but an advisory vote is not counted in the disposition of board matters. (4 AAC 030.25)

**SECTION 3.4 TERMS OF OFFICE.** Members of the board appointed by the Governor shall serve for overlapping five-year terms and may be reappointed by the sitting Governor. The student advisory member and student advisory member elect serve for the school year following the selection or rotation. The student member elect rotates to serve as the student member on July 1 following the end of the school year in which the person served as student advisory member elect. The military advisory member serves until the appointment of a successor. (4 AAC 03.025)  
(Adopted September 15, 2018)

#### **ARTICLE IV: OFFICERS**

**SECTION 4.1 OFFICERS.** The officers of the state board are the chair, first vice-chair and second vice-chair.

**SECTION 4.2 ELECTION OF OFFICERS.** The officers of the board are elected at the last regular meeting of the board each school year. Officers serve one year, July 1 to June 30, and after that, if necessary, until the election of their successors. A board member may serve successive terms as an officer without limit. A vacancy occurring in an elected office shall be filled by the board at the next regular or special meeting.

**SECTION 4.3 DUTIES OF THE CHAIR.** The board chair shall

- 4.3.1. Preside at all meetings of the board.
- 4.3.2. Maintain liaison with other members of the board and with the commissioner when the board is not in session.
- 4.3.3. Work with the commissioner and persons appointed by the commissioner to develop meeting agendas.
- 4.3.4. Represent the board when occasion requires, and speak publicly for the board as a whole on positions of the board.
- 4.3.5. Unless otherwise specifically provided by law or motion, appoint board members to committees and subcommittees, and appoint the members of advisory committees that the board establishes.
- 4.3.6. Advise the commissioner at times when the board is not in session.

**SECTION 4.3 DUTIES OF THE FIRST VICE-CHAIR.** The first vice-chair shall act in place of the chair in the chair's absence, or in the case of a vacancy in that office.

**SECTION 4.3 DUTIES OF THE SECOND VICE-CHAIR.** If the first vice-chair cannot serve, the second vice-chair shall assume the duties of the first vice-chair.

(Adopted September 15, 2018)

#### **ARTICLE V: MEETINGS**

**SECTION 5.1 REGULAR MEETINGS.** Regular meetings of the state board will be held at least quarterly. Meetings may be called by the chair or by a majority of the non-advisory members of the board. Meetings shall be held in Juneau unless a majority of the board changes the place of a meeting. (AS 14.07.125)

**SECTION 5.2 WORK SESSIONS.** At the discretion of the chair, a regular meeting may be preceded by a work session at which the board may receive information and reports, but may not vote or take action on any item.

**SECTION 5.3 SPECIAL MEETINGS.** A special meeting of the board may be called by the chair or by at least four non-advisory members of the board. The business conducted at a special meeting is limited to matters identified in the official public notice of the special meeting.

**SECTION 5.4 NOTICE OF MEETINGS.**

**SECTION 5.4.1 NOTICE OF REGULAR MEETINGS.** For each regular meeting of the board, the commissioner shall no later than 10 days before a regular meeting:

5.4.1.1 Publish notice of the date, time, and place of the meeting in one newspaper of general circulation in the state, and on the State of Alaska On-Line Public Notice system.

5.4.1.2 Mail, email, fax or provided by other technology as determined appropriate by the commissioner, written notice of the date, time and place of meeting, and the tentative agenda of the meeting, to all school district superintendents and any individual or organization that has requested notice of the meeting.

**SECTION 5.4.2 NOTICE OF SPECIAL AND EMERGENCY MEETING AND WORK SESSIONS.** Reasonable notice shall be given for special meetings, emergency meetings, and work sessions of the board.

**SECTION 5.4. NOTICE OF TELECONFERENCE MEETINGS.** If a meeting, or any portion of it, is to be conducted by teleconference or videoconference, the notice must note the location of any teleconference facility or videoconference facility that will be used.

**SECTION 5.6 AGENDA PREPARATION & DISTRIBUTION.** The board chair and the commissioner shall coordinate preparation of a tentative agenda for each regular or special meeting.

**5.6.1 PLACING AGENDA ITEMS ON AGENDA.** To allow for consideration of an item as the agenda is developed, a board member, advisory member, employee of the department, or any member of the public who wishes to place an item on the agenda should submit a request to the commissioner or the chair not less than 15 days before a regular meeting, or not less than 10 days before a special meeting.

**5.6.2 COMMISSIONER'S RESPONSIBILITIES FOR AGENDA.** The commissioner shall prepare and distribute the tentative agenda, agenda packet memoranda, and required supporting material. Not later than 10 days before a meeting, the commissioner shall cause the agenda and agenda packet to:

5.6.2.1. Be mailed or emailed to board members and advisory members.

5.6.2.2. Be made available for viewing in the Commissioner's Office of the Department of Education & Early Development.

5.6.2.3. Be published, to the extent practicable, on the official web site of the Department of Education & Early Development.

5.6.2.4. If the meeting is held over teleconference, be distributed to teleconference sites so that the material will be available in accordance with AS 44.62.310(a).

**5.6.3 DISTRIBUTING SUPPLEMENTAL MATERIALS.** The commissioner may distribute supplemental agenda packet memoranda and required supporting material if necessary. When the board is to consider the supporting material at a teleconference meeting, the supporting material, if practical, must be distributed to the teleconference locations.

**5.6.4 DISTRIBUTION EXTENSION.** The commissioner may request an extension of the distribution deadline from the board chair. The commissioner reserves the right to make additions to the materials distributed.

**5.7. PUBLIC TESTIMONY.** If a regular meeting is preceded by a work session, the commissioner, in consultation with the chair, will schedule time on the work session agenda for the public to offer testimony on proposed regulations or on any agenda or non-agenda items. When a regular meeting is not preceded by a work session, public testimony shall be taken during the business meeting prior to board action on agenda items. Public testimony need only occur once during a multi-day work session and business meeting.

*(Adopted September 15, 2018)*

**5.8 DISCLOSURE OF POTENTIAL ETHICS ACT VIOLATIONS.** At each meeting, following the approval of the agenda, each member of the board shall disclose on the record whether participation on an agenda item would be a potential violation of the Alaska Executive Branch Ethics Act. As required by AS 39.52.220. The chair, as designation ethics supervisor, shall determine whether a member's participation on the agenda item violates AS 39.52. If not, the member may participate. If a board member objects to the decision of the chair, the members present at the meeting, excluding the involved member, shall vote on the matter. The board chair shall disclose any potential violations advance of the meeting to his or her ethics supervisor, and disclose all determinations on the record. If the chair discloses a potential violation at the meeting, the members, excluding the chair, may vote on the matter.

*(Adopted September 15, 2018)*

**5.9 QUORUM. Four non-advisory members of the board constitute a quorum.**

*(Adopted September 15, 2018)*

**5.10 PARTICIPATION.** Board members are expected to attend each regular, special and emergency board meeting. However, when it is not possible for a board member to attend a meeting, the member should inform the chair or the commissioner as soon as possible.

**5.10.1. Participation in regular, special or emergency meetings by teleconference.** A board member may request to participate in a regular, special or emergency meeting of the board by teleconference when an emergency or other valid reason prohibits the member from traveling to a meeting site. The member must notify the chair, commissioner or commissioner's executive secretary as soon as possible that the member will participate by teleconference to expedite arrangements for teleconference participation.

*(Adopted September 15, 2018)*

## **ARTICLE VI: COMMISSIONER OF EDUCATION**

**SECTION 6.1 DUTIES OF THE COMMISSIONER OF EDUCATION.** The commissioner shall keep a record of the minutes of all meetings, shall answer and maintain board correspondence as directed by the chair, and shall perform any other duties that the board directs, in addition to performing the statutory and regulatory duties of commissioner. The commissioner

may delegate responsibilities assigned by the board and specified by the board bylaws to one or more employees of the department.

*(Amended September 15, 2018)*

**SECTION 6.2 APPOINTMENT OF THE COMMISSIONER.** The board shall determine the process for selecting a new commissioner subject to approval of the Governor. Candidates must meet the requirements of AS 14.07.145. The board will consider all relevant evidence of the candidate's fitness to be commissioner, such as a candidate's:

- 6.2.1 Knowledge, experience, and understanding of current best practices in education; Understanding of education reform;
- 6.2.2 Understanding of the educational issues facing Alaska, including both urban and rural schools and school districts;
- 6.2.3 Ability to work with all stakeholders and the administration;
- 6.2.4 Overall ability to lead the department and accomplish the board's goals.

*(Adopted September 15, 2018)*

**SECTION 6.3 COMMISSIONER EVALUATION.** The board annually will conduct a performance evaluation of the commissioner in executive session. The results of the evaluation will be discussed in executive session with the commissioner present. The original copy of the evaluation will be given to the commissioner, and a copy forwarded to the Governor.

*(Adopted September 15, 2018)*

## **ARTICLE VII PARLIAMENTARY AUTHORITY**

**SECTION 7.1 PARLIAMENTARY AUTHORITY.** Robert's Rules of Order, Newly Revised, 10th Edition, will govern proceedings of the board, unless a procedure is otherwise governed by state law or regulation, or by a specific board bylaw.

*(Adopted September 15, 2018)*

## **ARTICLE VIII ADOPTION, AMENDMENT AND REPEAL OF BYLAWS**

### **SECTION 8.1 ADOPTION, AMENDMENT AND REPEAL OF BYLAWS.**

**8.1.1 INTRODUCTION OF BYLAWS.** New bylaws or amendment of existing bylaws may be introduced by voting members of the board or the commissioner.

**8.1.2 BYLAWS IN WRITING AND ON AGENDA.** In order for the board to vote on a bylaw for adoption, amendment or repeal, the proposed bylaw or must be in writing and must be placed on a board agenda.

**8.1.3 SEVEN-DAY NOTICE REQUIRED.** A bylaw scheduled for action must be published on the tentative agenda at least seven days in advance of the meeting at which the action is scheduled in order to be voted on at that meeting. A proposed bylaw may not be added to an agenda at a meeting and approved by the board at the same meeting.

*(Adopted September 15, 2018)*

**SECTION 8.2 TWO-THIRDS VOTE REQUIRED.** The board may adopt or repeal a bylaw by a majority two-thirds vote of the non-advisory members present at a board meeting.

*(Adopted September 15, 2018)*