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# Bylaws

of the State Board of Education  
& Early Development

October 29, 2012



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# Bylaws of the State Board of Education & Early Development

## 1. Educational goals \_\_\_\_\_

### 1.1. Vision

The State Board of Education & Early Development is committed to develop, maintain and continuously improve a comprehensive, quality public education system.

*Adopted September 2003*

### 1.2. Mission

To ensure quality standards-based instruction to improve academic achievement for all students.

*Adopted September 2003*

## 2. Adoption, amendment and repeal of bylaws \_\_\_\_\_

### 2.1. Introduction of bylaws

New bylaws or amendment of existing bylaws may be introduced by voting members of the board or the commissioner.

### 2.2. Bylaws in writing and on agenda

In order for the board to vote on a bylaw for adoption or repeal, the proposed bylaw or bylaw for appeal must be in writing and must be placed on a board agenda.

### 2.3. Seven-day notice required

A bylaw scheduled for action must be published on the tentative agenda 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.

### 2.4. Majority vote necessary

The board may adopt or repeal a bylaw by a majority vote of members present at a board meeting.

*Adopted March 2004*

## 3. Organization and duties of the state board \_\_\_\_\_

### 3.1. Officers

The officers of the state board are the chair, first vice-chair and second vice-chair.

*Adopted March 2004*

3.2. Election of officers

The officers of the board are elected at the last regular meeting of the board each school year, and 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.

*Adopted March 2004*

3.3. Duties of the chair

The board chair shall

- 3.3.1. Preside at all meetings of the board.
- 3.3.2. Maintain liaison with other members of the board and with the commissioner when the board is not in session.
- 3.3.3. Work with the commissioner and persons appointed by the commissioner to develop meeting agendas.
- 3.3.4. Represent the board when occasion requires, and speak publicly for the board as a whole on positions of the board.
- 3.3.5. 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.
- 3.3.6. Advise the commissioner at times when the board is not in session.

3.4. 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.

3.5. 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.

3.6. Duties of the commissioner

The commissioner shall keep a record of the minutes of all meetings, shall answer and file board correspondence, 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.

*Adopted March 2004*

**4. Advisory members of state board** \_\_\_\_\_

The number of and selection of state board advisory members will be specified in Title 4, Chapter 03 of the Alaska Administrative Code and adopted by the state board in compliance with the administrative procedures act.

*Adopted March 2004*

**5. Regular meetings** \_\_\_\_\_

5.1. Meetings held quarterly

Regular meetings of the state board will be held at least quarterly, during the first week of each quarter, in Juneau, unless the board specifically selects another time and place.

5.2. Adoption of calendar

At the last regularly scheduled meeting of each school year, the board will adopt a calendar of regular meetings for the following school year, indicating the planned date and location of each meeting.

5.2.1. A majority of the members of the board may alter the calendar if circumstances warrant that action.

5.3. 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 any action on any item.

5.4. 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.

*Adopted March 2004*

5.5. Order of business; regular meetings

The following is the order of business at each regular meeting:

5.5.1. Call to order and roll call.

5.5.2. Pledge of allegiance.

5.5.3. Adoption of the agenda.

5.5.4. Disclosure of potential conflicts.

5.5.5. If a work session does not precede a regular meeting, a period of public comment will be held to hear testimony on proposed regulations or on any agenda or non-agenda items.

5.5.6. Opening periods of public comment on proposed regulations.

5.5.7. Adoption of proposed regulations.

5.5.8. Other business.

- 5.5.9. Standing reports, including a report from the commissioner and a report from the attorney general.
- 5.5.10. Other reports.
- 5.5.11. Consent agenda, which may include general items, including the minutes of the previous regular meeting and any special meetings, and any other action items.
- 5.5.12. Board member comments.

*Amended October 2012*

5.6. Removing items from consent agenda

At the request of a board member, the board will remove an item from the consent agenda and consider the item separately.

*Adopted March 2004*

5.7. Amending the agenda

A board member may, at the start of the regular meeting, propose additional agenda items for consideration. Additional agenda items may be added by vote of the majority of the board members present. The chair shall decide the appropriate placement of agenda items so added to the agenda.

*Adopted March  
2004*

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 the designated 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 in 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 October 2012*

**6. Special meetings**

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6.1. Calling a special meeting

A special meeting of the board may be called by the chair or by at least four members of the board.

6.2. Business limited

The business conducted at a special meeting is limited to matters identified in the official public notice of the special meeting.

*Adopted March 2004*

**7. Participation in meetings**

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7.1. Participation expected

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.

7.2. 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 March 2004*

**8. Governance of meetings**

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8.1. Robert's Rules used

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.

8.2 Majority vote required

All questions pending before the board will be decided by a majority of the members present and voting.

*Adopted March 2004*

**9. Notice of meetings**

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9.1 Notice of regular meetings

For each regular meeting of the board, the commissioner shall no later than 10 days before a regular meeting:

9.1.1. Publish notice of the date, time, and place of the meeting in two newspapers of general circulation in the state, and on the State of Alaska On-Line Public Notice system;

9.1.2. Mail, email, transmit by facsimile machine or 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.

*Amended September, 2006*

9.2. Notice of special and emergency meetings and work sessions

Reasonable notice shall be given for special meetings, emergency meetings, and work sessions of the board.

9.3. Notice of teleconference and videoconference 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.

*Amended October 2012*

**10. Agenda preparation and distribution**

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10.1. The chair and commissioner shall coordinate

The board chair and the commissioner shall coordinate preparation of a tentative agenda for each regular or special meeting.

10.2. 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.

10.3. Commissioner's responsibilities for agenda

10.3.1. The commissioner shall prepare and distribute the tentative agenda, agenda packet memoranda, and required supporting material.

10.3.2. Not later than 10 days before a meeting, the commissioner shall cause the agenda and agenda packet to:

10.3.2.1. Be mailed to board members and advisory members.

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

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

10.3.2.4. 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).

10.4. 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.

- 10.5. The commissioner may request an extension of the 10.3.2 distribution deadline from the board chair. The commissioner reserves the right to make additions to the materials distributed.

*Amended October 2012*

**11. Polling of board members**\_\_\_\_\_

If directed by the chair, the commissioner shall poll board members:

- 11.1. To authorize altering a regular meeting from the date and location of the meeting set in the calendar of regular meetings previously adopted by the board.
- 11.2. To convene a special meeting and to establish or change its time, date, and location.
- 11.3. To insert or delete an item on a tentative agenda for a regular or special meeting.

*Adopted March 2004*

**12. Commissioner Appointment and Evaluation**\_\_\_\_\_

- 12.1. Appointment of Commissioner. The board will interview a candidate who meets the requirements of AS 14.07.145 before appointing that candidate. The interview may be in-person, telephonic, or by video. If the board receives more than one application, the board may select one or more finalist for an interview. The board is not required to advertise for or solicit applications. In reviewing a qualified candidate's application and interview answers, the board will consider all relevant evidence of the candidate's fitness to be commissioner, such as a candidate's
- a. knowledge, experience, and understanding of current best practices in education;
  - b. understanding of education reform;
  - c. understanding of the educational issues facing Alaska, including both urban and rural schools and school districts;
  - d. ability to work with all stakeholders and the administration;
  - e. overall ability to lead the department and accomplish the board's goals.

Following the interview of one or more candidates, the board will deliberate. If only one candidate has demonstrated fitness to be commissioner, the board may appoint that candidate or consider additional applicants. If more than one candidate has demonstrated fitness with regard to educational and leadership ability, the board may appoint the candidate the board considers most capable of accomplishing the board's goals or may consider additional applicants.

After appointing a commissioner, the board shall forward the name to the governor under AS 14.07.145. If the governor rejects the appointment, the board may appoint another qualifying candidate whom it has already interviewed or may consider additional applicants.

*Adopted October 2012*

12.2. 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.

*Amended October 2012*