CS FOR HOUSE BILL NO. 85(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/13/99
Offered: 5/6/99

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to licensure and professional discipline of members of the teaching profession and providing for related penalties; relating to grounds for dismissal of a teacher; relating to the Professional Teaching Practices Commission; relating to limited immunity for procedures under the Educator Ethics Act; making conforming amendments; and providing for an effective date."

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

* Section 1. AS 14.20.020(a) is amended to read:

(a) Except as provided in AS 14.20.029 [(f) OF THIS SECTION], the department shall issue a license [TEACHER CERTIFICATE] to every person who meets the requirements in (b), (c), and (h) of this section.

* Sec. 2. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.022. Criminal history background check. (a) The department

New Text Underlined [DELETED TEXT BRACKETED]
shall require an applicant for a license to submit two legible copies of the applicant’s fingerprints to be used by the Department of Public Safety and the Federal Bureau of Investigation for a criminal history background check, including searches

(1) of the applicant’s criminal history record information, as that term is defined in AS 12.62.900; and

(2) for any findings of not guilty by reason of insanity.

(b) The department may not issue a license to an applicant until the Department of Public Safety and the Federal Bureau of Investigation have reported back to the department on the criminal history background of the applicant and the department has reviewed the reports to determine whether grounds exist for denial of a license under AS 14.20.029. However, if the applicant meets the requirements of AS 14.20.020, the department may issue a temporary teacher permit that is valid only until the department has reviewed the criminal history background reports received under this section and has notified the applicant that the license is issued or denied under AS 14.20.029. The department may establish fees for a temporary teacher permit in the manner provided in AS 14.20.020(c) for licenses.

(c) The provisions of (a) and (b) of this section apply to renewal of a license if

(1) a criminal history background check has not been previously conducted on the licensee under this chapter;

(2) at any time during the previous license period, the licensee was not employed in a position requiring a license; or

(3) the licensee resided out of state for a portion of the previous license period.

* Sec. 3. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.029. Grounds for denial of or conditions on a license. (a) The department shall deny issuance or renewal of a license to a person

(1) who does not meet the requirements of AS 14.20.020;

(2) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, or found not guilty by reason of insanity of committing a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in

New Text Underlined [DELETED TEXT BRACKETED]
another jurisdiction with elements similar to an offense described in this paragraph;

(3) whose license is revoked or suspended under this title unless that person’s license or eligibility to apply for a new license has been reinstated under AS 14.20.378.

(b) The department may deny issuance or renewal of a license to an applicant

(1) whose criminal history is determined by the department to be materially inconsistent with statements made in the person’s application;

(2) who, while under investigation for an allegation suggesting unfitness to teach, has surrendered to a licensing agency an authorization to teach if the authorization has not been reinstated or a new authorization issued in that jurisdiction;

(3) whose authorization to teach was revoked or suspended in another jurisdiction on grounds that would constitute grounds for denial of a license under this section;

(4) for the same reasons that disciplinary sanctions may be imposed under AS 14.20.372; or

(5) who has failed to meet or otherwise comply with a condition imposed by the department or the Educator Ethics Commission under (e) of this section or by the Educator Ethics Commission under AS 14.20.375(c).

(c) The department may suspend processing of an application for a license until the applicant has demonstrated that the applicant is not the subject of an unresolved

(1) criminal proceeding relating to suitability for licensing under this section; or

(2) disciplinary proceeding by a licensing agency on grounds that would constitute grounds for denial of a license under this section.

(d) The department, or the Educator Ethics Commission, after hearing and decision under AS 14.20.460(4), may impose conditions or restrictions on a license issued or renewed under AS 14.20.010 - 14.20.040 if

(1) the applicant is physically or mentally incapable of performing some, but not all, of the functions of the teaching profession;

(2) a licensing agency has
(A) disciplined the applicant, including canceling, revoking, suspending, conditioning, or restricting the applicant’s authorization to teach;

(B) denied the applicant an authorization to teach; or

(C) accepted the surrender of the applicant’s authorization to teach while that person was under investigation; or

(3) the conditions or restrictions will otherwise protect the physical and mental well-being of students.

(e) In the department’s decision under (b) of this section, or the Educator Ethics Commission’s decision under AS 14.20.460(4), denying issuance or renewal of a license, the department or the commission, respectively, may place conditions on the person’s reapplication for a license. A person who has been denied issuance or renewal of a license under (b) of this section or under AS 14.20.460(4) may not reapply for licensure sooner than one year after the denial unless a shorter time period for reapplication has been ordered by the department or by the Educator Ethics Commission in the decision denying the license. When reapplying for licensure, the person must include with the application evidence that since the denial a change of circumstance has occurred that supports licensure.

(f) The department’s denial of a license under (a) of this section is final and reviewable in accordance with AS 44.62.560 and 44.62.570. An applicant may appeal to the Educator Ethics Commission the denial of a license under (b) of this section, or conditions or restrictions placed on a license under (d) of this section. The commission’s decision on the appeal is final and reviewable in accordance with AS 44.62.560 and 44.62.570.

(g) The department shall report a final decision denying a license under (a)(2) or (b) of this section, or placing conditions or restrictions on a license under (d) of this section, to any national clearinghouse that maintains records of professional discipline against members of the teaching profession.

* Sec. 4. AS 14.20.040 is amended to read:

Sec. 14.20.040. Applicability of the Administrative Procedure Act. Except where a different procedure is provided in AS 14.20.029, the provisions of AS 44.62 (Administrative Procedure Act) apply [APPLIES] to all proceedings under
AS 14.20.029 [AS 14.20.030, AND REVOCATIONS AND SUSPENSIONS ARE FINAL AND REVIEWABLE IN ACCORDANCE WITH AS 44.62.560 - 44.62.570].

* Sec. 5. AS 14.20.170(a) is amended to read:

(a) A teacher, including a teacher who has acquired tenure rights, may be dismissed at any time only for the following causes:

(1) a ground for discipline listed in AS 14.20.372(a)(1) - (5) [INCOMPETENCY, WHICH IS DEFINED AS THE INABILITY OR THE UNINTENTIONAL OR INTENTIONAL FAILURE TO PERFORM THE TEACHER'S CUSTOMARY TEACHING DUTIES IN A SATISFACTORY MANNER;]

(2) IMMORALITY, WHICH IS DEFINED AS THE COMMISSION OF AN ACT THAT, UNDER THE LAWS OF THE STATE, CONSTITUTES A CRIME INVOLVING MORAL TURPITUDE]; or

(3) substantial noncompliance with the [SCHOOL LAWS OF THE STATE, THE REGULATIONS OR BYLAWS OF THE DEPARTMENT, THE] bylaws of the district [,] or the written rules of the superintendent.

* Sec. 6. AS 14.20 is amended by adding new sections to read:

Sec. 14.20.372. Grounds for discipline. (a) The commissioner or the Educator Ethics Commission may take disciplinary action as provided in AS 14.20.375 regarding a member of the teaching profession for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher’s customary teaching duties in a satisfactory manner;

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

(3) substantial noncompliance with the school laws of the state or the regulations of the department;

(4) upon a determination by the commission that there has been a violation of ethical or professional standards set by the commission under AS 14.20.460;

(5) deceit, fraud, misrepresentation, or a willful omission of material information in applying for issuance or renewal of a license or in applying for
employment as a member of the teaching profession;

   (6) breach of a contract by departing a public school teaching position without the consent of the district or regional educational attendance area unless the departure is necessitated by a medical or other emergency and consent is unreasonably withheld;

   (7) discipline, including cancellation, revocation, or suspension of, conditions or restrictions on, or refusal to renew a teaching authorization imposed on the member of the teaching profession by a licensing agency for any ground other than failure to pay a fee;

   (8) surrender of a license, or a substantially similar authorization to teach, in any jurisdiction while an investigation or disciplinary proceeding was ongoing for any ground other than failure to pay a fee; or

   (9) failure to meet or otherwise comply with a condition, limitation, or restriction imposed by the department under AS 14.20.029(d) or by the commission under AS 14.20.029(d) or 14.20.375(b).

   (b) Upon receipt of a judgment of conviction, the department shall, effective immediately, revoke the license of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, or found not guilty by reason of insanity of committing a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection. The person’s eligibility to apply for a new license may not be reinstated under AS 14.20.378 or AS 44.62.550; however, if the judgment of conviction is reversed on appeal and the person is otherwise eligible for licensure, the department shall reinstate the person’s license. Unless the person’s license is reinstated by the department as provided in this subsection, a person whose license has been revoked under this subsection may not be employed as a member of the teaching profession regardless of whether that employment requires a license.

   (c) In a disciplinary proceeding instituted under this section, a certified copy of a judgment of conviction is conclusive evidence that the named person committed the offense regardless of whether the conviction resulted from a plea of nolo contendere.
(d) In a disciplinary proceeding involving grounds described in (a)(7) or (8) of this section, the admissions of a member of the teaching profession in a settlement document accepted by a licensing agency, or in the final findings of fact, conclusions of law, and order of the licensing agency that canceled, revoked, suspended, refused the renewal, or accepted surrender of the authorization to teach, is conclusive evidence that the person committed the described conduct and of the disciplinary action imposed.

Sec. 14.20.375. Disciplinary actions. (a) If the department files an accusation while a person is licensed under this chapter, the commissioner may revoke or suspend the person’s license if the commissioner finds grounds for discipline under AS 14.20.372.

(b) If the commission’s executive director files an accusation while a person is licensed under this chapter and the commission finds grounds for discipline under AS 14.20.372, the commission may take the following disciplinary actions, singly or in combination as appropriate to the finding of grounds for discipline:

1. revoke a license;
2. suspend a license;
3. censure or reprimand;
4. impose limitations or conditions on the person’s practice of the teaching profession;
5. suspend imposition of an order of suspension or revocation during a period in which the member of the teaching profession is complying with conditions of probation set by the commission; conditions of probation may include requirements that the person
   (A) comply with the applicable requirements of this chapter and regulations adopted under it;
   (B) report regularly to the commission on matters relating to the probation;
   (C) limit practice of the teaching profession as ordered by the commission;
   (D) undertake and continue professional education as ordered
by the commission until a satisfactory degree of skill has been attained in the
areas determined to need improvement;

(E) submit to peer review as ordered by the commission;

(F) fulfill other conditions ordered by the commission, including
payment of restitution and civil fines, participation in evaluations by
professionals for substance abuse, mental health problems, or medical
problems, and completion of treatment or counseling programs.

(c) A member of the teaching profession may not surrender a license issued
under this chapter without approval of the commission. A surrendered license may not
be reinstated. If a surrender is approved, the commission may place conditions on the
person’s ability to later apply for a new license.

(d) The commission may summarily suspend a license before a final hearing
is held on an accusation filed under (b) of this section or during an appeal if the
commission finds that the member of the teaching profession poses a clear and
immediate danger to public health and safety. The person is entitled to a hearing
before the commission to appeal the summary suspension within seven days after the
order of suspension is issued. The person may appeal an adverse decision of the
commission on an appeal of a summary suspension to the superior court under
AS 44.62.560. If the commission summarily suspends a license under this subsection
before a final hearing on the accusation, the commission shall act expeditiously to
conduct the hearing on the accusation. A person whose license has been summarily
suspended under this subsection may not be employed as a member of the teaching
profession, regardless of whether the employment requires a license, while the license
is under summary suspension.

(e) At the teacher’s request, the commission or the commissioner shall stay the
proceedings on an accusation under this section if the teacher has requested a hearing
before the school board or invoked grievance procedures under AS 14.20.180 from a
dismissal or nonretention decision based on the same allegations as those made in the
accusation. A stay under this subsection does not preclude the commission from
summarily suspending a license under (d) of this section. The proceedings on an
accusation are stayed until a final decision on the nonretention or dismissal is reached
under AS 14.20.180. The commission or commissioner shall give deference to, but
is not bound by, a final decision under AS 14.20.180. The commission or
commissioner shall state good cause for rejecting a finding of fact made in a final
decision under AS 14.20.180. The commission or commissioner may supplement the
record with additional evidence on whether there are grounds for discipline under
AS 14.20.372 and what discipline may be appropriate under this section.

(f) Notwithstanding other provisions of this section, the commission may not
impose discipline on a member of the teaching profession’s license to act as an
administrator unless the commissioner concurs in the commission’s decision.

(g) If a person was a member of the teaching profession but was not required
to be licensed under this chapter at the time of the conduct that is grounds for
discipline, the commission may warn, censure, reprimand, or order a civil fine not to
exceed $5,000 against the person if the commission finds grounds for discipline under
AS 14.20.372. Nothing in this subsection prevents the commission from denying or
conditioning licensure, or imposing other applicable discipline, under this chapter for
a person disciplined under this subsection.

(h) The commissioner or the commission, as appropriate, shall notify the other
of a disciplinary action, including commission approval of surrender of a license, taken
under this section or under AS 14.20.372(b). The commission shall report the
disciplinary action to any national clearinghouse that maintains records of professional
discipline against members of the teaching profession and, if the person who was
disciplined is employed as a member of the teaching profession, shall notify the
disciplined person’s employer of the disciplinary action.

(i) If a person’s license is suspended or revoked under (a) or (b) of this
section, that person may not be employed as a member of the teaching profession,
regardless of whether the employment requires a license, until the person’s license or
eligibility to apply for a new license has been reinstated under AS 14.20.378 and any
required license has been obtained. A person whose license was surrendered under (c)
of this section may not be employed as a member of the teaching profession,
regardless of whether the employment requires a license, until the person obtains a
new license.
Sec. 14.20.378. Reinstatement after suspension or revocation. (a) Notwithstanding the provisions of AS 44.62.330 and 44.62.550, and except for a revocation under AS 14.20.372(b) or a summary suspension under AS 14.20.375(d), this section governs reinstatement for a license that has been suspended or revoked under this title.

(b) A license that has been suspended for one year or less and that has not lapsed is automatically reinstated at the end of the period of suspension unless the commission finds that the holder of that license has failed to fully comply with the terms and conditions of the commission’s or commissioner’s order suspending the license.

(c) A person whose license has been suspended for more than one year but has not lapsed may petition the commission as provided in (e) of this section for reinstatement of the license.

(d) A person whose license was revoked or whose license was suspended and has lapsed may petition the commission as provided in (e) of this section for reinstatement of eligibility to apply for a new license. For a revoked license, eligibility to apply for a new license may not be reinstated sooner than five years after the effective date of the revocation.

(e) At least 60 days before the desired date of reinstatement, the person seeking reinstatement under this section shall file a petition with the commission stating

(1) that the person has met the terms and conditions of the commission’s or commissioner’s order suspending or revoking the license; and

(2) the scope and content of employment performed by the person during the period of suspension or revocation and the names and addresses of all employers during that period.

(f) If the commissioner or the executive director of the commission opposes a petition for reinstatement under (e) of this section or if the commission finds that a hearing would be helpful to determine whether reinstatement is appropriate, the commission shall conduct a hearing. The petitioner for reinstatement has the burden of proving that
(1) the petitioner is qualified and suitable for licensing under this chapter;

(2) the petitioner has met the terms and conditions of the commission’s or commissioner’s order suspending or revoking the license; and

(3) if the petitioner is licensed under this chapter, the public will be protected and the integrity of the teaching profession will be maintained.

(g) If a license or eligibility to apply for a new license is reinstated under this section, the commission, for the same reasons for which conditions or restrictions may be imposed under AS 14.20.029(d), may impose conditions or restrictions on the reinstated license or on any new license for which application is made following reinstatement. The commission shall notify the department of any condition or restriction imposed under this subsection.

(h) A person who has been denied reinstatement under this section may not file a new petition for reinstatement sooner than two years after the denial unless a shorter time is allowed by the commission in its decision denying the reinstatement. The person must include with the new petition evidence that, since the previous denial by the commission, a change of circumstances has occurred that supports reinstatement.

* Sec. 7. AS 14.20.380 is amended to read:

Sec. 14.20.380. Creation of a commission. There is a commission of professional educators known as the Educator Ethics [PROFESSIONAL TEACHING PRACTICES] Commission.

* Sec. 8. AS 14.20.410(b) is amended to read:

(b) The lists shall be submitted to the executive director of the commission, [COMMISSIONER] who shall submit them as a group to the governor's office.

* Sec. 9. AS 14.20.460 is amended to read:

Sec. 14.20.460. Duties of commission. The commission shall

(1) adopt standards of ethical and professional performance for the teaching profession and other [ESTABLISH PROCEDURES, AND ADOPT] regulations under AS 44.62 (Administrative Procedure Act) to interpret or implement the purposes of AS 14.20.370 - 14.20.510;
(2) conduct investigations and hearings on grounds for discipline alleged under AS 14.20.372 [VIOLATIONS OF ETHICAL OR PROFESSIONAL TEACHING PERFORMANCE, CONTRACTUAL OBLIGATIONS, AND PROFESSIONAL TEACHING MISCONDUCT];

(3) review the regulations of the department as they relate to licensure [TEACHER CERTIFICATION] and recommend necessary changes;

(4) conduct a hearing and issue a decision in an appeal under AS 14.20.029(f); and

(5) review the staff’s decision to dismiss a complaint, upon filing by the complainant of a written request for review by the commission within 15 days after receipt of notice of the dismissal; the request for review must contain a statement of reasons for the relief requested [REVIEW THE DECISIONS OF THE DEPARTMENT REGARDING THE ISSUANCE OR DENIAL OF CERTIFICATES AND IN ITS DISCRETION RECOMMEND REVERSAL OF DECISIONS].

* Sec. 10. AS 14.20.470 is amended to read:

Sec. 14.20.470. Powers of commission. (a) The commission may

(1) study proposals regarding standards of ethical and professional performance for members of the teaching profession developed by regular committees of any existing professional organization whose members are within the teaching profession;

(2) subpoena witnesses, place them under oath, and maintain written records;

(3) take disciplinary action under AS 14.20.372 and 14.20.375 regarding a member [WARN OR REPRIMAND MEMBERS] of the teaching profession [, IF IN THE JUDGMENT OF THE COMMISSION SUCH ACTION IS WARRANTED];

(4) [SUSPEND OR REVOKE THE CERTIFICATE OF A MEMBER OF THE TEACHING PROFESSION FOR ONE OF THE REASONS SET OUT IN AS 14.20.030 EXCEPT THAT IN THE CASE OF AN ADMINISTRATOR, THE COMMISSIONER MUST CONCUR;
(5) make any recommendation to the board or to school boards that 
will promote an improvement in the teaching profession;

(5) [6] request assistance through any of the investigative processes 
of a school board, school superintendent, or any existing professional teaching 
organizations when analyzing charges of breach of ethical or professional teaching 
practices;

(6) [7] appoint an executive director [SECRETARY], delegate those 
investigative and other [MINISTERIAL] functions, except its power to propose and 
adopt regulations and its power to take action under AS 14.20.372, 14.20.375, 
14.20.378, and 14.20.460(4), to the executive director [SECRETARY] as the 
commission may decide, and set the executive director's [SECRETARY'S] 
compensation with a starting salary not exceeding range 26, step B₂ of the pay plan for 
state employees in AS 39.27.011(a).

(b) A decision issued by the commission [WITH THE APPROVAL OF THE 
SECTION] is final and reviewable in accordance with AS 44.62.560 and 44.62.570.

* Sec. 11. AS 14.20.475 is amended to read:

where a different procedure is provided in AS 14.20.370 - 14.20.510, the 
provisions of AS 44.62 (Administrative Procedure Act) apply [APPLIES] to 

* Sec. 12. AS 14.20.475 is amended by adding a new subsection to read:

(b) In addition to the options available under AS 44.62.500, the commission 
may adopt a hearing officer’s proposed findings of fact in their entirety and increase 
or change the proposed disciplinary action authorized under AS 14.20.375 against the 
person.

* Sec. 13. AS 14.20 is amended by adding new sections to read:

Sec. 14.20.476. Confidential information. (a) Information obtained by the 
commission or the department in the course of an investigation under this chapter is 
confidential and may not be produced for inspection or copying by any person, nor 
may its contents be disclosed to any person, except

New Text Underlined [DELETED TEXT BRACKETED]
(1) by order of a court of competent jurisdiction, issued for good cause shown and upon the conditions that the court imposes;

(2) to the attorney general of this state or the attorney general’s designee;

(3) as reasonable and necessary in the enforcement of AS 14.20.372, including investigation of a matter, presentation to a court, or use in an administrative proceeding under this chapter;

(4) in response to a request for discovery from the respondent in an administrative proceeding under this chapter; or

(5) to licensing agency and law enforcement officials of any jurisdiction.

(b) All references to a minor in an administrative proceeding and in all documents available to the public shall be by initials or some similar method that maintains the confidentiality of the minor’s identity. If a minor is called to testify as a witness, the commission or the commissioner, as applicable, may close that portion of the hearing to the general public if it is in the minor's best interests to do so and may determine who may be present while the minor is testifying. A transcript of the proceeding shall refer to a minor by initials or some similar method that maintains the confidentiality of the minor’s identity.

Sec. 14.20.478. Limitation of liability. An action may not be brought for damages resulting from

(1) a report or complaint made in good faith to the commission or the department by a person, or participation by a person in an investigation or hearing by the commission or the department under this chapter; or

(2) a person’s good faith performance of a duty, function, or activity required under this chapter as a member of the commission.

* Sec. 14. AS 14.20.510 is amended to read:


* Sec. 15. AS 14.20 is amended by adding a new section to read:

Article 5A. Penalties.
Sec. 14.20.520. Penalties. (a) A person who is not licensed under this chapter and who is employed as a teacher in violation of AS 14.20.010 or is employed as a member of the teaching profession in violation of AS 14.20.372 or 14.20.375 is guilty of a class B misdemeanor.

(b) In addition to a penalty imposed under (a) of this section, if a person who is not licensed under this chapter and who is employed as a teacher in violation of AS 14.20.010, or is employed as a member of the teaching profession in violation of AS 14.20.372 or 14.20.375, the department or the commission may assess a civil fine in an amount set by the department by regulation for each day the person was in violation. A civil fine may be assessed under this subsection regardless of whether a penalty under (a) of this section has been imposed. A civil fine assessed under this subsection may be appealed in the manner provided for appeals in AS 44.62 (Administrative Procedure Act).

* Sec. 16. AS 14.20 is amended by adding a new section to read:


Sec. 14.20.990. Definitions. In AS 14.20.010 - 14.20.520, unless the context otherwise indicates,

(1) "commission" means the Educator Ethics Commission created in AS 14.20.380;

(2) "license" means a license issued by the department under AS 14.20.020 or 14.20.025;

(3) "licensing agency" means the agency or entity in another state or other jurisdiction that has the duty to authorize a person to act as a member of the teaching profession in that jurisdiction, or the power to revoke, suspend, or place other sanctions on the authorization to teach of a member of the teaching profession in that jurisdiction;

(4) "member of the teaching profession" means a person described in AS 14.20.370.

* Sec. 17. AS 14.25.220(26) is amended to read:

(26) "outside service" means service for full years as defined by (43)(A)(x) and (43)(B)(xi) of this section
(A) as a certificated or licensed full-time elementary or secondary teacher or a certificated or licensed person in a full-time position requiring a teaching certificate or license as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated or licensed full-time elementary or secondary teacher or a certificated or licensed person in a full-time position requiring a teaching certificate or license as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory - Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

* Sec. 18. AS 14.30.255 is amended to read:

Sec. 14.30.255. Administrator qualifications. A person may not be employed as an administrator of a program of special education and related services unless that person possesses a valid license under AS 14.20 authorizing employment as an administrator [ADMINISTRATIVE CERTIFICATE] and, in addition, such training as the department may require by regulation.

* Sec. 19. AS 44.62.330(a)(42) is amended to read:


* Sec. 20. AS 14.20.020(f), 14.20.030, and 14.20.450 are repealed.

* Sec. 21. REVISOR’S CHANGES. The revisor of statutes is requested to make the following changes in the specified statutes:
(1) change "Professional Teaching Practices Commission" to "Educator Ethics Commission" in AS 14.20.020(c) and (e); AS 39.25.120(c)(9)(B); and AS 47.17.020(f);
(2) change "certification" to "licensure" in the heading of art. 1 of AS 14.20 and in AS 14.20.020;
(3) change "Article 5. Professional Teaching Practices Act" to "Article 5. Educator Ethics Act" in the heading of art. 5 of AS 14.20;
(5) change "certificates" to "licenses" in AS 14.20.020 and 14.20.500;
(6) change "limited teacher certificate" to "limited license" in AS 14.20.025 and 14.20.027;
(7) change "certificated" to "licensed" in AS 14.03.290(6); AS 14.14.107; AS 14.16.050(a)(3)(E); AS 14.18.060; AS 14.20.149, 14.20.150, 14.20.350, 14.20.370; AS 14.25.220(8) and (40)(A); AS 14.30.010(b)(1); AS 23.10.530(c); AS 39.25.110(6) and (7), and 39.25.160(e)(6) and (7);
(8) change "noncertificated" to "unlicensed" in AS 14.08.111(3); AS 23.20.354(b); AS 39.25.110(6), and 39.25.160(e)(6);
(9) change "teacher certificate" to "teacher license" in AS 14.25.045, 14.25.047; AS 14.30.250; AS 14.43.148(h)(1)(A)(iii); and AS 25.27.244(s)(2)(A)(iii);
(10) change "teacher’s certificate" to "teacher’s license" in AS 14.43.148(g);
(11) change "teaching certificate" to "teaching license" in AS 14.25.220(8) and (40)(A).

* Sec. 22. TRANSITION: COMMISSION MEMBERSHIP. A person who is a member of the Professional Teaching Practices Commission on June 30, 1999, continues to serve on the commission, renamed as the Educator Ethics Commission by this Act, until the member’s term on the commission expires under the terms of the member’s appointment.

* Sec. 23. TRANSITION: REGULATIONS. Notwithstanding sec. 25 of this Act, the Department of Education and the Professional Teaching Practices Commission may proceed to adopt regulations necessary to interpret or implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1, 1999.
* **Sec. 24.** Section 23 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 25.** Except as provided in sec. 24 of this Act, this Act takes effect July 1, 1999.