Alaska State Professional Teaching Practices Commission

Handbook for Alaska Educators

Revised May 2006

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SECTION I

INTRODUCTION

In 1966 the Professional Teaching Practices Act (AS 14.20) was passed to provide a means of policing ethics and for improving the standards and practices within the education profession. The act created a nine-member commission consisting of five classroom teachers, one principal, one superintendent, one representative from the Department of Education and Early Development, and one representative from higher education, all of whom are appointed by the governor for staggered three-year terms. Since 1973, an Executive Director has been employed to implement the policies and responsibilities of the Professional Teaching Practices Commission (PTPC).

A code of ethics for Alaska educators was adopted by the Commission and promulgated as state regulations. The code, which was rewritten in 2000, provides the ethical standards by which members of the profession are judged.

In general, the Commission deals with matters of professional conduct and certification. It has the responsibility and the power to discipline members of the teaching profession and may issue reprimands and suspend or revoke certificates of educators.

The services and resources of the PTPC are available to any individual or group. Members of the education profession, school board members, agencies, and private citizens may approach the Commission for information and assistance concerning matters of ethics and professional practices in public education in the State of Alaska.

It is the intent of the Professional Teaching Practices Commission to serve as a preventative and positive force in helping to enhance the professional performance of all educators so that the public's right to the best education possible for all of Alaska's students is adequately protected.

Further information may be obtained by contacting the PTPC office at:

Professional Teaching Practices Commission
344 West Third Avenue, Suite 127
Anchorage, Alaska 99501
Phone: 269-6579
Fax: 269-6580

SECTION II

COMPLAINT, INVESTIGATION AND HEARING PROCEDURES

The following is a summary of the complaint, investigation and hearing procedures of the PTPC. When filing a complaint, the Alaska Statutes and Regulations provided in this manual should be reviewed for a full legal description.

The Commission has jurisdiction over persons required by Alaska law to hold a Type A certificate, school administrators, instructors in institutions of higher learning, school program administrators, and school counselors.

A. Complaints

Complaints may be submitted to the Commission by members of the education profession or by the public. Notification by a state agency to the Professional Teaching Practices Commission that an educator has committed a crime may also result in action by the PTPC.

In most cases, locally available procedures for processing complaints should be pursued where they are applicable before filing a complaint with the Commission. These procedures may include parent complaint procedures within the local school district, staff grievance procedures, school board hearings and the like.

A formal hearing is the final step in resolving allegations against educators by the Commission. Upon a finding, by a preponderance of the evidence, that one of the four reasons cited in AS 14.20.030 is applicable, one of the following sanctions may be imposed: 1) a warning; 2) a reprimand; 3) a suspension of the certificate; or 4) a revocation of the certificate.

B. Investigation Procedures

The Commission staff may subpoena and interview witnesses, copy documents, and undertake other activities necessarily incident to an investigation.

C. Hearing Procedures

If the Commission staff determines that there are sufficient facts to warrant a hearing, a formal accusation is issued.

If the respondent does not file a notice of defense, the Commission makes a determination on the record. If the respondent files a notice of defense, the governor appoints an administrative law judge who presides over a hearing.

The hearing is a formal proceeding before the Commission in which the staff and the respondent may be represented by attorneys. All testimony is under oath and subject to cross-examination and all the procedures of the Administrative Procedure Act are observed.

D. Reprimand Hearing

If the staff decides that a violation has occurred but is not of the seriousness to warrant suspension or revocation of a certificate, a reprimand hearing may be conducted.

A reprimand hearing is before a panel of not less than three members appointed by the chair and is conducted in the same manner as the formal hearing.

E. Appeal of Executive Director's Decision

Where a complainant has requested that disciplinary action be taken against an educator but the Executive Director has made the administrative decision to dismiss the complaint on its face or to dismiss the complaint after an investigation, the complainant may appeal the decision. A written appeal must be filed within 15 days of the receipt of the notice of the decision.

The appeal will be heard by a three-member panel appointed by the Chair.

The review will be restricted to evidence previously submitted to the Executive Director.

The panel may uphold the decision of the Executive Director or direct that an investigation be completed and/or the matter brought to a hearing.

The decision of the panel is final and not subject to further appeal.

SECTION III

COMPLAINT SCREENING GUIDELINES

The Commission staff or investigating committee shall screen all complaints to determine whether an investigation is warranted.

1. An investigation may not be warranted if:

   a. The allegation, if true, would not constitute a violation of ethics or law.

   b. An investigation would place the Commission in a position of initial responsibility for investigating allegations which, by law or otherwise, are more appropriately the responsibility of a court of law or another administrative agency or commission.

   c. The complainant did not exhaust locally available school district remedies, including appeal to the school board. This does not apply if: 1) the complaint alleges a breach of ethics of such a serious nature so as to warrant further consideration by the Commission, or 2) the complaint is brought by the Department of Law, Department of Education & Early Development or other state agency.

   d. The complaint involves an allegation of a contract violation for which a grievance procedure had been an available remedy.

   e. The complaint was filed so late as to cause the respondent undue prejudice.

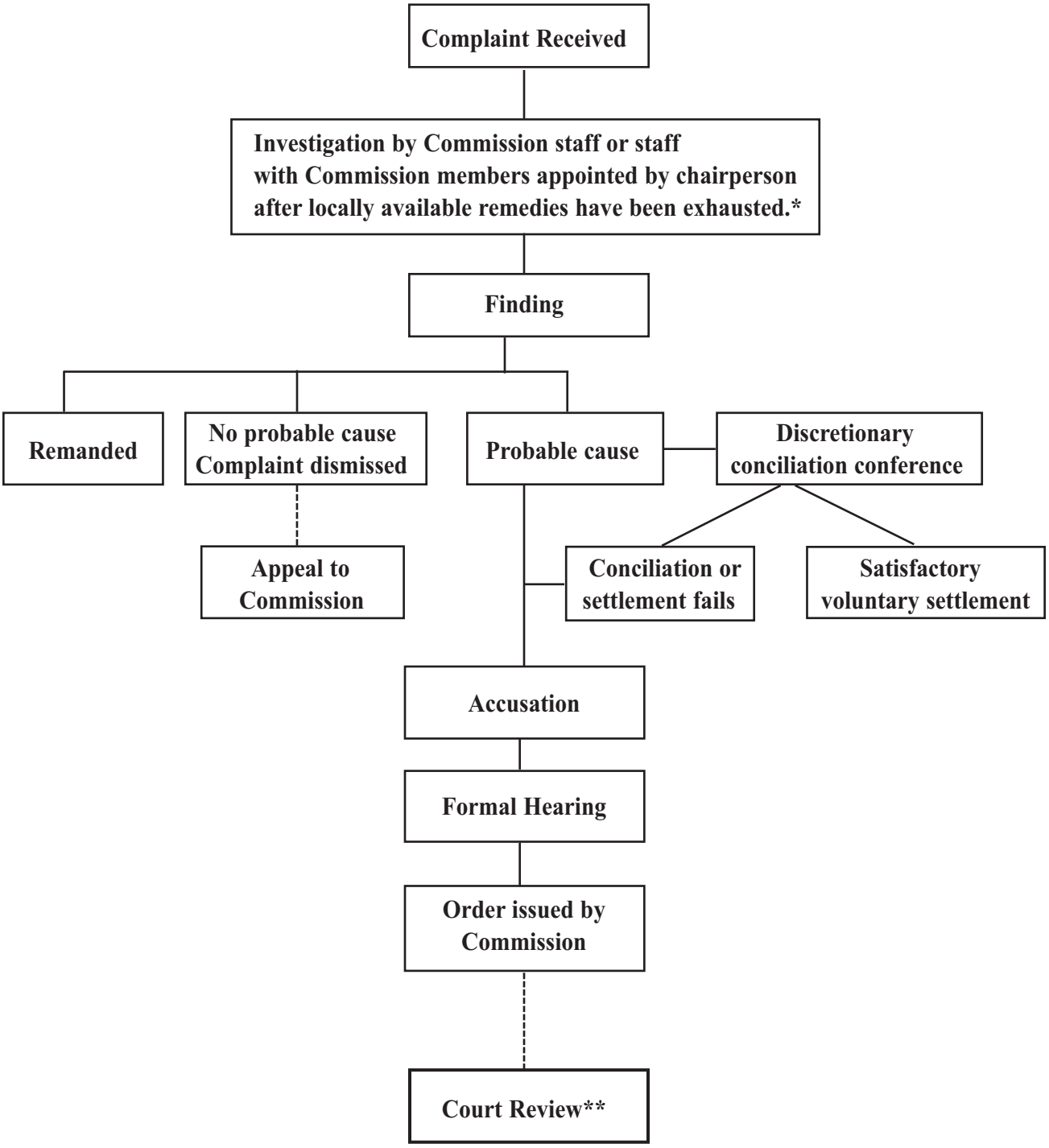
2. a. No complaint shall be investigated if anonymous.

   b. No complaint shall be investigated if frivolous.

3. If the complaint is filed by a third party, an inquiry will be made to determine why such third party filed the complaint before a decision is made to accept it for investigation.

SECTION IV

COMPLAINT, INVESTIGATION AND HEARING FLOWCHART



* Except in unusual circumstances, the Commission will not investigate a complaint until locally available remedies (e.g., grievance procedures, parental complaint systems) have been exhausted.

** Any order issued by the Commission is subject to court review.

TIME EXPECTATIONS

For a case in which a Notice of Defense is filed.

		Minimum	Maximum
1.	Investigation	1 week	12 weeks
2.	Attorney General review of case	1 week	12 weeks
3.	Appointment of Administrative Law Judge	4 weeks	12 weeks
4.	Hearing schedule set by Administrative Law Judge	3 weeks	12 weeks
5.	Commission action	3 weeks	12 weeks
	TOTAL	**12 weeks**	**60 weeks**

Factors that may increase the time to complete a case:

1 Summer vacation when witnesses are not available.
2. Scheduling investigator to remote areas.
3. Litigation in process which precludes witnesses from giving statements or providing documents.
4. Legal appeals to the Administrative Law Judge or the courts.
5. Time between Commission meetings at which action may be taken.

SECTION V

ALASKA STATUTES

Title 14. Education
Article 5. Professional Teaching Practices Act.

Section
370. Teaching profession
380. Creation of a commission
390. Appointment and qualifications
400. Composition of the commission
410. Selection of members
420. Term of office
430. Dismissal
440. Reimbursement
450. Responsibilities of commission
460. Duties of commission
470. Powers of commission
475. Applicability of the Administrative Procedure Act
480. Effect of standards
500. Support
510. Short title

Sec. 14.20.370. TEACHING PROFESSION.
Teachers required by state law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession.

Sec. 14.20.380. CREATION OF A COMMISSION. There is a commission of professional educators known as the Professional Teaching Practices Commission.

Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The commission consists of nine members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. Each member, in addition to having been actively engaged in the teaching profession for at least five years immediately preceding appointment, shall be a citizen of the United States and a resident of the state.

Sec. 14.20.400. COMPOSITION OF THE COMMISSION. The commission consists of the following members:

(1) five classroom teachers;
(2) one principal;
(3) one superintendent;
(4) one representative of the office of the commissioner;
(5) one representative of an Alaska institution of higher learning.

Sec. 14.20.410. SELECTION OF MEMBERS.
(a) Members of the commission shall be selected as follows:

(1) the five classroom teachers from lists of names submitted by recognized Alaska teachers' organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may

sign more than one list in any year;

(2) the principal from a list of three names submitted by the Alaska Principals Association;

(3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;

(4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;

(5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.

(b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.

(c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.

Sec. 14.20.420. TERM OF OFFICE.

(a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080(4), each member serves until a successor is appointed.

(b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080(4), an appointment to fill a vacancy is for the unexpired term.

(c) An individual may not serve more than a total of two 3-year terms.

(d) The commission shall select a chairman from among its members.

Sec. 14.20.430. DISMISSAL. Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity.

Sec. 14.20.440. REIMBURSEMENT. Members of the commission shall receive per diem according to law and are to be granted administrative leave with full pay by their employer for time spent in the performance of official duties under AS 14.20.370 - 14.20.510. If a member is required to spend more than 15 days in a fiscal year in the performance of official duties under AS 14.20.370 - 14.20.510, the state shall reimburse the employer for costs incurred after the 15th day.

Sec. 14.20.450. RESPONSIBILITIES OF COMMISSION. The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:

(1) ethical and professional performance;

(2) preparation for and continuance in professional services; and

(3) contractual obligations.

Sec. 14.20.460. DUTIES OF COMMISSION.

The commission shall

(1) establish procedures, and adopt regulations to implement the purposes of AS 14.20.370 - 14.20.510;

(2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;

(3) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

(4) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.

Sec. 14.20.470. POWERS OF COMMISSION.
(a) The commission may

(1) study proposals 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) 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 which will promote an improvement in the teaching profession;

(6) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

(7) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B 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 commissioner under (a)(4) of this section is final.

Sec. 14.20.475. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under AS 14.20.370 - 14.20.510.

Sec. 14.20.480. EFFECT OF STANDARDS. Members of the teaching profession are obligated to abide by the professional teaching standards adopted by the commission.

Sec. 14.20.500. SUPPORT. In addition to available state funds, the commission shall also be financed by members of the profession in accordance with regulations adopted by the department including, if necessary, an increase in the fees for certificates.

Sec. 14.20.510. SHORT TITLE. AS 14.20.370 - 14.20.510 shall be known as the Professional Teaching Practices Act.

Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION.
(a) The commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate only 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 which, 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; or

(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations.

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit 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.

(c) The commissioner or the Professional Teaching Practices Commission shall request the chief administrative law judge (AS 44.64.020), to appoint an administrative law judge employed by the office of administrative hearings to preside at a hearing conducted under this section. AS 44.64.060 and 44.64.070 do not apply to the hearing.

Sec. 14.20.040. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT. The Administrative Procedure Act (AS 44.62) applies to all proceedings under AS 14.20.030, and revocations and suspensions are final and reviewable in accordance with AS 44.62.560 - 44.62.570.

Sec. 39.25.120(c)(7)(B). PARTIALLY EXEMPT SERVICE. This section provides that the executive secretary of the Professional Teaching Practices Commission is a partially exempt position.

TITLE 4
CHAPTER 06
ARTICLE 2
PROHIBITION OF SEX DISCRIMINATION

4 AAC 06.580(d). Nothing in 4 AAC 06.500 - 4 AAC 06.600 limits the commissioner or the Professional Teaching Practices Commission from seeking to revoke the certification of, suspend, or otherwise discipline an educator who violates AS 14.18 or 4 AAC 06.500 - 4 AAC 06.600.

CHAPTER 18
EMPLOYMENT OF PROFESSIONAL PERSONNEL
SECTION 10
TEACHERS' AND ADMINISTRATORS' CONTRACTS

4 AAC 18.010 (a)(12) all contracts for teachers (as defined by AS 14.20.370) must contain a clause stating that the teacher is obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.

TITLE 20
CHAPTER 10
PROFESSIONAL TEACHING PRACTICES COMMISSION

ARTICLE

1. **PROFESSIONAL STANDARDS**
2. **(REPEALED)**
3. **COMPLAINTS AND INVESTIGATIONS**
4. **GENERAL PROVISIONS**

ARTICLE I
PROFESSIONAL STANDARDS

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS.

(a) The following code of ethical standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

(1) repealed 10/25/2000;

(2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;

(3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;

(4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;

(5) may not expose a student to unnecessary embarrassment or disparagement;

(6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall

make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;

(7) may not use professional relationships with students for private advantage or gain;

(8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

(9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator

(1) repealed 10/25/2000;

(2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;

(3) shall cooperate in the statewide student assessment system established under 4 AAC 06.710 - 4 AAC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;

(4) repealed 10/25/2000;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;

(7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and

(8) may not use or allow the use of district resources for private purposes not related to district programs and operation.

(d) In fulfilling obligations to the profession, an educator

(1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;

(2) shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;

(3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;

(4) may not sexually harass a fellow employee;

(5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

(6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

(7) may not deliberately misrepresent

the educator's or another's professional qualifications;

(8) repealed 10/25/2000;

(9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;

(10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

(11) may not intentionally file a false or malicious complaint with the commission;

(12) may not seek reprisal against any individual who has filed a complaint, provided testimony, or given other assistance in support of a complaint filed with the commission;

(13) shall cooperate fully and honestly in investigations and hearings of the commission;

(14) repealed 10/25/2000;

(15) may not unlawfully breach a professional employment contract;

(16) shall conduct professional business through appropriate channels;

(17) may not assign tasks to unqualified personnel;

(18) may not continue in or seek professional employment while unfit due to

(A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;

(B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;

(19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

(Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156)

Authority: AS 14.20.030
AS 14.20.370
AS 14.20.450
AS 14.20.460
AS 14.20.480

20 AAC 10.035. MORAL TURPITUDE. For the purposes of AS 14.20.030(a)(2),

(1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and

(2) "a crime involving moral turpitude" includes

(A) homicide;
(B) manslaughter;
(C) assault;
(D) stalking;
(E) kidnapping;
(F) sexual assault;
(G) sexual abuse of minor;
(H) unlawful exploitation of a minor;
(I) robbery;
(J) extortion;
(K) coercion;
(L) theft;
(M) burglary;
(N) arson;
(O) criminal mischief;
(P) forgery;
(Q) criminal impersonation;
(R) bribery;
(S) perjury;
(T) unsworn falsification;
(U) interference with official proceedings;
(V) witness tampering;
(W) jury tampering;

(X) terroristic threatening;
(Y) possession or distribution of child pornography;
(Z) unlawful distribution or possession for distribution of a controlled substance;
(AA) unlawfully furnishing alcohol to a minor;
(BB) felony possession of a controlled substance.

(Eff. 4/8/99, Register 150; am 12/25/2005, Register 176)
Authority: AS 14.20.030
AS 14.20.450
AS 14.20.460

20 AAC 10.040. COMMISSION RECORDS. (a) Records of the commission are open for public inspection and copying, with the following exceptions:

(1) a document required by law or court order to be sealed or otherwise kept confidential;

(2) personnel files;

(3) investigative files, except that documents that have been presented as evidence or filed in an administrative adjudicative proceeding are no longer confidential under this paragraph.

(b) The commission staff may share an investigative file with appropriate law enforcement agencies if instances of criminal misconduct have been alleged or discovered in the course of an investigation.

(c) The respondent may obtain access to the investigative file, except privileged information, through a request for discovery after a formal disciplinary proceeding commences based on the investigation.

(d) All references to a minor in an administrative proceeding and in documents available to the public must be by initials or similar method that maintains the minor's confidentiality. If a minor is called to testify as a witness at a hearing, the commission will, in its discretion, close that portion of the hearing to the general public and will determine who may be present while the minor is testifying. A transcript of the proceeding must refer to a minor by initials or similar method that maintains confidentiality. (Eff. 8/12/82, Register 83; am 4/8/99, Register 150)
Authority: AS 14.20.460
AS 14.20.470

ARTICLE III
COMPLAINTS AND INVESTIGATIONS

20 AAC 10.200. COMPLAINTS. (a) An individual having knowledge of an alleged act by an educator, that would be grounds for discipline by the commission under AS 14.20.030, may file a complaint with the commission. The complaint must be in writing and signed by the complainant, and must contain:

(1) the name, mailing address, and contact telephone number of the individual making the complaint;

(2) the name of and school or location of the educator against whom the complaint is made;

(3) a statement of the facts of the alleged misconduct, including the time and place of the misconduct;

(4) the specific statute or regulation alleged to have been violated, if known; and

(5) any documentation that is relevant to the facts alleged and that is available to the complainant.

(b) The executive director may conduct an investigation if the director learns of information that would be grounds for discipline by the commission under AS 14.20.030.
(c) The educator who is named in a complaint or is the subject of an investigation must be an individual and may not be a board, department, district, institution, education association, or similar organization. (Eff. 7/22/89, Register 111; am 4/8/99, Register 150)
Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.210. COMPLAINT PROCESSING. (a) Upon receipt of a complaint, the commission staff shall determine whether the complaint sets out facts that, if true, would constitute a basis under AS 14.20 upon which the commission could impose a sanction on the educator. If the commission staff determines that a complaint is not sufficient upon its face, the staff shall dismiss the complaint without investigation.
(b) Unless the alleged act would be grounds for discipline under AS 14.20.030, the staff may not investigate school district personnel actions, including hiring, evaluation, transfer, reassignment, or dismissal of staff; or curriculum actions.
(c) The commission staff may decline to accept a complaint until locally available remedies have been pursued.
(d) Before completing an investigation, the staff shall provide the respondent with an opportunity to respond to the complaint.
(e) After beginning an investigation the staff may
(1) file an accusation requesting discipline under AS 14.20.030;
(2) negotiate with the educator for an agreement to bring before the commission for approval, for the imposition of discipline; or
(3) dismiss the complaint.
(f) If a complaint is dismissed under (a), (b), or (e)(3) of this section, the staff shall notify the complainant and advise the complainant of the right to a review under 20 AAC 10.220. (Eff. 7/22/89, Register 111; am 4/8/99, Register 150)
Authority: AS 14.20.030
AS 14.20.460
AS 14.20.470

20 AAC 10.220. REVIEW OF DECISION TO DISMISS COMPLAINT. A complainant may request an administrative review of the staff's decision to dismiss the complaint by filing a written request for review with the commission within 15 days after receipt of notice under 20 AAC 210(f). The review shall be conducted by a panel of not less than three commission members appointed by the chair. The review of the staff's decision shall be limited to the written record and materials used by the staff in the determination to dismiss the complaint. The decision of the panel is the final decision of the commission. (Eff. 7/22/89, Register 111)
Authority: AS 14.20.460

20 AAC 10.230. WARNING OR REPRIMAND HEARING. A proceeding in which only a warning or reprimand is sought will be heard by a panel of not less than three commission members appointed by the chair. (Eff. 7/22/89, Register 111)
Authority: AS 14.20.460
AS 14.20.470

ARTICLE IV
GENERAL PROVISIONS

20 AAC 10.300. PUBLICATION OF COMMISSION ACTION.
(a) A warning is a public record of the commission, but the commission will not initiate public dissemination of the document.
(b) The commission staff shall send a copy of the commission's decision and order to impose sanctions greater than a warning to the following:

(1) the chief school administrator in the district in which the respondent is employed;

(2) the school board president in the school district in which the respondent is employed;

(3) the certification section of the Department of Education for placement in the respondent's file;

(4) the national clearinghouse that maintains records of professional discipline against teaching professionals;

(c) If the disciplinary order is against an administrator, the notice required under (b) of this section may not be given until the commissioner concurs as required by AS 14.20.470(a)(4).
(d) The commission will report on all discipline taken since last publication in the commission's periodic publication of commission activity. The commission will not identify the name of the respondent in cases where only a warning was given.
(e) The commission staff shall notify a complainant of the action of the commission. The notification of a warning or reprimand is limited to a summary of the action. (Eff. 7/22/89, Register 111; am 4/8/99, Register 150)
Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.310. DISTRIBUTION OF HANDBOOK. Copies of the Alaska State Professional Teaching Practices Commission's Handbook for Alaska Educators shall be conspicuously displayed, and available, at every education institution in the state whose employees are members of the teaching profession under AS 14.20.370. (Eff. 1/30/75, Register 53; am 7/22/89, Register 111)
Authority: AS 14.20.460
AS 14.20.470

20 AAC 10.900. DEFINITIONS. In this chapter,
(1) "sexual conduct" includes solicitations for sex; explicit sexual jokes and stories; discussion of the educator's sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900(j).
(2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student.
(3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470(a)(7). (Eff. 8/5/90, Register 115; am 7/28/94, Register 131, am 4/8/99, Register 150)
Authority: AS 14.20.030
AS 14.20.450
AS 14.20.460
AS 14.20.470
AS 14.20.480

DEPARTMENT OF EDUCATION
4 AAC 12.300(h-j).
CERTIFICATION OF TEACHERS.

(h) An applicant for a certificate shall, on the application, disclose a suspension or revocation of a certificate by this or another state. A teacher who has been issued a certificate by this state shall immediately notify the department of suspension or revocation of a certificate issued by another state. Failure to inform the department of a suspension or revocation as required by this subsection may result in denial or revocation of a certificate.

(i) Any misrepresentations or willful omission of information on a certification application may result in denial or revocation of the certificate.

(j) The department may deny an application for issuance or renewal of a teacher certificate for any reasons that is cause for revocation or suspension under AS 14.20.030. (Eff. 9/29/2005, Register 175; am 9/30/2005, Register 175; am 12/20/2005, Register 177)

Authority: AS 14.07.060
AS 14.20.010
AS 14.20.020
AS 14.20.030

SECTION VII

PTPC PROCEDURES

1. The PTPC may issue position statements, subject to the following conditions:

   a. Positions will be formulated on an issue-by-issue basis.

   b. The staff may publicly present only those positions that have been adopted by the Commission on record.

   c. Commission members may, on behalf of the Commission, present only those positions that have been adopted by the commission on record.

   d. Official elaboration and discussion of established positions should be made only by the chairperson and/or the staff.

2. Public comment is limited to five (5) minutes per person. The Commission may extend that to fifteen (15) minutes if deemed appropriate.

SECTION VIII

PTPC BYLAWS

Article I Membership

1. A member of the Commission is encouraged but not required to resign if the member changes professional positions in such a manner that the member does not continue to represent the group making the original nomination for membership. The member is encouraged to make the resignation effective the date that a successor is appointed.

2. In the event a Commission member fails to discharge required duties, removal from office may be requested by a majority vote of the Commission. Such a request will be forwarded by the chairperson to the Governor through the Commissioner of Education & Early Development.

Article II Meetings

1. The Commission shall hold an annual meeting in the fall of each year, with other regular meetings to be set by the Commission.

2. Special meetings may be called by the chairperson or upon written request of four members of the Commission. The Executive Director shall notify all members of the time and place of such meetings.

3. Special meetings may be held by teleconference.

4. The conduct of non-adjudicatory portions of the meetings shall be governed by Robert's Rules of Order, *1971 Edition*, to the extent practicable. In cases of conflict with statutes, regulations, or these by-laws, they will prevail in that order of preference.

Article III Officers

1. The officers of this Commission shall be a chair, vice-chair, and secretary. Each officer shall serve for one year with the privilege of reelection. Elections shall be held in the spring or the first annual meeting in the fall.

2. The chairperson shall preside at all meetings and take such other action as may be authorized by these bylaws or by the members of the Commission. The chairperson shall be privileged to comment or debate from the chair, and must cast a vote on any motion unless there had been prior approval to abstain.

3. The vice-chair shall preside in the absence of the chair, shall perform such other duties as may be specified by the Commission and shall automatically become chair in case the duly elected chair should resign, die or for some other reason fail to serve.

4. The secretary shall insure that records of the activities of the Commission are maintained, and perform such other duties as the Commission may assign.

5. The three officers shall comprise the executive committee of the Commission.

6. The Executive Committee of the Commission shall be empowered to act in emergency situations in order to carry out the responsibilities of the Commission. Any such action must be consistent with the provisions contained in the *Professional Teaching Practices Act*, the *Administrative Code*, and the *Bylaws* of the Commission, as well as any current procedures and/or policies that are in force and which have been approved by the Commission during official meetings of the Commission.

7. Officers shall take office when elected.

Article IV PTPC Staff

1. Director's (referred to as "Executive Secretary" in AS 14.20.470) Job Description. The director:

a. Explains and interprets regulations, code of ethics, school law, and offers advice.

b. Formulates written replies to formal complaints.

c. Conducts investigations of alleged unethical and/or illegal conduct.

d. Initiates and coordinates all aspects of disciplinary hearings, such as writing investigative reports, drafting accusations, requesting administrative law judges, notifying the parties involved both before and after hearings, and arranging for recording court witnesses and meeting(s).

e. Works with the Commission's attorney from the Department of Law regarding complaints and hearings.

f. Prepares the agendas and all relevant reference material and makes all of the necessary arrangements for Commission meetings.

g. Prepares newsletters, annual reports, annual budget documents, case summary documents, charts, and other special reports and projects as required.

h. Regularly reviews school law periodicals, legal opinions, court decisions, arbitration rulings, articles, newsletters, etc.

i. Conducts research on relevant school law issues at the request of the Commission.

j. Writes recommended regulations, position statements, letters, reports, etc.

k. Proposes and administers the Commission's budget.

l. Testifies before the Legislature and State Board of Education & Early Development on Commission matters.

m. Responds to special requests for information by state agencies, educational organizations, the news media, etc.

n. Makes presentations to college classes, conference sections, school district in-service programs, and other public forums regarding professional ethics, certification, and the Commission.

o. Represents the Commission and participates in the State Board of Education & Early Development meetings, conferences, workshops, certification meetings.

p. Drafts subpoenas, accusations and final order documents.

2. Secretary's Job Description. The secretary:

a. Sets up and maintains special files of correspondence and records for current projects.

b. Summarizes and interprets data and prepares reports.

c. Receives and screens telephone calls; uses tact and discretion in public interaction; and maintains confidentiality of Commission business.

d. Arranges for transportation and accommodation of traveling staff members; checks and processes expense claims.

e. Is responsible for all financial coding and budget record keeping.

g. Prepares referrals to the Office of Administrative Hearings and maintains a record of funds encumbered for its services.

h. Keeps current on state administrative procedures.

Professional Teaching Practices Commission
CODE OF ETHICS AND TEACHING STANDARDS COMPLAINT
REQUEST FOR INVESTIGATION

Please type or print clearly in dark ink.
Attach additional sheets if necessary.

PTPC Case No. _____
PTPC USE ONLY

_____ wish to file the following complaint against
(name)

_____,
(name)

whose address is _____
(specify if address is for home or work)

and who is a _____ in the _____school of the _____
(position)

school district in the State of Alaska. The actions listed below occurred on or about _____
(date)

Attach additional sheets if necessary _____

_____

_____

_____

I believe that these actions violate the following sections and subsections of the *Code of Ethics and Teaching Standards*, 20 AAC 10.020:_____

These are the previous steps I have taken in trying to solve this problem (please include results of these steps):

_____

_____

_____

_____

I hereby request that the Professional Teaching Practices Commission determine the merits of this complaint and take appropriate action.

Signed	Date	Telephone No.

Address

Other persons qualified to give information relative to this problem:

Name	Address	Telephone No.	Position

Return form to: **Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501 - Phone: 269-6579, Fax: 269-6580**

Professional
Teaching Practices
Commission

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