

CS FOR HOUSE BILL NO. 85(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/23/99
Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

1 shall require an applicant for a license to submit two legible copies of the applicant's
 2 fingerprints to be used by the Department of Public Safety and the Federal Bureau of
 3 Investigation for a criminal history background check, including searches

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

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

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

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

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

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

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

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

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

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

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

1 another jurisdiction with elements similar to an offense described in this paragraph;

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

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

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

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

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

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

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

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

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

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

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

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

31 (2) a licensing agency has

1 (A) disciplined the applicant, including canceling, revoking,
2 suspending, conditioning, or restricting the applicant's authorization to teach;

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

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

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

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

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

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

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

29 **Sec. 14.20.040. Applicability of the Administrative Procedure Act. Except**
30 **where a different procedure is provided in AS 14.20.029, the provisions of**
31 **AS 44.62 (Administrative Procedure Act) apply [APPLIES] to all proceedings under**

1 AS 14.20.029 [AS 14.20.030, AND REVOCATIONS AND SUSPENSIONS ARE
2 FINAL AND REVIEWABLE IN ACCORDANCE WITH AS 44.62.560 - 44.62.570].

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

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

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

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

13 ~~(2)~~ [(3)] substantial noncompliance with the [SCHOOL LAWS OF THE
14 STATE, THE REGULATIONS OR BYLAWS OF THE DEPARTMENT, THE]
15 bylaws of the district [,] or the written rules of the superintendent.

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

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

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

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

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

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

30 (5) deceit, fraud, misrepresentation, or a wilful omission of material
31 information in applying for issuance or renewal of a license or in applying for

1 employment as a member of the teaching profession;

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

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

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

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

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

28 (c) In a disciplinary proceeding instituted under this section, a certified copy
29 of a judgment of conviction is conclusive evidence that the named person committed
30 the offense regardless of whether the conviction resulted from a plea of nolo
31 contendere.

1 (d) In a disciplinary proceeding involving grounds described in (a)(7) or (8)
 2 of this section, the admissions of a member of the teaching profession in a settlement
 3 document accepted by a licensing agency, or in the final findings of fact, conclusions
 4 of law, and order of the licensing agency that canceled, revoked, suspended, refused
 5 the renewal, or accepted surrender of the authorization to teach, is conclusive evidence
 6 that the person committed the described conduct and of the disciplinary action
 7 imposed.

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

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

16 (1) revoke a license;
 17 (2) suspend a license;
 18 (3) censure or reprimand;
 19 (4) impose limitations or conditions on the practice of the teaching
 20 profession;

21 (5) suspend imposition of an order of suspension or revocation during
 22 a period in which the member of the teaching profession is complying with conditions
 23 of probation set by the commission; conditions of probation may include requirements
 24 that the person

25 (A) comply with the applicable requirements of this chapter and
 26 regulations adopted under it;

27 (B) report regularly to the commission on matters relating to the
 28 probation;

29 (C) limit practice of the teaching profession as ordered by the
 30 commission;

31 (D) undertake and continue professional education as ordered

1 by the commission until a satisfactory degree of skill has been attained in the
2 areas determined to need improvement;

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

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

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

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

25 (e) At the teacher's request, the commission or the commissioner shall stay the
26 proceedings on an accusation under this section if the teacher has requested a hearing
27 before the school board or invoked grievance procedures under AS 14.20.180 from a
28 dismissal or nonretention decision based on the same allegations as those made in the
29 accusation. A stay under this subsection does not preclude the commission from
30 summarily suspending a license under (d) of this section. The proceedings on an
31 accusation are stayed until a final decision on the nonretention or dismissal is reached

1 under AS 14.20.180. The commission or commissioner shall give deference to, but
2 is not bound by, a final decision under AS 14.20.180. The commission or
3 commissioner shall state good cause for rejecting a finding of fact made in a final
4 decision under AS 14.20.180. The commission or commissioner may supplement the
5 record with additional evidence on whether there are grounds for discipline under
6 AS 14.20.372 and what discipline may be appropriate under this section.

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

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

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

24 (i) If a person's license is suspended or revoked under (a) or (b) of this
25 section, that person may not be employed as a member of the teaching profession,
26 regardless of whether the employment requires a license, until the person's license or
27 eligibility to apply for a new license has been reinstated under AS 14.20.378 and any
28 required license has been obtained. A person whose license was surrendered under (c)
29 of this section may not be employed as a member of the teaching profession,
30 regardless of whether the employment requires a license, until the person obtains a
31 new license.

1 **Sec. 14.20.378. Reinstatement after suspension or revocation.** (a)

2 Notwithstanding the provisions of AS 44.62.330 and 44.62.550, and except for a
3 revocation under AS 14.20.372(b) or a summary suspension under AS 14.20.375(d),
4 this section governs reinstatement for a license that has been suspended or revoked
5 under this title.

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

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

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

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

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

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

27 (f) If the commissioner or the executive director of the commission opposes
28 a petition for reinstatement under (e) of this section or if the commission finds that a
29 hearing would be helpful to determine whether reinstatement is appropriate, the
30 commission shall conduct a hearing. The petitioner for reinstatement has the burden
31 of proving that

1 (1) the petitioner is qualified and suitable for licensing under this
2 chapter;

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

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

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

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

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

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

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

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

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

27 **Sec. 14.20.460. Duties of commission.** The commission shall

28 (1) **adopt standards of ethical and professional performance for the**
29 **teaching profession and other** [ESTABLISH PROCEDURES, AND ADOPT]
30 regulations **under AS 44.62 (Administrative Procedure Act)** to **interpret or**
31 implement the purposes of AS 14.20.370 - 14.20.510;

1 (2) conduct investigations and hearings on **grounds for discipline**
 2 alleged **under AS 14.20.372** [VIOLATIONS OF ETHICAL OR PROFESSIONAL
 3 TEACHING PERFORMANCE, CONTRACTUAL OBLIGATIONS, AND
 4 PROFESSIONAL TEACHING MISCONDUCT];

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

7 (4) **conduct a hearing and issue a decision in an appeal under**
 8 **AS 14.20.029(f)** [REVIEW THE DECISIONS OF THE DEPARTMENT REGARDING
 9 THE ISSUANCE OR DENIAL OF CERTIFICATES AND IN ITS DISCRETION
 10 RECOMMEND REVERSAL OF DECISIONS].

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

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

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

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

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

23 (4) [SUSPEND OR REVOKE THE CERTIFICATE OF A MEMBER
 24 OF THE TEACHING PROFESSION FOR ONE OF THE REASONS SET OUT IN
 25 AS 14.20.030 EXCEPT THAT IN THE CASE OF AN ADMINISTRATOR, THE
 26 COMMISSIONER MUST CONCUR;

27 (5)] make any recommendation to the board or to school boards that
 28 will promote an improvement in the teaching profession;

29 **(5)** [(6)] request assistance through any of the investigative processes
 30 of **a school board, school superintendent, or** any existing professional teaching
 31 organizations when analyzing charges of breach of ethical or professional teaching

1 practices;

2 (6) [(7)] appoint an executive **director** [SECRETARY], delegate those
 3 **investigative and other** [MINISTERIAL] functions, **except its power to propose and**
 4 **adopt regulations and its power to take action under AS 14.20.372, 14.20.375,**
 5 **14.20.378, and 14.20.460(4),** to the executive **director** [SECRETARY] as the
 6 commission may decide, and set the executive **director's** [SECRETARY'S]
 7 compensation with a starting salary not exceeding range 26, step B, of the pay plan for
 8 state employees in AS 39.27.011(a).

9 (b) A decision issued by the commission [WITH THE APPROVAL OF THE
 10 COMMISSIONER] under **AS 14.20.372, 14.20.375, or 14.20.378** [(a)(4) OF THIS
 11 SECTION] is final **and reviewable in accordance with AS 44.62.560 and 44.62.570.**

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

13 **Sec. 14.20.475. Applicability of the Administrative Procedure Act. Except**
 14 **where a different procedure is provided in AS 14.20.370 - 14.20.510, the**
 15 **provisions of** AS 44.62 (Administrative Procedure Act) **apply** [APPLIES] to
 16 [REGULATIONS AND] proceedings under AS 14.20.370 - 14.20.510.

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

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

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

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

27 (1) by order of a court of competent jurisdiction, issued for good cause
 28 shown and upon the conditions that the court imposes;

29 (2) to the attorney general of this state or the attorney general's
 30 designee;

31 (3) as reasonable and necessary in the enforcement of AS 14.20.372,

1 including investigation of a matter, presentation to a court, or use in an administrative
2 proceeding under this chapter;

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

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

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

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

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

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

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

23 **Sec. 14.20.510. Short title.** AS 14.20.370 - 14.20.510 shall be known as the
24 **Educator Ethics** [PROFESSIONAL TEACHING PRACTICES] Act.

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

26 **Article 5A. Penalties.**

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

31 (b) In addition to a penalty imposed under (a) of this section, if a person who

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

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

10 **Article 8. General Provisions.**

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

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

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

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

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

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

25 (26) "outside service" means service for full years as defined by
 26 (43)(A)(x) and (43)(B)(xi) of this section

27 (A) as a certificated **or licensed** full-time elementary or
 28 secondary teacher or a certificated **or licensed** person in a full-time position
 29 requiring a teaching certificate **or license** as a condition of employment in an
 30 out-of-state public school within the United States, or in a school outside the
 31 United States supported by funds of the United States;

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

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

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

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

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

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

19 (42) **except where a different procedure is provided in AS 14.20.029**
 20 **or 14.20.370 - 14.20.510**, the Department of Education and the **Educator Ethics**
 21 [PROFESSIONAL TEACHING PRACTICES] Commission with regard to proceedings
 22 [TO REVOKE OR SUSPEND A TEACHER'S CERTIFICATE] under **AS 14.20.029**
 23 **and 14.20.370 - 14.20.510** [AS 14.20.030 - 14.20.040 AND AS 14.20.470(a)(4)];

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

25 * **Sec. 21.** REVISOR'S CHANGES. The revisor of statutes is requested to make the
 26 following changes in the specified statutes:

27 (1) change "Professional Teaching Practices Commission" to "Educator Ethics
 28 Commission" in AS 14.20.020(c) and (e); AS 39.25.120(c)(9)(B); and AS 47.17.020(f);

29 (2) change "certification" to "licensure" in the heading of art. 1 of AS 14.20
 30 and in AS 14.20.020;

31 (3) change "Article 5. Professional Teaching Practices Act" to "Article 5.

1 Educator Ethics Act" in the heading of art. 5 of AS 14.20;

2 (4) change "certificate," "teacher certificate," and "teaching certificate" to
3 "license" in AS 14.20.010, 14.20.020, 14.20.025, 14.20.027, 14.20.147(b), 14.20.149(c),
4 14.20.150, and 14.20.177;

5 (5) change "certificates" to "licenses" in AS 14.20.020 and 14.20.500;

6 (6) change "limited teacher certificate" to "limited license" in AS 14.20.025
7 and 14.20.027;

8 (7) change "certificated" to "licensed" in AS 14.03.290(6); AS 14.14.107;
9 AS 14.16.050(a)(3)(E); AS 14.18.060; AS 14.20.149, 14.20.150, 14.20.350, 14.20.370;
10 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),
11 and 39.25.160(e)(6) and (7);

12 (8) change "noncertificated" to "unlicensed" in AS 14.08.111(3);
13 AS 23.20.354(b); AS 39.25.110(6), and 39.25.160(e)(6);

14 (9) change "teacher certificate" to "teacher license" in AS 14.25.045,
15 14.25.047; AS 14.30.250; AS 14.43.148(h)(1)(A)(iii); and AS 25.27.244(s)(2)(A)(iii);

16 (10) change "teacher's certificate" to "teacher's license" in AS 14.43.148(g);

17 (11) change "teaching certificate" to "teaching license" in AS 14.25.220(8) and
18 (40)(A).

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

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

27 * **Sec. 24.** Section 23 of this Act takes effect immediately under AS 01.10.070(c).

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