

**SENATE BILL NO. 61**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/10/99

Referred: HESS, Judiciary

**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 of the  
 4 applicant's criminal history record information, as that term is defined in  
 5 AS 12.62.900, and for any findings of not guilty by reason of insanity.

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

16 (c) The provisions of (a) and (b) of this section apply to renewal of a license  
 17 if the department, by regulation, requires a criminal history background check before  
 18 a license may be renewed.

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

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

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

23 (2) who has been convicted of a crime, or an attempt, solicitation, or  
 24 conspiracy to commit a crime, or found not guilty by reason of insanity of committing  
 25 a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in  
 26 another jurisdiction with elements similar to an offense described in this paragraph;

27 (3) whose license has been revoked or suspended under this title unless  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

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

31 (1) whose criminal history is determined by the department to be

1 materially inconsistent with statements made in the person's application;

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

5 (3) whose authorization to teach was revoked or suspended in another  
6 jurisdiction;

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

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

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

15 (1) criminal proceeding relating to suitability for licensing under this  
16 chapter; or

17 (2) complaint, review procedure, or disciplinary proceeding by a  
18 licensing agency.

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

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

24 (2) a licensing agency has disciplined the applicant, including  
25 canceling, revoking, suspending, conditioning, or restricting the applicant's  
26 authorization to teach; has denied the applicant an authorization to teach; or has  
27 accepted the surrender of the applicant's authorization to teach while that person was  
28 under investigation; or

29 (3) the conditions or restrictions are otherwise in the best interests of  
30 the public.

31 (e) In the department's decision under (b) of this section, or the Educator

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

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

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

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

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

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

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

29 (1) **a ground for discipline listed in AS 14.20.372(a)(1) - (5)**  
 30 [INCOMPETENCY, WHICH IS DEFINED AS THE INABILITY OR THE  
 31 UNINTENTIONAL OR INTENTIONAL FAILURE TO PERFORM THE

1 TEACHER'S CUSTOMARY TEACHING DUTIES IN A SATISFACTORY  
2 MANNER;

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

6 (2) [(3)] substantial noncompliance with the [SCHOOL LAWS OF THE  
7 STATE, THE REGULATIONS OR BYLAWS OF THE DEPARTMENT, THE]  
8 bylaws of the district [,] or the written rules of the superintendent.

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

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

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

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

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

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

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

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

31 (7) discipline, including cancellation, revocation or suspension of,

1 conditions or restrictions on, or refusal to renew, a teaching authorization, imposed on  
2 the member of the teaching profession by a licensing agency for any ground other than  
3 failure to pay a fee; or

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

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

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

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

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

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

5           (b) If the commission's executive director files an accusation while a person  
 6 is licensed under this chapter, the commission may take the following disciplinary  
 7 actions, singly or in combination, if the commission finds grounds for discipline under  
 8 AS 14.20.372:

9                           (1) revoke a license;

10                          (2) suspend a license;

11                          (3) censure or reprimand;

12                          (4) impose limitations or conditions on the practice of the teaching  
 13 profession;

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

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

20                                   (B) report regularly to the commission on matters relating to the  
 21 probation;

22                                   (C) limit practice of the teaching profession as ordered by the  
 23 commission;

24                                   (D) undertake and continue professional education as ordered  
 25 by the commission until a satisfactory degree of skill has been attained in the  
 26 areas determined to need improvement;

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

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

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

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

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

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

28 (g) The commissioner or the commission, as appropriate, shall notify the other  
29 of a disciplinary action, including commission approval of surrender of a license, taken  
30 under this section or under AS 14.20.372(b). The commission shall report the  
31 disciplinary action to any national clearinghouse that maintains records of professional

1 discipline against members of the teaching profession and, if the person who was  
2 disciplined is employed as a member of the teaching profession, shall notify the  
3 disciplined person's employer of the disciplinary action.

4 (h) If a person's license is suspended or revoked under (a) or (b) of this  
5 section, that person may not be employed as a member of the teaching profession,  
6 regardless of whether the employment requires a license, until the person's license or  
7 eligibility to apply for a new license has been reinstated under AS 14.20.378 and any  
8 required license has been obtained. A person whose license was surrendered under (c)  
9 of this section may not be employed as a member of the teaching profession,  
10 regardless of whether the employment requires a license, until the person obtains a  
11 new license.

12 **Sec. 14.20.378. Reinstatement after suspension or revocation.** (a)  
13 Notwithstanding the provisions of AS 44.62.330 and 44.62.550, and except for a  
14 revocation under AS 14.20.372(b) or a summary suspension under AS 14.20.375(d),  
15 this section governs reinstatement for a license that has been suspended or revoked  
16 under this title.

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

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

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

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

1 stating

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

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

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

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

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

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

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

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

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

31 **Sec. 14.20.380. Creation of a commission.** There is a commission of

1 professional educators known as the **Educator Ethics** [PROFESSIONAL TEACHING  
2 PRACTICES] Commission.

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

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

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

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

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

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

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

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

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

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

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

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

30 (3) [WARN OR REPRIMAND MEMBERS OF THE TEACHING  
31 PROFESSION, IF IN THE JUDGMENT OF THE COMMISSION SUCH ACTION

1 IS WARRANTED;

2 (4) take disciplinary action under AS 14.20.372 and 14.20.375  
 3 regarding a member of the teaching profession [SUSPEND OR REVOKE THE  
 4 CERTIFICATE OF A MEMBER OF THE TEACHING PROFESSION FOR ONE OF  
 5 THE REASONS SET OUT IN AS 14.20.030 EXCEPT THAT IN THE CASE OF AN  
 6 ADMINISTRATOR, THE COMMISSIONER MUST CONCUR];

7 (4) [(5)] make any recommendation to the board or to school boards  
 8 that will promote an improvement in the teaching profession;

9 (5) [(6)] request assistance through any of the investigative processes  
 10 of a school board, school superintendent, or any existing professional teaching  
 11 organizations when analyzing charges of breach of ethical or professional teaching  
 12 practices;

13 (6) [(7)] appoint an executive director [SECRETARY], delegate those  
 14 investigative and other [MINISTERIAL] functions, except its power to propose and  
 15 adopt regulations and its power to take action under AS 14.20.372, 14.20.375,  
 16 14.20.378, and 14.20.460(4), to the executive director [SECRETARY] as the  
 17 commission may decide and set the executive director's [SECRETARY'S]  
 18 compensation with a starting salary not exceeding range 26, step B of the pay plan for  
 19 state employees in AS 39.27.011(a).

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

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

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

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

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

1 person.

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

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

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

9 (2) to the attorney general of this state or the attorney general's  
10 designee;

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

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

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

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

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

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

31 (2) a person's good faith performance of a duty, function, or activity

1 required under this chapter as a member of the commission.

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

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

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

6 **Article 5A. Penalties.**

7 **Sec. 14.20.520. Penalties.** (a) A person employed as a teacher in violation  
8 of AS 14.20.010, or employed as a member of the teaching profession in violation of  
9 AS 14.20.372 or 14.20.375, is guilty of a class B misdemeanor.

10 (b) In addition to any penalty imposed under (a) of this section, if a person is  
11 employed as a teacher in violation of AS 14.20.010, or is employed as a member of  
12 the teaching profession in violation of AS 14.20.372 or 14.20.375, the department or  
13 the commission may assess a civil fine, in an amount set by the department by  
14 regulation, for each day on which the person was in violation. A civil fine may be  
15 assessed under this subsection regardless of whether a penalty under (a) of this section  
16 has been imposed. A civil fine assessed under this subsection may be appealed in the  
17 manner provided for appeals in AS 44.62 (Administrative Procedure Act).

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

19 **Article 8. General Provisions.**

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

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

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

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

31 (4) "member of the teaching profession" means a person described in

1 AS 14.20.370.

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

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

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

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

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

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

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

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

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

28 (42) **except where a different procedure is provided in AS 14.20.029**  
29 **or 14.20.370 - 14.20.510,** the Department of Education and the **Educator Ethics**  
30 [PROFESSIONAL TEACHING PRACTICES] Commission with regard to proceedings  
31 [TO REVOKE OR SUSPEND A TEACHER'S CERTIFICATE] under **AS 14.20.029**

1           **and 14.20.370 - 14.20.510** [AS 14.20.030 - 14.20.040 AND 14.20.470(a)(4)];

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

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

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

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

9                   (3) change "Article 5. Professional Teaching Practices Act" to "Article 5.  
10 Educator Ethics Act" in the heading of art. 5 of AS 14.20;

11                   (4) change "certificate," "teacher certificate," and "teaching certificate" to  
12 "license" in AS 14.20.010, 14.20.020, 14.20.027, 14.20.147(b), 14.20.149(c), 14.20.150, and  
13 14.20.177;

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

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

17                   (7) change "certificated" to "licensed" in AS 14.03.290(6); AS 14.14.107;  
18 AS 14.16.050(a)(3)(E); AS 14.18.060; AS 14.20.149, 14.20.150, 14.20.350, 14.20.370;  
19 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),  
20 and 39.25.160(e)(6) and (7);

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

23                   (9) change "teacher certificate" to "teacher license" in AS 14.25.045,  
24 14.25.047; AS 14.30.250; AS 14.43.148(h)(1)(A)(iii); and AS 25.27.244(s)(2)(A)(iii);

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

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

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

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

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

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