

HOUSE

Introduced: 1/13/92

Referred: HES

SENATE

Introduced: 1/13/92

EXECUTIVE ORDER NO. 80

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with
2 AS 24.08.210, I order the following:

3 * **Section 1. FINDINGS.** As governor, I find that the efficient administration of state government
4 would be enhanced by the transfer of the functions of the Professional Teaching Practices Commission
5 (PTPC) to the Department of Education. Consolidation of the department's general authority to
6 administer in this area with the PTPC's specific powers and duties would eliminate the PTPC. Having
7 only one state agency monitor the practices of the teaching profession would eliminate the existing
8 confusion of the public and the profession over who has authority in this area.

9 * **Sec. 2.** AS 14.07.020(a) is amended by adding a new paragraph to read:

10 (15) responsible for developing criteria of professional teaching practices,
11 including ethical and professional performance, preparation for and continuance in professional
12 practice, and contractual obligations.

13 * **Sec. 3.** AS 14.07.030 is amended by adding a new paragraph to read:

14 (15) establish procedures and adopt regulations to implement AS 14.07.020(a)(15),
15 AS 14.20.025, and 14.20.030.

16 * **Sec. 4.** AS 14.20.020(e) is amended to read:

17 (e) The annual estimated balance in the account maintained by the commissioner of
18 administration under AS 37.05.142 may be used by the legislature to make appropriations to the
19 department to carry out the purposes of this section and to support the activities of the
20 commissioner of education under AS 14.20.025 and 14.20.030 [PROFESSIONAL TEACHING
21 PRACTICES COMMISSION UNDER AS 14.20.460, 14.20.470, AND 14.20.500].

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

23 **Sec. 14.20.025. INVESTIGATION OF ALLEGED VIOLATIONS.** (a) The commissioner

1 may conduct investigations and hearings to determine whether revocation or suspension of a
2 certificate is warranted under AS 14.20.030. The commissioner may also conduct investigations
3 and hearings on professional teaching misconduct. The commissioner may subpoena witnesses
4 and place them under oath. The commissioner may request assistance through any existing
5 professional teaching organization when analyzing charges of breach of ethical or professional
6 teaching practices.

7 (b) The commissioner may warn or reprimand members of the teaching profession, if in
8 the judgment of the commissioner such action is warranted.

9 * Sec. 6. AS 14.20.030 is amended to read:

10 Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION. The commissioner
11 [OR THE PROFESSIONAL TEACHING PRACTICES COMMISSION] may revoke or suspend
12 a certificate only for the following reasons:

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

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

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

19 (4) [UPON A DETERMINATION BY THE PROFESSIONAL TEACHING
20 PRACTICES COMMISSION THAT THERE HAS BEEN] a violation of ethical or professional
21 standards or contractual obligations.

22 (b) The commissioner [OR THE PROFESSIONAL TEACHING PRACTICES
23 COMMISSION] shall revoke for life the certificate of a person who has been convicted of a
24 crime involving a minor under AS 11.41.434 - 11.41.442, 11.41.455, or 11.41.460, or under a
25 law in another jurisdiction with elements substantially similar to an offense described in
26 AS 11.41.434 - 11.41.442, 11.41.455, or 11.41.460. When five years have elapsed after the
27 person has received an unconditional discharge for the conviction, the person may petition the
28 commissioner [COMMISSION] for recertification. When deciding whether to grant or deny the
29 petition, the commissioner [COMMISSION] shall consider the nature of the particular crime,
30 whether and to what extent the person has been rehabilitated, and the other factors that the
31 commissioner [COMMISSION] determines are significant.

1 * **Sec. 7.** AS 14.20 is amended by adding a new section to read:

2 **Sec. 14.20.035. EFFECT OF STANDARDS ADOPTED BY THE DEPARTMENT.**

3 Members of the teaching profession are obligated to abide by the professional teaching standards
4 adopted by the Department of Education under AS 14.07.020(a)(15).

5 * **Sec. 8.** AS 14.20 is amended by adding a new section to read:

6 **Sec. 14.20.045. DEFINITION OF TEACHING PROFESSION.** Teachers required by
7 state law to be certificated, instructors in institutions of higher learning, school administrators,
8 school program administrators, and school counselors are within the teaching profession.

9 * **Sec. 9.** AS 44.62.330(a)(42) is amended to read:

10 (42) the Department of Education [AND THE PROFESSIONAL TEACHING
11 PRACTICES COMMISSION] with regard to proceedings to revoke or suspend a teacher's
12 certificate under AS 14.20.030 - 14.20.040 [AND AS 14.20.470(a)(4)];

13 * **Sec. 10.** AS 47.17.020(f) is amended to read:

14 (f) If a law enforcement agency determines that a child has been abused or neglected and
15 that (1) the harm was caused by a teacher or other person employed by the school or school
16 district in which the child is enrolled as a student, (2) the harm occurred during an activity
17 sponsored by the school or school district in which the child is enrolled as a student, or (3) the
18 harm occurred on the premises of the school in which the child is enrolled as a student or on the
19 premises of a school within the district in which the child is enrolled as a student, the law
20 enforcement agency shall notify the chief administrative officer of the school or district in which
21 the child is enrolled immediately after the agency determines that a child has been abused or
22 neglected under the circumstances set out in this section, except that if the person about whom
23 the report has been made is the chief administrative officer, [OR] a member of the chief
24 administrative officer's immediate family, or a person in the teaching profession, as defined in
25 AS 14.20.045, the law enforcement agency shall notify the commissioner of education that the
26 child has been abused or neglected under the circumstances set out in this section. The
27 notification must set out the factual basis for the law enforcement agency's determination. [IF
28 THE NOTIFICATION INVOLVES A PERSON IN THE TEACHING PROFESSION, AS
29 DEFINED IN AS 14.20.370, THE LAW ENFORCEMENT AGENCY SHALL SEND A COPY
30 OF THE NOTIFICATION TO THE PROFESSIONAL TEACHING PRACTICES
31 COMMISSION.]

1 * Sec. 11. AS 14.20.370, 14.20.380, 14.20.390, 14.20.400, 14.20.410, 14.20.420, 14.20.430,
2 14.20.440, 14.20.450, 14.20.460, 14.20.470, 14.20.475, 14.20.480, 14.20.500, 14.20.510, and
3 AS 39.25.120(c)(9)(B) are repealed.

4 * Sec. 12. TRANSITION. (a) The status of litigation, hearings, investigations, and other proceedings
5 pending under a law amended or repealed by this Order, or in connection with functions transferred by
6 this Order, is unchanged. The resolution of such pending matters shall be determined by the
7 commissioner of education.

8 (b) Regulations adopted by the Professional Teaching Practices Commission under authority of
9 AS 14.20.460 before March 14, 1992 remain in effect until regulations adopted under AS 14.07.030(15)
10 by the commissioner of education take effect. The Department of Education may enforce commission
11 regulations adopted under AS 14.20.460 until its own take effect.

12 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or repealed
13 by this Executive Order, and in effect on March 14, 1992, remain in effect notwithstanding this Order.
14 As of March 14, 1992, the status of staff positions transferred to the Department of Education under this
15 Order is determined by the commissioner of education. Records, equipment, appropriations, and other
16 property of agencies of the state whose functions are transferred to the Department of Education under
17 this Order shall be transferred to implement the provisions of this Order.

18 * Sec. 13. This Order takes effect March 14, 1992.

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20 DATED: _____

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Walter J. Hickel
Governor