

COMMITTEE REPORT

1/22/78

HOUSE

Mr. Speaker:

Date _____

The Committee on TEACHING PRACTICES has had _____

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:

_____ Chairman

HOUSE JOURNAL

FINANCE COMMITTEE REPORT

ON

SENATE BILL 30

During the Finance Committee deliberation on SB 30, it was noted that nowhere in 14.20 does there appear a definition of "employer." It is the intent of the Committee that in SB 30, "employer" means a school district, the Department of Education, the State of Alaska or the University of Alaska.

Hugh Malone, Chairman
House Finance Committee

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 30

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation for members of the
7 Professional Teaching Practices Commission."

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

9 * Section 1. AS 14.20.440 is amended to read:

10 Sec. 14.20.440. REIMBURSEMENT. Members of the commission shall
11 receive per diem according to law and are to be granted administrative
12 leave with full pay by their employer for time spent in the performance
13 of official duties under secs. 370-510 of this chapter. If a member
14 is required to spend more than 15 days in a fiscal year in the perfor-
15 mance of his official duties under secs. 370 - 510 of this chapter,
16 the state shall reimburse the employer for costs incurred after the
17 15th day [, BUT SHALL NOT RECEIVE COMPENSATION FOR SERVICES AS A
18 MEMBER].

INFORMATION OF S.B. 30

COMPENSATION FOR MEMBERS OF THE PTPC

Cost per day

Assumption

- (a) University of Alaska, Department of Education member, and Principal, and Superintendent, members of PTPC, do not require substitutes.
- (b) Five teachers require substitute teachers while on official duty as a PTPC member.
- (c) Average state-wide substitute teacher's salary -- \$50.00/day -- with 5% increase each fiscal year.
- (d) Base Formula: 5 members x \$50.00/day = \$250.00/day reimbursement.
- (e) Assume following number of days per member for official PTPC duties:

	FY 75	FY 76	FY 77	FY 78
No. of days	10	12	15	18
5 members / day cost	<u>x \$250</u>	<u>x \$263</u>	<u>x \$276</u>	<u>x \$290</u>
TOTAL COST	\$2,500	\$3,156	\$4,140	\$5,220

COMMITTEE REPORT

1/22/75

HOUSE

Mr. Speaker:

Date Jan. 23, 1975

The Committee on FINANCE has had SB 30

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR SB 30 AND THAT

CS FOR SB 30 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>J. Malone</u>	<u>E. Naughton</u>	_____
<u>T. Buchholz</u>	<u>Ed. D.</u>	_____
<u>Jan. Demers</u>	<u>Charles Greening</u>	_____
<u>Brenda T. Jette</u>	<u>Shor. O'Connell</u>	_____

Members NOT concurring in the Majority report:

<u>N. Hagen</u>	recommends: <u>no recommendation</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

J. Malone Chairman

Amended

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

January 24, 1975

MEMORANDUM

TO: Rep. Hugh Malone, Chairman
House Finance Committee

FROM: John M. Elliott, Executive Director

SUBJECT: Proposed House Committee Substitute for Senate Bill 30

I have reviewed the language which the committee desires to be incorporated into Senate Bill 30 defining "employer". It is my considered opinion that the additional language is superfluous and is not needed.

I do not believe that there is any way that one could construe the provisions of this bill as referring to any employer other than those you wished to spell out specifically. However, I have prepared the bill as requested, but would recommend the original version be adopted by the committee.

JME:pmk

63

Jahri.

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 30

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation for members of the
7 Professional Teaching Practices Commission."

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

9 * Section 1. AS 14.20.440 is amended to read:

10 Sec. 14.20.440. REIMBURSEMENT. (a) Members of the commission shall
11 receive per diem according to law and are to be granted administrative
12 leave with full pay by their employer for time spent in the performance
13 of official duties under secs. 370 - 510 of this chapter. If a member is
14 required to spend more than 15 days in a fiscal year in the performance
15 of his official duties under secs. 370 - 510 of this chapter, the state
16 shall reimburse the employer for costs incurred after the 15th day
17 [, BUT SHALL NOT RECEIVE COMPENSATION FOR SERVICES AS A MEMBER].

18 (b) In this section "employer" means a school district, the
19 Department of Education, the State of Alaska, and the University of
20 Alaska.

The Legislature of the State of Alaska
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill #30
 Title: Compensation for Members of PTPC
 Requested by: Representative Hugh Malone Date: 1/22/75
 Return Date Requested: 1/23/75
 Agency: Education Program: Pre.-Elem.-Secondary

II. FISCAL DETAIL

Budget Request Unit(s) Affected: PTPC

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The case load of the PTPC will dictate the number of days members need to be away from their employment. Predictions at this time do not indicate that any member will need to be away from his place of employment in excess of 15 days.

IV. ATTACHMENTS

V. DATE: 1/23/75

PREPARED BY: William A. Thomas

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Effect of amendments. — Prior to the 1966 amendment, effective July 1, 1966, leaves of absence without pay were approved by the local school board in an organized district or by the department in

a nondistrict school. The amendment also rewrote subsection (b). The 1971 amendment added subsections (d) and (e).

Sec. 14.20.350. Definitions. In §§ 280—350 of this chapter

(1) "teacher" means a certificated member of the teaching, supervisory, or administrative corps in the public schools of the state;

(2) "department" means the Department of Education. (§ 8 ch 13-1 SLA 1962)

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

Section

440. Reimbursement
450. Responsibilities of commission
460. Duties of commission
470. Powers of commission
480. Effect of standards
500. Support
510. Short title

Sec. 14.20.370. Teaching profession. Teachers required by Alaska law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession. (§ 35 ch 98 SLA 1966)

Sec. 14.20.380. Creation of a commission. There is a commission of professional educators known as the Professional Teaching Practices Commission. (§ 35 ch 98 SLA 1966)

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 his appointment, shall be a citizen of the United States and a resident of the state. (§ 35 ch 98 SLA 1966)

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 of education;
- (5) one representative of an Alaska institution of higher learning. (§ 35 ch 98 SLA 1966)

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 of education 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. (§ 35 ch 98 SLA 1966)

Sec. 14.20.420. Term of office. (a) The term of office for each member of the commission is three years and until a successor is appointed, except that members of the first commission shall be appointed as follows: three members for one year, three members for two years, and three members for three years. Members of the first commission shall draw by lot for the initial term of appointment.

(b) Vacancies shall be filled by appointment by the governor for the unexpired term.

(c) No individual may serve more than a total of two 3-year terms.

(d) The commission shall select a chairman from among its members. (§ 35 ch 98 SLA 1966)

Sec. 14.20.430. Dismissal. Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity. (§ 35 ch 98 SLA 1966)

Sec. 14.20.440. Reimbursement. Members of the commission shall receive per diem according to law, but shall not receive compensation for services as a member. (§ 35 ch 98 SLA 1966)

Sec. 14.20.450. Responsibilities of commission. (a) 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. (§ 35 ch 98 SLA 1966)

Sec. 14.20.460. Duties of commission. The commission shall

- (1) establish procedures, and adopt rules to implement the purposes of §§ 370—510 of this chapter;
- (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. (§ 35 ch 98 SLA 1966)

Sec. 14.20.470. Powers of commission. 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) recommend to the department suspension or revocation of the certificate of a member of the teaching profession;
- (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. (§ 35 ch 98 SLA 1966)

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. (§ 35 ch 98 SLA 1966)

Sec. 14.20.500. Support. The commission shall be financed by members of the profession in accordance with regulations promulgated by the department including, if necessary, an increase in the fees for certificates. (§ 35 ch 98 SLA 1966)

Sec. 14.20.510. Short title. Sections 370—510 of this chapter shall be known as the Professional Teaching Practices Act. (§ 35 ch 98 SLA 1966)

Sec. 14.20.207. Definitions.

Quoted in *State v. Redman*, Sup. Ct. Op. No. 755 (File No. 1431), 491 P.2d 157 (1971).

Article 4. Sabbatical Leave.

Section

345. Leave of absence without pay

Sec. 14.20.345. Leave of absence without pay.

(f) A teacher may make contributions to the retirement fund for each year or portion of a year of leave of absence taken. The contribution shall include the required per cent of the salary he would have received had he not taken the leave of absence, plus the required employer and state contributions that would have been made. Compound interest at the rate prescribed by regulation shall be added as computed from the beginning date of the leave of absence to the date the teacher pays the contribution.

(am § 1 ch 184 SLA 1972; am § 2 ch 99 SLA 1974)

Effect of amendments.

The 1972 amendment added subsection (f).

The 1974 amendment, effective July 1, 1974, inserted "or portion of a year" in the first sentence of subsec-

tion (f) and deleted "before July 1, 1971" from the end of that sentence.

As the rest of the section was not affected by the amendments, it is not set out.

Article 5. Professional Teaching Practices Act.

Section

470. Powers of commission

500. Support

Sec. 14.20.470. Powers of commission. The commission may

(7) appoint an executive secretary, delegate those ministerial functions to him as the commission may decide and set his compensation with a starting salary not exceeding range 26, step B of AS 39.27.010.

(am § 1 ch 77 SLA 1972)

Revisor's note (1972).—In ch. 77, SLA 1972, AS 14.20.470(7) referred to AS 39.27.010(1) which was repealed in ch. 87, SLA 1971. The citation has been corrected here.

Effect of amendment. — The 1972 amendment added paragraph (7).

As the rest of the section was not affected by the amendment, it is not set out.

Legislative committee report.—For report on ch. 77, SLA 1972 (SB 126), see 1972 House Journal, p. 1208.

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 promulgated by the department including, if necessary, an increase in the fees for certificates. (§ 35 ch 98 SLA 1966; am § 1 ch 73 SLA 1973)

Effect of amendment. — The 1973 amendment added "In addition to available state funds" to the begin-

ning of the section and inserted "also."

Board or Commission Appointee	Address	Term
**PROFESSIONAL TEACHING PRACTICES COMMISSION		
(AS 14.20.380; 9 members; 3-year term)		
Alfred L. Craig	7100 Foothill Drive Anchorage 99504	July 1, 1975
Dr. William A. Lewis Professor of Education	Alaska Methodist Univ. Anchorage 99504	July 1, 1975
Mrs. Elizabeth L. Johnson	Box 5337 College, Alaska 99701	July 1, 1975
John M. Poling	P. O. Box 578 Nome 99762	July 1, 1973
Jefferson C. Jeffers	617 A West 11th Juneau 99801	July 1, 1973
Mrs. Claire H. Strand	P. O. Box 505 Petersburg 99833	July 1, 1973
Mrs. Mary L. Meiners	P. O. Box 412 Juneau 99801	July 1, 1974
Bill G. Hand	Star Route A, Box 377A Anchorage 99502	July 1, 1974
Arthur Elliott	1513 Alder Anchorage 99504	July 1, 1974

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 31

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the suspension or revocation of
7 teachers' certificates."

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

9 * Section 1. AS 14.20.030 is amended to read:

10 Sec. 14.20.030. CAUSES FOR REVOCATION AND SUSPENSION. The
11 commissioner, or the Professional Teaching Practices Commission subject
12 to the approval of the commissioner, [DEPARTMENT] may revoke or suspend
13 a certificate only for the following reasons [CAUSES]:

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

17 (2) immorality, which is defined as the commission of an act
18 which, under the laws of the state, constitutes a crime involving moral
19 turpitude; [OR]

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

22 (4) upon a determination by the Professional Teaching
23 Practices Commission of a violation of ethical or professional standards
24 or contractual obligations.

25 * Sec. 2. AS 14.20.040 is repealed and re-enacted to read:

26 Sec. 14.20.040. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT
27 The Administrative Procedure Act (AS 44.62) applies to all proceedings
28 under sec. 30 of this chapter, and revocations and suspensions are
29 final and reviewable in accordance with AS 44.62.560 - 44.62.570.

#

1 * Sec. 3. AS 14.20.470(4) is amended to read:

2 (4) subject to approval by the commissioner of education,
3 suspend or revoke [RECOMMEND TO THE DEPARTMENT SUSPENSION OR REVOCATION
4 OF] the certificate of a member of the teaching profession for one of
5 the reasons set out in sec. 30 of this chapter;

6 * Sec. 4. AS 14.20.470 is amended by adding a new subsection to read:

7 (b) A decision issued by the commission with the approval of the
8 commissioner of education under (a)(4) of this section is final.

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

10 Sec. 14.20.475. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.
11 The Administrative Procedure Act (AS 44.62) applies to regulations and
12 proceedings under sec. 370 - 510 of this chapter.

13 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

14 (40) the Department of Education and the Professional
15 Teaching Practices Commission with regard to proceedings to revoke or
16 suspend a teacher's certificate under AS 14.20.030 - 040 and
17 AS 14.20.470(4).