

S B

548

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 4/17/90

FURTHER:

Date of 5-Day Notice: 4/19/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/26/90

H E S S

Committee considered

SB 548

Composition of the Professional Teaching Practices Commission

and recommended:

- replace with _____ CS SB 548 [] same title
[] new title
- [] attached amendment(s)
- [] _____ letter of intent adopted

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

[] fiscal note(s) _____

zero fiscal note(s) Dept. of Education

[] appropriation-no fiscal note

[] Governor's bill w/fiscal note

SIGNING DO PASS:

Al Jordan
Paul A. Grover

OTHER RECOMMENDATIONS:

Paul A. Grover (Do Pass)
Chair: Signature and Recommendation

BY THE HESS COMMITTEE

CS
Adopted

1 IN THE SENATE

2 SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the composition of the Profes-
7 sional Teaching Practices Commission."

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

9 * Section 1. AS 14.20.390 is amended to read:

10 Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The commission
11 consists of nine members appointed by the governor and confirmed by a
12 majority of the members of the legislature in joint session. Each
13 member [, IN ADDITION TO HAVING BEEN ACTIVELY ENGAGED IN THE TEACHING
14 PROFESSION FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT,]
15 shall be a citizen of the United States and a resident of the state,
16 and except for the member who is a member of a school board, shall
17 have engaged in the teaching profession for at least five years imme-
18 diately preceding appointment.

19 * Sec. 2. AS 14.20.400 is amended to read:

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

- 22 (1) five classroom teachers;
23 (2) one elementary school principal;
24 (3) one superintendent;
25 (4) one secondary school principal [REPRESENTATIVE OF THE
26 OFFICE OF THE COMMISSIONER];
27 (5) one member of a school board [REPRESENTATIVE OF AN
28 ALASKA INSTITUTION OF HIGHER LEARNING].

29 * Sec. 3. AS 14.20.400 is amended by adding a new subsection to read:

For watching hen house

1 (b) In addition to the members listed in (a) of this section,
2 the commission shall have one alternate member. The alternate
3 member's only duty is to sit as provided under AS 14.20.472.

4 * Sec. 4. AS 14.20.410(a) is amended to read:

5 (a) Members of the commission shall be selected as follows:

6 (1) the five classroom teachers from lists of names submit-
7 ted by recognized Alaska teachers' organizations, each list not to
8 exceed 12 names; however, in lieu of one of the five, one classroom
9 teacher may be selected from a list of not more than four names signed
10 and submitted by not less than 25 teachers who have no affiliation
11 with an [ANY] organization qualified to submit nomination lists, with
12 the limitation that a [NO] teacher may not sign more than one list a
13 [IN ANY] year;

14 (2) the primary school principal from a list of three names
15 submitted by the Alaska [PRINCIPALS] Association of Elementary Prin-
16 cipals, and the secondary school principal from a list of three names
17 submitted by the Alaska Association of Secondary Principals;

18 (3) the superintendent from a list of three names submitted
19 by the Alaska Association of School Administrators [SUPERINTENDENTS
20 ADVISORY COMMISSION];

21 (4) the school board member from a list of three names
22 submitted by the Alaska Association of School Boards [REPRESENTATIVE
23 OF THE OFFICE OF THE COMMISSIONER FROM A LIST OF THREE NAMES SUBMITTED
24 BY THE COMMISSIONER;

25 (5) THE REPRESENTATIVE OF AN ALASKA INSTITUTION OF HIGHER
26 LEARNING FROM LISTS OF NAMES SUBMITTED BY ALASKA INSTITUTIONS OF
27 HIGHER LEARNING, EACH LIST NOT TO EXCEED THREE NAMES].

28 * Sec. 5. AS 14.20.410 is amended by adding a new subsection to read:

29 (d) The alternate member shall be selected on an alternating

1 basis from lists, not to exceed three names, submitted by the Alaska
2 Association of Elementary Principals and by the Alaska Association of
3 Secondary Principals.

4 * Sec. 6. AS 14.20.420(a) is amended to read:

5 (a) The term of office for each member of the commission and for
6 the alternate member is three years and until a successor is appoint-
7 ed.

8 * Sec. 7. AS 14.20.420(d) is amended to read:

9 (d) The commission shall select a chair [CHAIRMAN] from among
10 its members, excluding the alternate member.

11 * Sec. 8. AS 14.20.430 is amended to read:

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

15 * Sec. 9. AS 14.20.440 is amended to read:

16 Sec. 14.20.440. REIMBURSEMENT. Members of the commission shall
17 receive per diem according to law and are to be granted administrative
18 leave with full pay by their employer for time spent in the perfor-
19 mance of official duties under AS 14.20.370 - 14.20.510. If a member
20 is required to spend more than 15 days in a fiscal year in the perfor-
21 mance of official duties under AS 14.20.370 - 14.20.510, the state
22 shall reimburse the employer for costs incurred after the 15th day.
23 In this section "member" includes the alternate member.

24 * Sec. 10. AS 14.20 is amended by adding a new section to read:

25 Sec. 14.20.472. DISCIPLINARY ACTION AGAINST ADMINISTRATOR. When
26 the commission is investigating, hearing, or otherwise considering
27 allegations of misconduct against a school administrator holding a
28 certificate under this chapter, or reviewing a decision of the depart-
29 ment relating to the issuance or denial of a certificate under this

1 chapter to a school administrator, the alternate member under AS 14.-
2 20.400(b) shall replace one of the members who is a classroom teacher.
3 Unless one of the members who is a classroom teacher has reason to be
4 recused from the proceedings, the member to be replaced shall be
5 selected by lot.

6 * Sec. 11. TRANSITION PROVISIONS. (a) The member of the commission
7 who is a school board member under AS 14.20.400(a)(5), as amended by sec. 1
8 of this Act, shall be appointed upon the expiration of the term of the
9 member who under current AS 14.20.400(5) represents an institution of
10 higher learning. The member of the commission who is an elementary school
11 principal under AS 14.20.400(a)(2), as amended by sec. 1 of this Act, shall
12 be appointed upon the expiration of the term of the member who under
13 current AS 14.20.400(2) is a principal. The member of the commission who
14 is a secondary school principal under AS 14.20.400(a)(4), as amended by
15 sec. 1 of this Act, shall be appointed upon the expiration of the term of
16 the member who under current AS 14.20.400(4) represents the office of the
17 commissioner.

18 (b) The Alaska Association of Elementary Principals and the Alaska
19 Association of Secondary Principals shall draw lots to determine which
20 group shall submit the list of names for the appointment of the first
21 alternate member.

Survey p. (1994)

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Composition of the Professional
Teaching Practices Commission
 Sponsor: Senate HESS
 Requestor: Senate HESS

Agency Affected: Education
 BRU: Commissions and Boards
 Components: Professional teaching
Practices Commission (PTPC)

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala
 Division: Commissioner's Office
 Approved by Commissioner: William G. Demmert
 Agency: Education

Phone: 465-2800
 Date: 4/23/90
 Date: 4/23/90

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

POSITION STATEMENT

SB 548 "AN ACT RELATING TO THE COMPOSITION
OF THE PROFESSIONAL TEACHING PRACTICES
COMMISSION."

THE ALASKA COUNCIL OF SCHOOL ADMINISTRATORS strongly supports the reorganization of the PTPC and urges the passage of this legislation.

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

- (1) ethical and professional performance;
- (2) preparation for and continuance in professional services; and
- (3) contractual obligations

We believe that if the commission is to be truly representative of the profession it addresses, the commission membership must be representative of those professional positions it deals with.

Further, the representative of an institution of higher learning and the representative of the office of the commissioner do not represent a constituency which is actively involved with PTPC. Nor has there been any direct action taken involving professional conduct from either represented organization.

We feel strongly that full time representation from both principal levels is fair and equal treatment. Further, the school board representative is representative of the group that has direct responsibility for the hiring and releasing of professional educator in our public schools.

Again, we support the passage of SB 548.



231.261 Education Practices Commission; organization. —

(1) There is created the Education Practices Commission to consist of 13 members including 5 teachers, 5 administrators and 3 lay citizens (of whom 2 shall be school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations the commissioner shall consult with the teaching and other involved associations in the state. In making nominations the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member in order to be qualified for appointment

- 1 Must be certified to teach in the state
- 2 Must be a resident of the state
- 3 Must have practiced the profession in this state for at least 5 years immediately preceding the appointment

(b) A school administrator member in order to be qualified for appointment

- 1 Must have an endorsement on the teaching certificate in the area of school administration or supervision
- 2 Must be a resident of the state
- 3 Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment

(c) The lay members must be residents of the state

(2) Members of the commission shall serve for 4-year staggered terms. No commission member may serve more than 8 years.

(3) The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

(4) From among its members, the commission shall elect a chairman who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department is authorized to reimburse local school districts for substitutes.

(5) The commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service. The executive director may be dismissed by a majority vote of the membership.

(6)(a) The commission shall be assigned to the Department of Education for administrative purposes. The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Education.

(b) The property, personnel, and appropriations related to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Education.

(7) The duties and responsibilities of the commission are to

(a) Interpret and apply the standards of professional practice established by the State Board of Education

(b) Revoke or suspend a certificate or take other appropriate action as provided in s. 231.262 and in s. 231.17(6)(b).

(c) Report to and meet with the Education Standards Commission at least once each year.

(d) Have rulemaking authority pursuant to chapter 120.

(8)(a) The commission shall be divided into two panels for the purpose of reviewing and issuing final orders upon cases presented to it. A recommended order concerning a complaint against a teacher shall be reviewed and acted upon by a panel composed of four teachers, two lay citizens and one administrator from the commission. A recommended order concerning a complaint against an administrator shall be reviewed and acted upon by a panel composed of four administrators, two lay citizens and one teacher from the commission.

(b) The panels of the commission shall have final agency authority in all cases involving the revocation and suspension of certificates of teachers and school administrators. The local school board shall retain the authority to discipline teachers and administrators pursuant to law.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere for books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Banking and Finance as provided in s. 17.03.

(10) The commission shall be financed from certification fees and general revenue.

History.—ss. 6, 11, ch. 80-190, ss. 1, 2, ch. 81-217, s. 136, ch. 81-254, ss. 2, 3, ch. 81-318, ss. 1, 4, ch. 82-46, ss. 28, 30, ch. 82-242, s. 2, ch. 83-265, ss. 1, 4, s. 6, 7, ch. 85-221.

Note.—Repealed effective October 1, 1995 by s. 5, ch. 85-221 and scheduled for review pursuant to s. 11.61 in advance of that date. Repealed effective October 1, 1995 by s. 7, ch. 85-221 and scheduled for review pursuant to s. 11.61 in advance of that date.