

**HB**

**85**

# FISCAL NOTE

Bill Version: HB 85

(H) Publish Date: 2/10/99

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	_____	Dept. Affected	Education
Title	Professional Teaching Practices Commission	BRU	Commissions and Boards
name change to	Educator Ethics Commission	Component	Professional Teaching Practices Commission
Sponsor	Rules Committee	Component Serial No.	190
Requester	Governor		

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
Any fees collected from imposed fines will be deposited into the General Fund.

Prepared by	<u>Sanna Green</u>	Sanna Green, Executive Director	Phone	<u>269-6579</u>
Division	<u>Professional Teaching Practices Commission</u>		Date/Time	<u>1/22/99 11:33 AM</u>
Approved by	<u>Commissioner</u>	Shirley Holloway, PhD., Commissioner	Date	<u>1/25/99</u>
Agency	<u>Education</u>			

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# STATE OF ALASKA

## DEPARTMENT OF EDUCATION Professional Teaching Practices Commission

*Tony Knowles, Governor*

344 West Third Avenue, Suite 127  
Anchorage, Alaska 99501  
Phone: (907) 269-6579  
FAX (907) 269-6580  
Sanna Green, Executive Director

Bruce Johnson, Chair  
Mary Lou Madden, Vice-Chair  
Vickie McCubbin

Judith Entwistle  
Steve Beardsley  
Christine Dart

Linda Connelly  
Patricia Chitty  
Georgia Cast

### "SPONSORS STATEMENT"

I am writing in support of HB 85. This bill enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining, and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The names of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

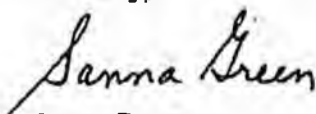
The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation for a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement. Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

Teresa Williams, in the Department of Law, is separately providing a sectional analysis of the bill. I will be happy to answer any questions you may have regarding the bill.

Sincerely,



Sanna Green  
Executive Director

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION *Professional Teaching Practices Commission*

*Tony Knowles, Governor*

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Marsha Van Abel  
Christine Dart

Linda Connelly  
Patricia Chitty  
Georgia Cast

February 17, 1999

The Honorable Fred Dyson, Co-Chair  
House, Health Education and Social Services Committee  
Alaska State Legislature  
State Capitol, Room 104  
Juneau, AK 99801-1182

Dear Representative Dyson

I would like to request a hearing in the House Health, Education and Social Services Committee for HB 85, the Governor's teacher licensure bill. The bill has been referred to your committee, and I hope you will give it attention this session.

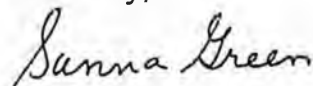
Maintaining and enforcing the code of educator ethics is a critical function of the Professional Teaching Practices Commission (PTPC). The Commission has made recommendations to update its statutory language that are worthy of consideration.

The bill would change the PTPC title to the "Educator Ethics Commission," accurately reflecting the Commission's current role. The bill would also change references to teaching "certificates" to teacher "licenses," again reflecting the current terminology in the teaching profession.

Some of the more important suggested modifications to the statutes include strengthening the PTPC in its disciplinary role for teachers and administrators who have breached the code of educator ethics. New measures include the power to impose fines, and expanding the Commission's range of sanctions beyond license suspension or revocation.

I urge you to consider holding a hearing on this important bill as soon as possible. Thank you for your time and your commitment to children.

Sincerely,

  
Sanna Green  
Executive Director

cc: The Honorable John Coghill, Jr.

TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 85  
P O Box 110001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

February 8, 1999

The Honorable Brian Porter  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker <sup>Brian</sup> Porter:

Quality education for all Alaska children remains a focus and ongoing effort of my Administration. This bill I transmit today enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The name of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's numerous provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

BILL ANALYSIS

The Honorable Brian Porter

February 8, 1999

Page 2


The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation of a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement.

Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

This bill represents a thorough effort on the part of the Department of Education and Professional Teaching Practices Commission to ensure Alaska educators are of high quality and integrity. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles  
Governor

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

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

<p>08 * Section 1. AS 14.20.020(a) is amended to read:          09 (a) Except as provided in <u>AS 14.20.029</u> [(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.</p>	<p>TECHNICAL CONFORMING CHANGE           "CERTIFICATE" TO "LICENSE"</p>
<p>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  <i>Page 2</i>          01 shall require an applicant for a license to submit two legible copies of the applicant's          02 fingerprints to be used by the Department of Public Safety and the Federal Bureau of          03 Investigation for a criminal history background check, including searches of the          04 applicant's criminal history record information, as that term is defined in          05 AS 12.62.900, and for any findings of not guilty by reason of insanity.          06 (b) The department may not issue a license to an applicant until the Department          07 of Public Safety and the Federal Bureau of Investigation have reported back to the          08 department on the criminal history background of the applicant and the department has          09 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.</p>	<p>CREATE STATUTORY AUTHORITY FOR          MANDATORY CRIMINAL RECORDS CHECK          - STRENGTHENS CURRENT AUTHORITY FOUND          IN REGULATION - 4 AAC 12.010(b)(4) AND          AS 12.62.160(b)(10)(INTERESTED PERSON)           PROCEDURE           ALLOWS CHECK AT LICENSE RENEWAL</p>
<p>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</p>	<p>NEW SECTION - COMPILATION OF BASES FOR          DENIAL          - MANDATORY          (1) - TECHNICAL          (2) - MOVED FROM AS 14.20.010(f)           (3) - TECHNICAL</p>

SECTIONAL ANALYSIS

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

*Page 3*

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

02 (2) who, while under investigation, has surrendered to a licensing

03 agency an authorization to teach if the authorization has not been reinstated or a new

04 authorization issued in that jurisdiction;

05 (3) whose authorization to teach was revoked or suspended in another

06 jurisdiction;

07 (4) for the same reasons that disciplinary sanctions may be imposed

08 under AS 14.20.372; or

09 (5) who has failed to meet or otherwise comply with a condition

10 imposed by the department or the Educator Ethics Commission under (c) 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

*Page 4*

01 Ethics Commission's decision under AS 14.20.460(4), denying issuance or renewal of

02 a license, the department or the commission, respectively, may place conditions on the

03 person's reapplication for a license. A person who has been denied issuance or

04 renewal of a license under (b) of this section or under AS 14.20.460(4) may not

05 reapply for licensure sooner than one year after the denial unless a shorter time period

- PERMISSIVE

(1) - NEW

(2) - NEW

(3) - NEW

(4) - FROM 4 AAC 12.010(I)

(5) - NEW

SUSPEND PROCESSING PENDING DISCIPLINE

CONDITIONAL LICENSURE

RESTRICTIONS ON REAPPLICATION AFTER DENIAL

<p>06 for reapplication has been ordered by the department or by the Educator Ethics  07 Commission in the decision denying the license. When reapplying for licensure, the  08 person must include with the application evidence that since the denial a change of  09 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.</p>	<p>APPEAL OF DENIAL</p> <p>REPORTING</p>
<p>20 * Sec. 4. AS 14.20.040 is amended to read:  21 Sec. 14.20.040. <u>Applicability of the Administrative Procedure Act. Except</u>  22 <u>where a different procedure is provided in AS 14.20.029, the provisions of</u>  23 AS 44.62 (Administrative Procedure Act) <u>apply [APPLIES] to all proceedings under</u>  24 <u>AS 14.20.029 [AS 14.20.030, AND REVOCATIONS AND SUSPENSIONS ARE</u>  25 <u>FINAL AND REVIEWABLE IN ACCORDANCE WITH AS 44.62.560 - 44.62.570].</u></p>	<p>MAKES APA APPLICABLE TO REVIEW OF DENIAL    (AS 14.20.475 ADDRESSES APA IN DISCIPLINARY ACTION)</p>
<p>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) <u>a ground for discipline listed in AS 14.20.372(a)(1) - (5)</u>  30 <u>[INCOMPETENCY, WHICH IS DEFINED AS THE INABILITY OR THE</u>  31 <u>UNINTENTIONAL OR INTENTIONAL FAILURE TO PERFORM THE</u>  <i>Page 5</i>  01 <u>TEACHER'S CUSTOMARY TEACHING DUTIES IN A SATISFACTORY</u>  02 <u>MANNER;</u>  03 (2) <u>IMMORALITY, WHICH IS DEFINED AS THE COMMISSION</u>  04 <u>OF AN ACT THAT, UNDER THE LAWS OF THE STATE, CONSTITUTES A</u>  05 <u>CRIME INVOLVING MORAL TURPITUDE]; or</u>  06 (2) [(3)] <u>substantial noncompliance with the [SCHOOL LAWS OF THE</u>  07 <u>STATE, THE REGULATIONS OR BYLAWS OF THE DEPARTMENT, THE]</u>  08 <u>bylaws of the district [,] or the written rules of the superintendent.</u></p>	<p>FOR SCHOOL DISTRICT ACTION, CROSS-REFERENCE AS 14.20.372 RATHER THAN REPEATING</p>
<p>09 * Sec. 6. AS 14.20 is amended by adding new sections to read:  10 Sec. 14.20.372. <u>Grounds for discipline. (a) The commissioner or the</u>  11 <u>Educator Ethics Commission may take disciplinary action as provided in AS 14.20.375</u>  12 <u>regarding a member of the teaching profession for the following reasons:</u>  13 (1) <u>incompetency, which is defined as the inability or the unintentional</u>  14 <u>or intentional failure to perform the teacher's customary teaching duties in a</u>  15 <u>satisfactory manner;</u></p>	<p>MOVES AS 14.20.030 TO EDUCATOR ETHICS ACT</p> <p>(1) SAME</p>

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,  
*Page 6*  
01 conditions or restrictions on, or refusal to renew, a teaching authorization, imposed on  
02 the member of the teaching profession by a licensing agency for any ground other than  
03 failure to pay a fee; or  
04 (8) surrender of a license, or a substantially similar authorization to  
05 teach, in any jurisdiction while an investigation or disciplinary proceeding was ongoing  
06 for any ground other than failure to pay a fee;  
07 (9) failure to meet or otherwise comply with a condition, limitation, or  
08 restriction imposed by the department under AS 14.20.029(d) or by the commission  
09 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.

(2) DIRECTS DEFINITION OF CRIME OF "MORAL  
TURPITUDE"

(3) - SAME

(4) - TECHNICAL CONFORMING CHANGES

(5) - FROM 4 AAC 12.010(k)

(6) MODIFIED FROM 4 AAC 18.010(d) AND AS  
14.20.030(a)(4)

(7) NEW

(8) NEW

(9) NEW

MODIFIED FROM AS 14.20.030(b) - MADE  
AUTOMATIC; PRECLUDES EMPLOYMENT IN  
TEACHING PROFESSION, INCLUDING UNLICENSED  
EMPLOYMENT

PROOF OF CONVICTON

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.

Page 7

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

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

09 (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.

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01 (c) A member of the teaching profession may not surrender a license issued  
02 under this chapter without approval of the commission. A surrendered license may not

## PROOF OF RECIPROCAL DISCIPLINE

### NEW SECTION -

- COMMISSIONER DISCIPLINE

- EDUCATOR ETHICS COMM'N DISCIPLINE

(1) FROM AS14.20.470(a)(4)

(2) FROM AS14.20.470(a)(4)

(3) MODIFIED FROM AS14.20.470(a)(3)

(4) NEW

(5) NEW

LIMIT ON SURRENDER OF LICENSE.

03 be reinstated. If a surrender is approved, the commission may place conditions on the  
04 person's ability to later apply for a new license.

05 (d) The commission may summarily suspend a license before a final hearing  
06 is held on an accusation filed under (b) of this section or during an appeal if the  
07 commission finds that the member of the teaching profession poses a clear and  
08 immediate danger to public health and safety. The person is entitled to a hearing  
09 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

*Page 9*

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

04 (h) If a person's license is suspended or revoked under (a) or (b) of this  
05 section, that person may not be employed as a member of the teaching profession,  
06 regardless of whether the employment requires a license, until the person's license or  
07 eligibility to apply for a new license has been reinstated under AS 14.20.378 and any  
08 required license has been obtained. A person whose license was surrendered under (c)  
09 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.

## SUMMARY SUSPENSION OF LICENSE

MOVED FROM AS 14.20.470(a)(4)

MOVED FROM AS 14.20.470(a)(3) AND AMPLIFIED;  
CIVIL FINE ADDED

## REPORTING

PRECLUDES EMPLOYMENT IN TEACHING  
PROFESSION, INCLUDING UNLICENSED  
EMPLOYMENT, WHILE LICENSE SUSPENDED,  
REVOKED, SURRENDERED

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

*Page 10*

01 stating

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

04 (2) the scope and content of employment performed by the person  
05 during the period of suspension or revocation and the names and addresses of all  
06 employers during that period.

07 (f) If the commissioner or the executive director of the commission opposes  
08 a petition for reinstatement under (e) of this section, or if the commission finds that  
09 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

NEW: PROCEDURES FOR REINSTATEMENT  
(SUPERCEDES AS 44.62.550 - 1 YEAR)

≤ 1 YEAR - AUTOMATIC

> 1 YR - PETITION

REVOKED - NO SOONER THAN 5 YEARS

PROCEDURE

HEARING

CONDITIONAL LICENSURE

<p>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.</p>	<p>RESTRICTION ON FILING NEW PETITION AFTER A  PETITION IS DENIED</p>
<p>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  <i>Page 11</i>  01 professional educators known as the <u>Educator Ethics</u> [PROFESSIONAL TEACHING  02 PRACTICES] Commission.</p>	<p>TECHNICAL</p>
<p>03 * Sec. 8. AS 14.20.410(b) is amended to read:  04 (b) The lists shall be submitted to the executive director of the commission,  05 [COMMISSIONER] who shall submit them as a group to the governor's office.</p>	<p>SIMPLIFY</p>
<p>06 * Sec. 9. AS 14.20.460 is amended to read:  07 Sec. 14.20.460. Duties of commission. The commission shall  08 (1) <u>adopt standards of ethical and professional performance for the</u>  09 <u>teaching profession and other</u> [ESTABLISH PROCEDURES, AND ADOPT]  10 <u>regulations under AS 44.62 (Administrative Procedure Act) to interpret or</u>  11 <u>implement the purposes of AS 14.20.370 - 14.20.510;</u>  12 (2) <u>conduct investigations and hearings on grounds for discipline</u>  13 <u>alleged under AS 14.20.372 [VIOLATIONS OF ETHICAL OR PROFESSIONAL</u>  14 <u>TEACHING PERFORMANCE, CONTRACTUAL OBLIGATIONS, AND</u>  15 <u>PROFESSIONAL TEACHING MISCONDUCT];</u>  16 (3) <u>review the regulations of the department as they relate to licensure</u>  17 <u>[TEACHER CERTIFICATION] and recommend necessary changes; and</u>  18 (4) <u>conduct a hearing and issue a decision in an appeal under</u>  19 <u>AS 14.20.029(f) [REVIEW THE DECISIONS OF THE DEPARTMENT REGARDING</u>  20 <u>THE ISSUANCE OR DENIAL OF CERTIFICATES AND IN ITS DISCRETION</u>  21 <u>RECOMMEND REVERSAL OF DECISIONS].</u></p>	<p>COMBINE FROM AS14.20.450 AND SIMPLIFY   TECHNICAL CONFORMING CHANGES   TECHNICAL   CODIFY CURRENT PRACTICE</p>
<p>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) <u>study proposals regarding standards of ethical and professional</u>  25 <u>performance for members of the teaching profession</u> developed by regular  26 committees of any existing professional organization whose members are within the  27 teaching profession;  28 (2) <u>subpoena witnesses, place them under oath, and maintain written</u>  29 <u>records;</u>  30 (3) <u>[WARN OR REPRIMAND MEMBERS OF THE TEACHING</u>  31 <u>PROFESSION, IF IN THE JUDGMENT OF THE COMMISSION SUCH ACTION</u></p>	<p>CLARIFY          MOVED TO AS14.20.375</p>

01 IS WARRANTED;  
 02 (4) take disciplinary action under AS 14.20.372 and 14.20.375  
 03 regarding a member of the teaching profession [SUSPEND OR REVOKE THE  
 04 CERTIFICATE OF A MEMBER OF THE TEACHING PROFESSION FOR ONE OF  
 05 THE REASONS SET OUT IN AS 14.20.030 EXCEPT THAT IN THE CASE OF AN  
 06 ADMINISTRATOR, THE COMMISSIONER MUST CONCUR];  
 07 (4) [(5)] make any recommendation to the board or to school boards  
 08 that will promote an improvement in the teaching profession;  
 09 (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 .

TECHNICAL CONFORMING CHANGES;  
 ADMINISTRATOR DISCIPLINE MOVED TO AS  
 14.20.375(e).

RENAME POSITION; CLARIFY DELEGATION

TECHNICAL CONFORMING CHANGES

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.

EXCEPTIONS TO APA (E.G. SUMMARY SUSPENSION;  
 REINSTATEMENT)  
 REGULATIONS - MOVED TO AS 14.20.460(1)

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  
 Page 13  
 01 person.

NEW SUBSECTION:  
 ALLOWS INCREASED OR CHANGED DISCIPLINE AS  
 OPTION, BASED ON HEARING OFFICER'S FACTUAL  
 FINDINGS

02 \* Sec. 13. AS 14.20 is amended by adding new sections to read:  
 03 Sec. 14.20.476. Confidential information. (a) Information obtained by the  
 04 commission or the department in the course of an investigation under this chapter is  
 05 confidential and may not be produced for inspection or copying by any person, nor  
 06 may its contents be disclosed to any person, except  
 07 (1) by order of a court of competent jurisdiction, issued for good cause  
 08 shown and upon the conditions that the court imposes;  
 09 (2) to the attorney general of this state or the attorney general's

NEW SECTION:  
 CONFIDENTIALITY OF INVESTIGATIVE FILE

WHEN DISCLOSABLE

<p>10 designee;</p> <p>11 (3) as reasonable and necessary in the enforcement of AS 14.20.372,</p> <p>12 including investigation of a matter, presentation to a court, or use in an administrative</p> <p>13 proceeding under this chapter;</p> <p>14 (4) in response to a request for discovery from the respondent in an</p> <p>15 administrative proceeding under this chapter; or</p> <p>16 (5) to licensing agency and law enforcement officials of any</p> <p>17 jurisdiction.</p> <p>18 (b) All references to a minor in an administrative proceeding, and in all</p> <p>19 documents available to the public, shall be by initials or some similar method that</p> <p>20 maintains the confidentiality of the minor's identity. If a minor is called to testify as</p> <p>21 a witness, the commission or the commissioner, as applicable, may close that portion</p> <p>22 of the hearing to the general public if it is in the minor's best interests to do so and</p> <p>23 may determine who may be present while the minor is testifying. A transcript of the</p> <p>24 proceeding shall refer to a minor by initials or some similar method that maintains the</p> <p>25 confidentiality of the minor's identity.</p> <p>26 <b>Sec. 14.20.478. Limitation of liability.</b> An action may not be brought for</p> <p>27 damages resulting from</p> <p>28 (1) a report or complaint made in good faith to the commission or the</p> <p>29 department by a person, or participation by a person in an investigation or hearing by</p> <p>30 the commission or the department under this chapter; or</p> <p>31 (2) a person's good faith performance of a duty, function, or activity</p> <p><i>Page 14</i></p> <p>01 required under this chapter as a member of the commission.</p>	<p>REFERENCES TO MINORS</p> <p>NEW SECTION: LIMITS ON LIABILITY</p>
<p>02 * <b>Sec. 14.</b> AS 14.20.510 is amended to read:</p> <p>03 <b>Sec. 14.20.510. Short title.</b> AS 14.20.370 - 14.20.510 shall be known as the</p> <p>04 <b>Educator Ethics [PROFESSIONAL TEACHING PRACTICES] Act.</b></p>	<p>TECHNICAL CONFORMING CHANGES</p>
<p>05 * <b>Sec. 15.</b> AS 14.20 is amended by adding a new section to read:</p> <p>06 <b>Article 5A. Penalties.</b></p> <p>07 <b>Sec. 14.20.520. Penalties.</b> (a) A person employed as a teacher in violation</p> <p>08 of AS 14.20.010, or employed as a member of the teaching profession in violation of</p> <p>09 AS 14.20.372 or 14.20.375, is guilty of a class B misdemeanor.</p> <p>10 (b) In addition to any penalty imposed under (a) of this section, if a person is</p> <p>11 employed as a teacher in violation of AS 14.20.010, or is employed as a member of</p> <p>12 the teaching profession in violation of AS 14.20.372 or 14.20.375, the department or</p> <p>13 the commission may assess a civil fine, in an amount set by the department by</p> <p>14 regulation, for each day on which the person was in violation. A civil fine may be</p> <p>15 assessed under this subsection regardless of whether a penalty under (a) of this section</p> <p>16 has been imposed. A civil fine assessed under this subsection may be appealed in the</p> <p>17 manner provided for appeals in AS 44.62 (Administrative Procedure Act).</p>	<p>NEW: PENALTIES FOR TEACHING W/O REQUIRED LICENSE AND UNAUTHORIZED EMPLOYMENT IN TEACHING PROFESSION</p> <p>- CRIMINAL</p> <p>- CIVIL</p>
<p>18 * <b>Sec. 16.</b> AS 14.20 is amended by adding a new section to read:</p> <p>19 <b>Article 8. General Provisions.</b></p>	<p>NEW: DEFINITIONS SECTION FOR AS 14.20</p>

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

*Page 15*

01 AS 14.20.370.

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

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

05 (A) as a certificated or licensed full-time elementary or  
06 secondary teacher or a certificated or licensed person in a full-time position  
07 requiring a teaching certificate or license as a condition of employment in an  
08 out-of-state public school within the United States, or in a school outside the  
09 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

TECHNICAL CONFORMING CHANGES

<p>30 [PROFESSIONAL TEACHING PRACTICES] Commission with regard to proceedings  31 [TO REVOKE OR SUSPEND A TEACHER'S CERTIFICATE] under <u>AS 14.20.029</u>  <i>Page 16</i>  01 and 14.20.370 - 14.20.510 [AS 14.20.030 - 14.20.040 AND 14.20.470(a)(4)];</p>	
<p>02 * Sec. 20. AS 14.20.020(f), 14.20.030, and 14.20.450 are repealed.</p>	<p>MOVED</p>
<p>03 * Sec. 21. REVISOR'S CHANGES. The revisor of statutes is requested to make the  04 following changes in the specified statutes:  05 (1) change "Professional Teaching Practices Commission" to "Educator Ethics  06 Commission" in AS 14.20.020(c) and (e); AS 39.25.120(c)(9)(B); and AS 47.17.020(f);  07 (2) change "certification" to "licensure" in the heading of art. 1 of AS 14.20  08 and in AS 14.20.020;  09 (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)(B); 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).</p>	<p>TECHNICAL CONFORMING CHANGES</p>
<p>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.  <i>Page 17</i>  01 * Sec. 23. TRANSITION: REGULATIONS. Notwithstanding sec. 25 of this Act, the  02 Department of Education and the Professional Teaching Practices Commission may proceed  03 to adopt regulations necessary to interpret or implement this Act. The regulations take effect  04 under AS 44.62 (Administrative Procedure Act), but not before July 1, 1999.</p>	<p>TRANSITION: MEMBERSHIP AND STARTING  REGULATION PROCESS</p>
<p>05 * Sec. 24. Section 23 of this Act takes effect immediately under AS 01.10.070(c).  06 * Sec. 25. Except as provided in sec. 24 of this Act, this Act takes effect July 1, 1999.</p>	<p>EFFECTIVE DATE</p>

# PTPC

## FACSIMILE TRANSMITTAL FORM

### PROFESSIONAL TEACHING PRACTICES COMMISSION

344 WEST THIRD AVENUE, SUITE 127

ANCHORAGE, ALASKA 99501

PHONE (907) 269-6579

FAX (907) 269-6580

DATE: 3/24/99  
TO: WLO Keller  
FAX NO: 465-~~48~~4587

PHONE NO: \_\_\_\_\_

TOTAL PAGES INCLUDING COVER SHEET 9

FROM: SANNA GREEN  
EXECUTIVE DIRECTOR

COMMENTS: These regs were filed in  
the Lt Governor's office & become  
effective Apr. 5, '99

Sanna Green

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ABOVE PLEASE CALL (907) 269-6579.

NEW PTPC REGS

Register \_\_\_\_\_ 1998 ②

MISCELLANEOUS BOARDS

20 AAC 10.010 is repealed:

20 AAC 10.010. COVERAGE. Repealed 2/1/75. (Eff. 1/30/75, Register 53; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_) *Del underline*

20 AAC 10.020(a) and (c) are amended to read: [ETHICS] and professional

(a) The following code of ~~ethical and professional~~ [ETHICS AND PROFESSIONAL TEACHING] standards [OF THE PROFESSIONAL TEACHING PRACTICES COMMISSION] governs all members of the teaching profession. A violation of this section is [CONSTITUTES] grounds for discipline [REVOCAION OR SUSPENSION OF CERTIFICATION] as provided in AS 14.20.030.

(c) In fulfilling obligations to the public, an educator

- (1) may not misrepresent an institution or organization with which the educator is affiliated;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) may not knowingly distort or misrepresent facts concerning educational matters [IN DIRECT AND INDIRECT PUBLIC EXPRESSIONS];
- (4) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities;
- (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
- and may not (6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, [nor] offer a gratuity, gift, or favor to obtain special advantage;
- (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision: and

(8) may not use or allow the use of district resources for private purposes not related to the operation of the district programs and operations. <sup>9</sup>

(Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority: AS 14.20.030 [AS 14.20.030(a)]

~~AS 14.20.030(a)~~

AS 14.20.370

AS 14.20.450

AS 14.20.460

AS 14.20.480

*Publiser: The 1<sup>st</sup> row of citations should be on the same line as "Authority"*

20 AAC 10 is amended by adding a new section to read:

20 AAC 10.030 <sup>45</sup> MORAL TURPITUDE. For the purposes of AS 14.20.030(a)(2), <sup>9(1)</sup> "moral turpitude" means conduct that is wrong in itself even if no statute <sup>were to</sup> prohibits the conduct. <sup>5</sup> Crimes of moral turpitude include

- (A) homicide;
- (B) manslaughter;
- (C) assault;
- (D) stalking;
- (E) kidnaping;
- (F) sexual assault;
- (G) sexual abuse of a minor;
- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;

*; and  
9(2) a crime involving*

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- (14) arson;
- (15) criminal mischief;
- (16) forgery;
- (17) criminal impersonation;
- (18) bribery;
- (19) perjury;
- (20) unsworn falsification;
- (21) interference with official proceedings;
- (22) witness tampering;
- (23) jury tampering;
- (24) terroristic threatening;
- (25) possession or distribution of child pornography;
- (26) unlawful distribution or possession for distribution of a controlled substance;
- (27) unlawfully furnishing alcohol to a minor. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:

AS 14.20.030  
AS 14.20.450

AS 14.20.460

*Publisher: Citations should be on one line with "Authority!"*

(a), (b), and (c) are

, and a new subsection is added

20 AAC 10.040 is amended to read:

Records

20 AAC 10.040. COMMISSION RECORDS. (a) All records of the commission are open for public inspection and copying, with the following exceptions:

(1) a document required by law or court order to be sealed or otherwise kept confidential;

(2) personnel files; [and] that

(3) investigative files, except those documents that have been presented as evidence or filed in the administrative adjudicative proceeding are public are no longer confidential under this paragraph.

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(b) The commission staff may share an investigative file [MAY BE SHARED] with appropriate law enforcement agencies <sup>(E)</sup> [where] instances of criminal misconduct have been alleged or discovered in the course of an investigation.

(c) The respondent may obtain access <sup>[ACCESS]</sup> to the investigative file, except privileged information through a request for discovery <sup>and</sup> after [MUST BE PROVIDED TO THE RESPONDENT WHO IS THE SUBJECT OF] a formal disciplinary proceeding commences [WHICH IS] based on the investigation.

(d) All references to a minor in an administrative proceeding <sup>and in</sup> all documents available to the public shall be by initials or <sup>(A)</sup> some similar method that maintains the minor's confidentiality. If a minor is called to testify as a witness at a hearing, the commission will, in its discretion, close that portion of the hearing to the general public and will, <sup>(must)</sup> in its discretion, determine who may be present while the minor is testifying. <sup>(A)</sup> Any transcript of the proceeding shall refer to a minor by initials or <sup>(E)</sup> some similar method that maintains confidentiality. (Eff. 8/12/82, Register 83; am<sup>d</sup>)

Delete, substitute in new subsec. (d)

\_\_\_/\_\_\_/\_\_\_ Register \_\_\_

Authority:

- AS 14.20.460
- AS 14.20.470

re-adopted

20 AAC 10.200 is repealed and ~~repealed~~ re-adopted to read:

20 AAC 10.200. COMPLAINTS. (a) An individual having knowledge of an alleged act by an educator, that would be grounds for discipline by the commission under AS 14.20.030, may file a complaint with the commission. The complaint must be in writing, <sup>and</sup> signed by the complainant, and must contain

(1) the name, mailing address, and contact telephone number of the <sup>(individual)</sup> person making the complaint;

(2) the name <sup>(of)</sup> and school or location of the educator against whom the complaint is made;

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- (3) a statement of the facts of the alleged misconduct, including the time and place of the misconduct;
- (4) the specific statute or regulation alleged to have been violated, if known; and
- (5) any documentation that is relevant to the facts alleged and that is available to the complainant.

(b) The executive director may conduct an investigation if the director learns of information that would be grounds for discipline by the commission under AS 14.20.030 .

(c) The educator who is named in a complaint or is the subject of an investigation must be an individual and may not be a board, department, district, institution, education association, or similar organization. (Eff. 7/22/89, Register 111; am. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:

- AS 14.20.460
- AS 14.20.470

readopted

20 AAC 10.210 is repealed and reenacted to read:

20 AAC 10.210. COMPLAINT PROCESSING. (a) Upon receipt of a complaint, the commission staff shall determine whether the complaint sets out facts that, if true, would constitute a basis under AS 14.20 upon which the commission could impose a sanction upon any certificate held by the educator.

(b) If the commission staff determines that a complaint is not sufficient upon its face, the staff shall dismiss the complaint without investigation. Unless the alleged act would be grounds for discipline under AS

AS#14.20.030, the staff may not investigate school district personnel actions, including hiring, evaluation, transfer, reassignment, or dismissal of staff, or curriculum actions.

(c) The commission staff may decline to accept a complaint until locally available remedies have been pursued. Before completing an investigation,

(d) The staff shall provide the respondent with an opportunity to respond to the complaint.

(e) At any time after beginning an investigation the staff may

Publisher: Keep "AS" on the same line as "14.20.030"

Cap.

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- (1) file an accusation <sup>requesting discipline</sup> for sanctions under AS 14.20.030;
- (2) negotiate with the educator for an agreement <sup>to</sup> the imposition of discipline to bring before the commission for approval; or
- (3) dismiss the complaint; <sup>(a)</sup>

(f) If a complaint is dismissed under (b) or (e)(3) of this section, the staff shall notify the complainant and advise the complainant of the right to a review under 20 AAC 10.220. (Eff. 7/22/89, Register 111; am.    /    /   , Register   )

Authority:

AS 14.20.030  
AS 14.20.460

AS 14.20.470

*Publisher: Citations should be on the same line as "Authority"*

<sup>2</sup>  
~~20 AAC 10.020 is amended to read:~~

~~20 AAC 10.220. REVIEW OF DECISION TO DISMISS COMPLAINT. A complainant may request a review by the commission [AN ADMINISTRATIVE REVIEW] of the staff's decision to dismiss the complaint by filing a written request [FOR REVIEW WITH THE COMMISSION] within 15 days after receipt of notice under 20 AAC 210(f)(g)(2). The review shall be conducted by a panel of not less than three commission members appointed by the chair. The review of the staff's decision shall be limited to the written record and materials used by the staff in the determination to dismiss the complaint. The decision of the panel is the final decision of the commission. (Eff. 7/27/89, Register 111, am.    /    /   , Register   )~~

Authority:

~~AS 14.20.460~~  
~~AS 14.20.470~~

*Withdrawn  
DOB  
5/8/99*

~~20 AAC 10 is amended by adding a new section to read:~~

*Publisher: Existing text of 20 AAC 10.220 is unchanged, except for a revisor's technical edit as follows:  
At the end of the first sentence, change "20 AAC 210(g)(2)" to "20 AAC 10.210(f)".*

Register

1998

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MISCELLANEOUS BOARDS

~~20 AAC 10.225. INVESTIGATORY SUBPOENAS. A determination whether a subpoena should be issued under AS 14.20.470(a)(2) during the course of an investigation shall be made by a panel of not less than three commission members appointed by the chair. In advising the panel on the question of whether a subpoena should be issued, the director shall provide the panel information about the alleged unlawful conduct and the materials that would be requested through the subpoena, but not the name of the educator who is the subject of the investigation. The panel shall retain a record of the information provided to it. Upon a determination of the panel to issue the subpoena, the director shall sign and serve the subpoena on behalf of the commission. (Eff. 1/1/98)~~

Register

Authority

~~AS 14.20.460~~

~~AS 14.20.470~~

withdrawn  
DEB  
3/8/95

readopted

20 AAC 10.300 is repealed and reenacted to read:

20 AAC 10.300. PUBLICATION OF COMMISSION ACTION. (a) A warning is a public record of the commission, but the commission will not initiate any public dissemination of the document.

(b) The commission staff shall send a copy of the commission's decision and order to impose sanctions greater than a warning to the following:

- (1) the chief school administrator in the district in which the respondent is employed;
- (2) the school board president in the school district in which the respondent is employed;
- (3) the certification section of the Department of Education for placement in the respondent's file;
- (4) the national clearinghouse that maintains records of professional discipline against teaching professionals and

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MISCELLANEOUS BOARDS

Register

(c) If the disciplinary order is against an administrator, the notice required under (b) of this section <sup>may</sup> not be given until the commissioner of education concurs as required by AS

AS 14.20.470(a)(4).

(d) The commission <sup>will</sup> report on all discipline taken since last publication in its periodic publication of commission activity. The <sup>commission will not identify</sup> name of the respondent <sup>shall not be identified</sup> in cases where only a warning was given.

(e) The commission staff shall notify a complainant of the action of the commission. The notification of a warning or reprimand <sup>is</sup> shall be limited to a summary of the action. (Eff. 7/22/89, Register 111; am.      /      /     , Register     )

Authority:

AS 14.20.460

AS 14.20.470

20 AAC 10.900 is amended by adding a new paragraph to read:

(3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470(a)(7). (Eff. 8/5/90, Register 115; am 7/28/94, Register 131; am      /      /     , Register     )

Authority:

AS 14.20.030(a)

AS 14.20.450

AS 14.20.460(1)

AS 14.20.470

AS 14.20.480

Publisher: Keep "AS" on same line as "14.20.470(a)(4)"

Publisher: The first row of citations should be on the same line as "Authority"

(7)

Date Referred to Committee: February 10, 1999

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 3/27/99

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 85

HOUSE BILL NO. 85

TEACHERS' LICENSES, DISCIPLINE & ETHICS

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

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[X] zero fiscal note(s) DOE

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *[Signature]* *[Signature]*