

SB

61

FISCAL NOTE

N: 1
 Bill version: 98161
 (S) Publish Date: 2/10/99

**STATE OF ALASKA
 1999 LEGISLATIVE SESSION**

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

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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

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 Commissioner <u>[Signature]</u> Shirley Holloway, PhD., Commissioner	Date <u>1/25/99</u>
Agency <u>Education</u>	

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EMAIL: senate_secretary@Legis.state.ak.us

FOR YOUR IMMEDIATE ATTENTION

DATE: January 13, 2000 *Bill 100 / Governor Bill*
TO: Health, Education and Social Services Committee
(Senator Miller - Room 119)
FROM: Office of the Senate Secretary

The Senate President has added/changed the referral(s) on the following bill(s):

RETRIEVE

SENATE BILL NO. 61

"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."

Please give the bill file(s) to the page delivering this message. The bill file(s) may be returned to your Committee, if appropriate, after the designated changes have been made.

Thank you.

TONY KNOWLES
GOVERNOR



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

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 8, 1999

The Honorable Drue Pearce
Senate President
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

61
Dear *Drue* President Pearce:

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.

The Honorable Drue Pearce

February 8, 1999

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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

2440 East Tudor Road #310
Anchorage, AK 99507-1185
August 12, 1998

Professional Teaching Practices Commission
344 West Third Avenue
Anchorage, AK 99501

Dear Sirs:

I write and submit this request both to solicit and elicit a formal, written opinion from the Commission and the Attorney General of the State of Alaska. It has come to my attention that in the language of 20 AAC 10.020 (d)(1) the word "age" is absent. All of the other definers of American civil rights (of the last 100+ years) are present except, conspicuously, this one, "age".

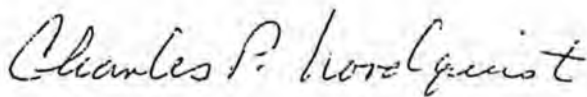
Why is this so? Please, do not tell me that age discrimination in employment within the Alaskan educational community can be taken care of by using the state and federal age discrimination in employment statutes – this misses the point entirely. First, one could use the civil rights statutes regarding race – but, one does not have to or is not limited to doing so. Second, and more to the point of the existence of the PTPC, the absence of "age" in this language implies that a person can lose their professional certificate as an educator by race, religious, sexual orientation (or other) discrimination, but not by age discrimination! How absurd!

Why does the language in this regulation fail to conform to the language in other authorities?
What would happen to a challenge on grounds of constitutional equity?
Whose interests are served with this omission (as it now stands)?
Are Alaskan educators committing employment discrimination on the basis of age? How do you know?
Would age discrimination in Alaskan education employment be an act of moral turpitude?
When will the word "age" appear in this regulation and conform to such primary legal authorities as (but not necessarily limited to):

42 USC Chapter 21, The Civil Rights act of 1964
29 USC §§ 621 – 634, The Age Discrimination in Employment Act
AS 18.80.220 (a)(1).

Thank you.

Sincerely,



Charles P. Nordquist

PROFESSIONAL TEACHING PRACTICES COMMISSION

CODE OF ETHICS AND TEACHING STANDARDS COMPLAINT — REQUEST FOR INVESTIGATION

Please type or print clearly in dark ink. Attach additional sheets if necessary.

PTPC Case No. 98-23 PTPC Use Only

I, CHARLES P. NORDQUIST, wish to file the following complaint against

(name)

whose address is (specify if address is for home or work)

and who is a (position) in the school of the

school district in the State of Alaska. The actions listed below occurred on or about (date)

(Attach additional sheets if necessary)

REQUEST AN OPINION CONCERNING THE ABSENCE OF THE WORD "AGE" IN 20 AAC 10.020(d)(1). PLEASE SEE ATTACHED.

RECEIVED AUG 15 1998

I believe that these actions violate the following sections and subsections of the Code of Ethics and Teaching Standards, 20 AAC 10.020:

These are the previous steps I have taken in trying to solve this problem (please include results of these steps):

I hereby request that the Professional Teaching Practices Commission determine the merits of this complaint and take appropriate action.

Signed Charles P. Nordquist Date 8-13-98 Phone n/a

Address 2440 E. Tudor Rd. #310, ANCHORAGE, AK 99507-1185

Other persons qualified to give information relative to this problem:

Table with 4 columns: Name, Address, Telephone, Position

Return form to: Professional Teaching Practices Commission, 344 West Third Avenue, Suite 127, Anchorage, Alaska 99501 -

Phone: 269-6579 FAX: 269-6580

2440 East Tudor Road #310
Anchorage, AK 99507-1185
August 23, 1998

Professional Teaching Practices Commission
344 West Third Avenue
Anchorage, AK 99501

RECEIVED
AUG 24 1998

Professional Teaching
Practices Commission

Dear Sirs:

1. This letter follows my previous letter dated August 12, 1998. The request I made in that letter was rejected by Executive Secretary Sanna Green. She verbally informed me of the available appeal process. Therefore, this letter repeats my August 12 request, now under appeal, as provided for under Section II, Paragraph F as published in the Alaska State Professional Teaching Practices Commission: Handbook for Alaska Educators, Revised June, 1992 page 3.

2. My original request takes notice of the fact that the term "age" is absent from the list of discrimination definers in the language of 20 AAC 10.020 (d)(1), and that the language should appropriately be revised to include this term.

3. The consideration of "age" as an term of employment discrimination originated in United States law cited as Age Discrimination in Employment Act of 1967, 29 U.S.C.A. §§ 621-634 (1988). That the term "age" is absent from the Alaska

Administrative Code after more than 30 years is more than curious.

4. Why would this language stand contrary to United States public law for so long?

5. Why would the State of Alaska continue to remain in the position of standing contrary to Federal public policy from this time forward?

6. It is both timely and appropriate that the Professional Teaching Practices Commission (PTPC) take interest and initiative in recommending this change in language.

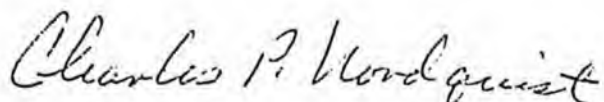
A. The last review/revision took place four years ago in 1994.

B. I am told that the Office of the Alaska Attorney General is currently reviewing such language.

C. It is consistent with the mission of the PTPC and within the purview and authority of the PTPC under Alaska Statutes, Title 14, Article 5, §§ 14.20.460 and 14.20.470 to do this.

Thank you.

Sincerely,



Charles P. Nordquist

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
Peggy Conner-Jones, Secretary

Judith Entwife
Marsha Van Abel
Christine Miller

Linda Connelly
Patricia Chitty
Georgia Cast

November 17, 1998

Charles P. Nordquist
2440 East Tudor Road #310
Anchorage, AK 99507-1185

Dear Mr. Nordquist:

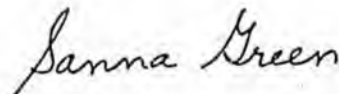
The Professional Teaching Practices Commission reviewed your request that "age" be included in the section of the Code of Ethics which prohibits discrimination. It was the decision of the appeal panel that the PTPC should include it. That portion of the minutes of that meeting is as follows:

The Committee for Case #98-21, consisting of Mary Lou Madden, Judith Entwife, and Marsha Van Abel directed the Executive Director to request the Attorney General to make a determination as to whether we may add "age" to the list of discriminatory practices disallowed in 20 AAC 10.020(d)(1) without opening a new period of public comment. If we may, that language is to be added as part of the current regulation revisions. If we may not, such a regulation revision should be made at the next time of PTPC regulation revisions, or by January 1, 2000, whichever comes first.

I have asked the attorney general if age may be added without going through promulgation and I was advised that we cannot. We, will, therefore include it in the next revision of the Code of Ethics.

If you have any questions feel free to contact this office.

Sincerely,



Sanna Green
Executive Director

Date: Mon, 15 Mar 1999 09:53:16 -0800
From: Teresa Williams <Teresa_Williams@law.state.ak.us>
To: ascpn4@UAA.ALASKA.EDU
Subject: Re: PTPC Case #98-21

A bill was introduced this session that amends Alaska statutes governing licensing and discipline of teachers. On the house side it is named HB 85; on the senate side it is SB61. Neither bill addresses the issue of age discrimination in teacher employment. At this time, the statutes addressing teacher licensing and discipline do not include any language regarding discrimination; that issue is addressed in the Human Rights Act.

Effective on April 8, 1999, the PTPC's revisions to its regulations go into effect. The educator code of ethics to which you refer is a regulation. The issue of age discrimination was not addressed in the regulation changes. The issue could not have been included because the public notice regarding the potential regulation changes did not include that topic.

Teresa Williams
Attorney General's Office

>>> CHARLES P NORDQUIST <ascpn4@UAA.ALASKA.EDU> 3/5/99 12:11:24 PM >>>

Hello,

The above named "case" from the Professional Teaching Practices Commission deals with the issue of adding "age" to that part of the Alaska educator code of ethics which lists prohibited discrimination practices, 20 AAC 10.020(d)(1).

I understand that 98-21 has been "Christmanned" onto some bill under consideration this legislative session.

I wonder if you can tell me which bill this is so that I can track its progress, please?

Thank you.

Charles Nordquist
(907) 258-1600

2440 East Tudor Road #310
Anchorage, AK 99507-1185
April 5, 1999

Hon. Mike Miller, Chair
Hon. Pete Kelly, Vice-Chair
Health, Education and Social Services Committee
Room 119, State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senators Miller and Kelly:

1. Please find information with regard to SB61. Requested by the Governor, SB61 deals with issues of regulation changes which are of interest to the Fair Teaching Practices Commission (PTPC), etc.
2. The language of 20 AAC 10.020 (d)(1) conspicuously omits the word "age" as a discrimination definer.
3. I filed a "complaint" with the PTPC concerning this omission last August. (See attached.)
4. I received word in writing that this language change would be included in the next revision (SB61). (See attached.)
5. I next received contrary information that change in language to 20 AAC 10.020 (d)(1) is not included. (See attached).
6. Please include this appropriate change!
7. a) Please activate your Oversight procedures in order to investigate this omission and explain to me why this change failed to reach SB61 from the PTPC, Alaska State Department of Education and the Office of the Attorney General, *et al*,
b) which, if any, individuals are responsible,
c) if this omission is in fact subterfuge, and
d) indicate if this omission has to do with ongoing age discrimination in Alaskan education employment practices.

Thank you.

Sincerely,

Charles P. Nordquist

Charles P. Nordquist

Encl.

C:

John Lee, Investigator

c/o Joanne I. Cantrell, Supervisor

Charge Receipt & Technical Information Unit

U.S. Equal Employment Opportunity Commission

Seattle District Office

Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Hon. Tony Knowles, Governor

3601 C Street, Suite 758

Anchorage, AK 99503