

Department of Education and Early Development

Alaska State Professional Teaching Practices Commission

Handbook for Alaska Educators

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 INTRODUCTION

SECTION I INTRODUCTION

In 1966 the Professional Teaching Practices Act (AS 14.20) was passed to provide a means of policing ethics and for improving the standards and practices within the education profession. The act created a nine-member commission consisting of five classroom teachers, one principal, one superintendent, one representative from the Department of Education and Early Development, and one representative from higher education, all of whom are appointed by the governor for staggered three-year terms. Since 1973, an Executive Director has been employed to implement the policies and responsibilities of the Professional Teaching Practices Commission (PTPC).

A code of ethics for Alaska educators was adopted by the Commission and promulgated as state regulations. The code, which was rewritten in 2000 and revised periodically, provides the ethical standards by which members of the profession are judged.

In general, the Commission deals with matters of professional conduct and certification. It has the responsibility and the power to discipline members of the teaching profession and may issue warnings, reprimands and suspend or revoke certificates of educators.

The services and resources of the PTPC are available to any individual or group. Members of the education profession, school board members, agencies, and private citizens may approach the Commission for information and assistance concerning matters of ethics and professional practices in public education in the State of Alaska.

It is the intent of the Professional Teaching Practices Commission to serve as a preventative and positive force in helping to enhance the professional performance of all educators so that the public's right to the best education possible for all of Alaska's students is adequately protected.

Further information may be obtained by contacting the PTPC office at:

Professional Teaching Practices Commission
550 West 7th Avenue, Suite 1240
Anchorage, Alaska 99501
Phone: 269-6579
Fax: 269-5070

SECTION II

COMPLAINT, INVESTIGATION AND HEARING PROCEDURES SUMMARY

The following is a summary of the complaint, investigation and hearing procedures of the PTPC. When filing a complaint, the Alaska Statutes and Regulations provided in this manual should be reviewed for a full legal description.

The Commission has jurisdiction over persons required by Alaska law to hold a teacher certificate, school administrators, instructors in institutions of higher learning, school program administrators, and school counselors.

Complaints

Complaints may be submitted to the Commission by members of the education profession or by the public. Notification by a state agency to the Professional Teaching Practices Commission that an educator has committed a crime may also result in action by the PTPC.

In most cases, locally available procedures for processing complaints should be pursued where they are applicable before filing a complaint with the Commission. These procedures may include parent complaint procedures within the local school district, staff grievance procedures, school board hearings and the like.

A formal hearing is the final step in resolving allegations against educators by the Commission. Upon a finding, by a preponderance of the evidence, that one of the four reasons cited in AS 14.20.030 is applicable, one of the following sanctions may be imposed: 1) a warning; 2) a reprimand; 3) a suspension of the certificate; or 4) a revocation of the certificate.

Investigation

cross-examination and all the procedures of the Administrative Procedure Act are observed.

Reprimand Hearing

TIME EXPECTATIONS

For a case in which a Notice of Defense is filed.

Actions	Minimum	Maximum
1. Investigation	1 week	12 weeks
2. Attorney General review of case	1 week	12 weeks
3. Appointment of Administrative Law Judge	4 weeks	12 weeks
4. Hearing schedule set by Administrative Law Judge	3 weeks	12 weeks
5. Commission action	3 weeks	12 weeks
TOTAL	12 weeks	60 weeks

Factors that may increase the time to complete a case:

1. Summer vacation when witnesses are not available.
2. Scheduling investigator in remote areas.
3. Litigation in process which precludes witnesses from giving statements or providing documents.
4. Legal appeals to Administrative Law Judge or the courts.
5. Time between Commission meetings at which action may be taken.

Advisory Commission;

(4) the representative of the office of the commissioner from a list of three names submitted by the commissioner;

(5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.

(b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.

(c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees.

Sec. 14.20.420. TERM OF OFFICE.

(a) The term of office for each member of the commission is three years and, except as provided in AS 39.05.080(4), each member serves until a successor is appointed.

(b) Vacancies shall be filled by appointment by the governor and, except as provided in AS 39.05.080(4), an appointment to fill a vacancy is for the unexpired term.

(c) An individual may not serve more than a total of two 3-year terms. The commission shall select a chairman from among its members.

Sec. 14.20.430. DISMISSAL.

Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity.

Sec.14.20.440.REIMBURSEMENT.

Members of the commission shall receive per diem according to law and are to be granted administrative leave with full pay by their employer for time spent in the performance of official duties under AS

14.20.370 - 14.20.510. If a member is required to spend more than 15 days in a fiscal year in the performance of official duties under AS 14.20.370 - 14.20.510, the state shall reimburse the employer for costs incurred after the 15th day.

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.

Sec. 14.20.460. DUTIES OF COMMISSION.

The commission shall

- (1) establish procedures, and adopt regulations to implement the purposes of AS

(2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;

(3) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

(4) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions.

Sec. 14.20.470. POWER OF COMMISSION.

(a) The commission may

(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession;

(2) subpoena witnesses, place them under oath, and maintain written records;

(3) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;

(4) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in AS

14.20.030 except that in the case of an administrator, the commissioner must concur;

(5) make any recommendation to the board or to school boards which will promote an improvement in the teaching profession;

(6) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

(7) appoint an executive secretary, delegate those ministerial functions to the executive secretary as the commission may decide and set the executive secretary's compensation with a starting salary not exceeding range 26, step B of the pay plan for state employees in AS 39.27.011(a).

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

Sec. 14.20.475. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT.

The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under AS 14.20.370 - 14.20.510.

Sec.14.20.480. EFFECT OF STANDARDS.

Members of the teaching profession are obligated to abide by the professional teaching standards adopted by the commission.

Sec. 14.20.500. SUPPORT.

In addition to available state funds, the commission shall also be financed by members of the profession in accordance with regulations adopted by the department including, if necessary, an increase in the fees for certificates.

AS 14.20.370 -

Sec. 14.20.510. SHORT TITLE.

physical or mental conditions, family, social, or cultural background, gender identification, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;

(7) may not use professional relationships with students for private advantage or gain;

(8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;

(9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

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

(1) repealed 10/25/200;

(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) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by

(A) safeguarding and maintaining the confidentiality of test materials and information; and

(B) adhering to all written rules, policies, procedures, and other requirements established by the department regarding the administration and operation of the statewide student assessment system as set out in 4 AAC 06.761 (test administration) and 4 AAC 06.765 (test security; consequences of breach);

(4) repealed 10/25/2000;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might

20 AAC 10.035. MORAL TURPITUDE.

- (b) The commission staff may share an investigative file with appropriate law enforcement agencies if instances of criminal misconduct have been alleged or discovered in the course of an investigation.
- (c) The respondent may obtain access to the investigative file, except privileged information, through a request for discovery after a formal disciplinary proceeding commences based on the investigation.
- (d) All references to a minor in an administrative proceeding and in documents available to the public must be by initials or 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 determine who may be present while the minor is testifying. A transcript of the proceeding must refer to a minor by initials or similar method that maintains confidentiality. (Eff. 8/12/82, Register 83; am 4/8/99, Register 150)

Authority: AS 14.20.460
AS 14.20.470

ARTICLE III COMPLAINTS AND INVESTIGATIONS

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 and signed by the complainant, and must contain:

(1) the name, mailing address, and contact telephone number of the individual making the complaint;

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

(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 4/8/99, Register 150)

Authority: AS 14.20.460
AS 14.20.470

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

- (I) discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and
- (J) "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900(j);
- (2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student;
- (3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470 (a)(7);
- (4) "colleague" includes
 - (A) a certificated educator;
 - (B) an individual who is employed by the school district on a permanent or temporary basis;
- (5) "educator" includes
 - (A) an individual holding a teaching, administrative, or special services certificate issued under 4 AAC 12, or a student teacher authorization issued under 4 AAC 30.020;
 - (B) an instructor in an institution of higher learning;
- (6) "student" means an individual who is
 - (A) enrolled in public or private school,

SECTION VII
PTPC PROCEDURES

1. The PTPC may issue position statements, subject to the following conditions:
 - a. Positions will be formulated on an issue-by-issue basis.
 - b. The staff may publicly present only those positions that have been adopted by the Commission on record.
 - c. Commission members may, on behalf of the Commission, present only those positions that have been adopted by the commission on record.
 - d. Official elaboration and discussion of established positions should be made only by the chairperson and/or the staff.

2. Public comment is limited to five (5) minutes per person. The Commission may extend that to fifteen (15) minutes if deemed appropriate.

4. The secretary shall insure that records of the activities of the Commission are maintained, and perform such other duties as the Commission may assign.
5. The three officers shall comprise the executive committee of the Commission.
6. The Executive Committee of the Commission shall be empowered to act in emergency situations in order to carry out the responsibilities of the Commission. Any such action must be consistent with the provisions contained in the **Professional Teaching Practices Act**, the **Administrative Code**, and the **Bylaws** of the Commission, as well as any current procedures and/or policies that are in force and which have been approved by the Commission during official meetings of the Commission.
7. Officers shall take office when elected.

Article IV PTP C Staff

1. Director's (referred to as "Executive Secretary" in AS 14.20.470) Job Description.
The director:

- a. Explains and interprets regulations, code of ethics, school law, and offers advice.
- b. Formulates written replies to formal complaints.
- c. Conducts investigations of alleged unethical and/or illegal conduct.
- d. Initiates and coordinates all aspects of disciplinary hearings, such as writing investigative reports, drafting accusations, requesting administrative law judges, notifying the parties involved both before and after hearings, and arranging for recording court witnesses and meeting(s).
- e. Works with the Commission's attorney from the Department of Law regarding complaints and hearings.
- f. Prepares the agendas and all relevant reference material and makes all of the necessary arrangements for Commission meetings.
- g. Prepares newsletters, annual reports, annual budget documents, case summary documents, charts, and other special reports and projects as required.
- h. Regularly reviews school law periodicals, legal opinions, court decisions, arbitration rulings, atT6 (m)18.8 (ents),.5 (court)TO5 (ad)b552 2.d()TJd4e18.5 (iew)-18.7 (s school)

Commission.

- j. Writes recommended regulations, position statements, letters, reports, etc.
- k. Proposes and administers the Commission's budget.
- l. Testifies before the Legislature and State Board of Education & Early Development on Commission matters.
- m. Responds to special requests for information by state agencies, educational organizations, the news media, etc.
- n. Makes presentations to college classes, conference sections, school district in-