

BEFORE THE ALASKA PROFESSIONAL TEACHING PRACTICES COMMISSION

In the Matter of)
)
 FOLEY WEEMS)
 _____)

OAH No. 07-0639-PTP
PTPC Case No. 02-80

ORDER OF REINSTATEMENT

I. Introduction

On May 5, 2003 this commission revoked Type A Teacher Certificate No. 452-98-06194001427, held by Foley B Weems. A person whose professional license is revoked may petition for reinstatement, provided the petition is filed more than a year after the decision became effective and more than a year after any prior petition has been denied.¹ Mr. Weems petitioned for reinstatement on July 11, 2007, a little more than four years after the initial revocation.²

The commission took testimony from Mr. Weems, reviewed the documents he submitted, and heard his arguments for reinstatement on January 16, 2008. Weighing the nature and severity of the conduct for which he was disciplined and the course of his life since that time, we conclude that his eligibility to hold an Alaska Teacher Certificate should be restored.

II. Evaluation of the Petition

Foley Weems taught during the 2001-2002 school year in the Elementary/High School at Port Graham, Alaska, a village off the road system. On March 18, 2002, he left the village, taking his personal belongings. He resigned his position on April 1, 2002, in breach of his employment contract. In the period between his departure from the village and his resignation, he made dishonest use of sick leave to remain in pay status.³ After a contested hearing, this commission found that his breach of his employment contract with nine weeks left in the school year and his dishonesty regarding sick leave breached Alaska’s Code of Ethics and Teaching Standards.⁴ We revoked his certificate.

¹ AS 44.62.550.
² WEE 001-003.
³ WEE 023-029 (Decision and Order, May 5, 2003).
⁴ 20 AAC 10.020.

At the hearing on his petition for reinstatement, Mr. Weems established that his wife had left Port Graham because of profound unhappiness in the community, and he followed in breach of his contract because of what he perceived as an overriding need to keep his family together. While these circumstances were explored in the revocation hearing and were found not to excuse his behavior, they do mitigate its severity to some degree. Mr. Weems has also persuaded us that his ability to discern what is an appropriate community for his family has improved, so that he is unlikely to accept jobs in places where they will be unhappy. It does not seem likely he will again put himself in a position where his perceived family obligations will be so acutely at odds with his obligations to his students and his profession.

After losing his certificate, Mr. Weems returned to school and obtained a Master's Degree in physical therapy. He has settled in Cordova and worked in that profession during the last two years. He continues to do youth work and feels he has a gift for teaching that could benefit his community. The principals of both of Cordova's public schools, the Superintendent of the Cordova School District, a member of the school board, several teachers, several co-workers at Cordova Community Medical Center, and others attest to his good character.

Without minimizing the seriousness of his misconduct in 2002, the commission feels that the four years without a certificate represent an adequate sanction under the circumstances. His promising development as a member of his community since that time persuades us that he ought to be considered for a new teacher certificate.

III. Conclusion and Order

The Commission grants the petition of Foley B. Weems for reinstatement of his Type A Teacher Certificate. Because the certificate Mr. Weems held at the time of revocation has expired by its own terms more than one year ago, the effect of this order is to reinstate Mr. Weems to eligibility to apply for an Alaska Teacher Certificate in the status of a person applying with a previous Type-A certificate that has been expired for longer than one year.⁵ The commission encourages him to do so.⁶

⁵ See AS 14.20.017, 14.20.020; <http://www.eed.state.ak.us/TeacherCertification/teach02.html>.

⁶ The record contains a partly-completed certification application for Mr. Weems, which he faxed to the commission just prior to the hearing. In order for his application to be considered, Mr. Weems will need to submit a fully-completed application and any required supporting materials to the appropriate office.

Commissioners Jockusch, Black, Baker, Aillaud, Gaborik, Hebard, and Jeans participated in the adjudication of this matter. All concur in this decision

DATED this 28th day of January, 2008.

PROFESSIONAL TEACHING
PRACTICES COMMISSION

By: Signed
Kim Jockusch, Chair

Certificate of Service: The Undersigned certifies that on the 28th day of January, 2008, a true and correct copy of this document was mailed to the following: Foley Weems; Karen Hawkins, Assistant Attorney General; and a courtesy copy to Patricia Truman, PTPC and Lt. Governor.

By: Signed
Kim DeMoss/Linda Schwass

[This document has been modified to conform to technical standards for publication]