

BEFORE THE ALASKA PROFESSIONAL TEACHING PRACTICES COMMISSION

In the Matter of)
)
PROPHETESS HAYDEN) OAH No. 21-2165-PTP
) Agency No. 21-22
_____)

DECISION AND ORDER OF REPRIMAND

I. Introduction

In March 2020 Prophetess Hayden accepted an elementary teaching position at Hydaburg City School in Hydaburg, Alaska, a city of approximately 375 residents on the southernmost tip of Prince of Wales Island. After an investigation triggered by the filing of complaints by two other teachers at the school, the Executive Director of the Professional Teaching Practices Commission (Commission) issued an Accusation alleging that Ms. Hayden violated the Alaska Code of Ethics and Teaching Standards under 20 AAC 10.020(d)(2),(3),(5) and (16) by demonstrating highly unprofessional workplace behaviors, consistently flouting appropriate chains of command, and disseminating within the community a photo of a private note another educator had left for a substitute teacher.

Based on the evidence and arguments of the parties presented during a two-day hearing, the Commission has unanimously decided that Ms. Hayden breached her ethical duties to “accord just and equitable treatment to all members of the teaching profession” and “conduct professional business through appropriate channels.” She also “failed to withhold and safeguard information acquired about colleagues in the course of employment,” and “used coercive means or promised special treatment in order to influence professional decisions of colleagues.” As a result of these violations, the Commission reprimands Ms. Hayden and requires her to undergo ethics training.

II. Facts¹

Prophetess Hayden holds both administrative and teaching certificates with endorsements in early childhood education (Pre-K - grade 3) and principal (grades K-12).² Ms. Hayden has been teaching for more than forty years, two of them in Hydaburg.³

At the time she was offered the position at Hydaburg City School, she was residing in Texas. After arriving in Hydaburg in February 2020, Ms. Hayden quickly took steps to become integrated into the community. As a pastor, she established herself at a local church, preaching to

¹ The facts set forth below have been established by at least a preponderance of the evidence.
² Accusation. *See also*, Division Packet p. 2.
³ Hayden test.

her congregation and conducting worship services.⁴ She was invited into people’s homes to attend birthday parties and other private events.⁵ Her transition into the Hydaburg school system, however, was not as smooth.

Ms. Hayden described the beginning of her teaching contract in March 2020 as chaotic. She was not told what class she was to teach or in which classroom, as the school was still operating in a vacuum of leadership without a principal.⁶ Shortly thereafter, COVID forced the all the teachers to finish the school year teaching remotely.

A. Fall 2020 tensions with school leadership

In the fall of 2020, Hydaburg’s teachers returned to teaching in person, and the School Board had hired Shane Scamahorn as the new Principal. Almost immediately Ms. Hayden struggled to build a rapport with Principal Scamahorn. As the only African American staff member, she felt he was subjecting her to possibly racially motivated, discriminatory treatment.

Ms. Hayden credibly testified about being left out of some staff meetings, learning late in the day about a change in date for parent teacher conferences, at times getting no responses to emails she sent him, and receiving a lower rating than she felt she deserved on her teaching evaluation.⁷ However, she offered few concrete details about how many staff events she missed due to miscommunications, or whether she spoke directly to the Principal or support staff about possible explanations as to why she was not informed. She did not explain how many emails she sent to him that went unanswered, if they required a response, if they were time sensitive, or if she followed up to ensure he was in the office. As for her evaluation, she speculated that perhaps her less than perfect evaluation was due to his lack of familiarity and understanding of her Montessori teaching methods. Regardless, by her own admission she preferred to communicate with Superintendent Bart Mwarey, with whom she had developed a friendly relationship.

Ms. Hayden only testified about a single occasion that she approached Principal Scamahorn, presumably to improve their lines of communication. By her account, she asked “if [she] had done anything to offend him,” and Principal Scamahorn expressed frustration with her circumventing the chain of command and consulting Superintendent Mwarey before appropriately bringing issues to him.⁸

⁴ Hayden test.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

Ms. Hayden testified that over the following several months, she asked Superintendent Mwarey to “mediate” conversations between her and Principal Scamahorn, but it was not clear how many times, and under what circumstances, this occurred.

B. Ms. Hayden’s February 10, 2021 altercation with a colleague

On February 10, 2021, students enrolled at the Hydaburg City School were permitted to go on an all-day off campus field trip, transported by bus and chaperoned by teachers and parents. Word got back to Ms. Hayden that, en route to the field trip, her students had ridden a bus unchaperoned and had reportedly acted unruly, angering the bus driver. Ms. Hayden, who had ridden in a different vehicle, told Assistant Superintendent Camille Booth that she suspected that having her students travel unsupervised had been a deliberate decision by Principal Scamahorn to reflect poorly on her.⁹ When the field trip ended and the students and their chaperones arrived back at the school, Ms. Hayden was upset.¹⁰

That day, Erin Wright, another Hydaburg teacher, had been granted permission by Principal Scamahorn not to participate, and instead remain at school to catch up on classroom tasks. Assistant Superintendent Booth credibly testified that, when Ms. Hayden and Ms. Wright encountered each other at the School, Ms. Hayden confronted Ms. Wright about not having participated in the field trip, and that the two teachers began shouting at each other.¹¹

Ms. Hayden reported that after they grew calmer, she and Ms. Wright resolved their differences and successfully collaborated on several projects in the months that followed.¹²

C. April 15, 2021 School Board meeting

In the spring of 2021, educators at the Hydaburg City School were finding out whose teaching contracts were and were not being renewed by the School Board for the following school year. In an unusual rejection of the Superintendent’s recommendation, the School Board had decided not to retain Principal Scamahorn. This was a controversial decision among the staff, and in the week leading up to the April 2021 School Board meeting, Marsha Browder, another teacher and acting administrator at the school, and Ms. Wright both circulated emails amongst their colleagues advocating for Principal Scamahorn and, presumably, a reversal of the Board’s decision.

⁹ Booth test.

¹⁰ *Id.*

¹¹ *Id.*

¹² Hayden test.

On April 15, 2021, the Hydaburg City School Board convened a regular meeting with an agenda item that included addressing a letter Principal Scamahorn had submitted soliciting reconsideration of his contract in Executive Session.¹³ Among others in attendance were Principal Scamahorn, Superintendent Mwarey, and teachers Erin Wright, Barbara Harper, Prophetess Hayden, and Marsha Browder.

The Board began by opening the meeting for a public comment period. By all accounts, the meeting quickly became very emotionally charged, with teachers Browder, Harper, and Wright expressing their support for Principal Scamahorn and criticizing the Board for what the teachers characterized as the ongoing negative impact on students of the Board's decisions to non-retain educators.¹⁴ Ms. Hayden then stood and voiced her objection to Principal Scamahorn's retention, listing multiple occasions she felt she had been treated differently than other staff members, variously describing him as weak, prejudiced, and unsupportive of the staff.¹⁵

The meeting quickly devolved into chaos.¹⁶ Ms. Harper accused Ms. Hayden of lying; Ms. Hayden reportedly told her to "shut her mouth and mind her business."¹⁷ Ultimately, the Board chastised those in attendance, and ended the public comment period. Everyone but Principal Scamahorn was asked to leave so the Board could transition into Executive Session, which is closed to the public.

D. April 22, 2021 Ethics Complaints against Ms. Hayden

Unsurprisingly, any collegial rapport established between Ms. Hayden and many of her colleagues fell apart in the wake of the contentious Board meeting. The week after the meeting, both Ms. Wright and Ms. Browder filed ethics complaints against Ms. Hayden with the Commission based on the February 10, 2021 verbal altercation in the hallway between Ms. Hayden and Ms. Wright, as well as Ms. Hayden's criticisms of Principal Scamahorn at the April 15, 2021 Board meeting.¹⁸

E. Ms. Hayden's April 27, 2021 distribution of Harper note

¹³ Ex. R.

¹⁴ Ex. AA, Tolson test, Hayden test.

¹⁵ Hayden, Harper test.

¹⁶ Harper, Hayden, Tolson test.

¹⁷ Harper test.

¹⁸ Ex. 1, 2. The dates listed in Ms. Wright's complaint are 2/10/22 and 4/15/22. It is presumed the mistake of year is simply a ministerial error, as the complaint was filed on 4/16/2021.

With tensions among the teachers running high, the academic year at the Hydaburg City School continued, albeit with difficulty. As the school’s 2020-2021 cultural coordinator, Ms. Hayden arranged for Hydaburg native Sandra Segundo-Cunningham, a Haida musician and author, to fly up from the Seattle area from April 24 – May 6, 2021, to lead a multi-day workshop with the students titled “Warrior Music.”¹⁹ It was envisioned that all the students would attend Ms. Segundo-Cunningham’s music intensives during the school day, requiring them to miss regularly scheduled classes, and that the workshop would culminate in a schoolwide cultural presentation.²⁰ Along with Ms. Segundo-Cunningham another presenter was also scheduled to come to the island to speak to the students about tsunamis.²¹

Middle School teacher Barbara Harper had three days of leave scheduled during this time, so she had preemptively requested permission from the Superintendent for neither presenter to visit her classroom in her absence. The basis for Ms. Harper’s request was multi-faceted. Just one day earlier, on April 23, 2021, the Hydaburg community COVID risk level had shifted from high (red) to yellow (medium), so students were transitioning from remote learning to attending school half-time for core curriculum classes only.²² Ms. Harper was taking extra precautions with off-island visitors and potential COVID exposure for both her students and herself, as her immediate family included a toddler and a close family member who was immunosuppressed.²³ Additionally, due to the pandemic-related academic disruptions her students were behind in their core subjects and needed to catch up.²⁴

Superintendent Mwarey ultimately elected to grant all educators the authority to make their own decisions regarding individual class participation in both the Warrior Music workshop and the tsunami presentation. However, since Prince of Wales is an island and tsunamis represent a significant safety threat to the community, he counseled teachers that student participation in the science presentation was strongly recommended.²⁵

On April 27, 2021, Ms. Harper’s class was covered by a paraprofessional while she was out on scheduled leave. On her desk she left a note for the substitute that read,

Please Note:

¹⁹ Ex. H.
²⁰ Hayden, Segundo-Cunningham test.
²¹ Hayden, Harper, Mwarey test.
²² Mwarey, Browder, Harper test. Ex. 5.
²³ Browder, Harper test.
²⁴ Mwarey, Harper test.
²⁵ Mwarey test.

1. My students will **not** have Sondra come into the classroom for some culture activity. I have made this clear to administration. She/They are not to disturb my class. If there are any issues with this, talk to Marsha.
2. The children will not go watch the science presentation of the earthquake study program.

- These two presenters are from off island, so under the circumstances, I do not want them in my classroom. This is a teacher decision, so please honor my decision.

My cell phone number is [REDACTED]

Thanks,
Ms. Harper

One of the other paraprofessionals in the classroom took a picture of the note, added the caption, “Poor kids. She doesn’t let nobody come into her class or they can’t go to any presentations,” and sent the picture to Ms. Hayden.²⁶ About twenty minutes later, Ms. Hayden decided to text the photo with the paraprofessional’s caption to ten other community members, including at least one member on the five-member School Board. Ms. Hayden added to this text her own comment: “The children are being denied their heritage by Barb Harper. Rise up Hydaburg and protect the rights of your children. Be the voice for your children. Grades 6&7 12 students.”

The reactions to Ms. Hayden’s text were immediate. People on the text string responded, “Fire her ass,” “..crazy of her to think she can get away with this,” “Barb is a straight up witch,” “This is bullshit, Harper needs to be released even if there is only a month of school...” “This is disgusting.”²⁷ The School Board member who had been included on the text chain added, “Insane lady.”²⁸

News of the note spread very quickly through the community, and Ms. Harper credibly testified about being verbally harassed, having her dog chased down in a car by teenagers, getting her Jeep keyed, struggling to receive her mail/medications from the postmaster (who was also a member of the School Board), and receiving threats of being run over and having her house burned down while she was at home.²⁹ Ms. Harper had to limit her outdoor activity, keep her

²⁶ Ex. 4. Hayden test.

²⁷ Ex. P.

²⁸ *Id.*

²⁹ Harper test.

grandson indoors, and reach out to the USPS for intervention with the mail disruption.³⁰ She reported the threats to the State Troopers “in case something happened to [her].”³¹

F. May 20, 2021 Letter of Reprimand

An investigation by school leadership followed. Additionally, teachers Wright and Browder amended their earlier ethics complaints against Ms. Hayden to also include her dissemination of Ms. Harper’s note to the paraprofessional.³²

On May 20, 2021, a Letter of Reprimand signed by Superintendent Mwarey was placed in Ms. Hayden’s personnel file. The Letter found that Ms. Hayden had violated the Code of Ethics and Teaching Standards by distributing the photo of Ms. Harper’s note – including her personal cell phone number - with her added critical commentary.³³ The letter encouraged her to make the necessary changes to avoid future violations of the Code and to improve her relationships with her colleagues.³⁴ It warned that if she failed to modify her behavior regarding fellow staff, she could be subject to further disciplinary action, up to and including dismissal.³⁵

Although she was offered a renewed teaching contract, following the tumultuous 2020-2021 school year Ms. Hayden elected to leave Hydaburg and return to Texas. The ethics complaints filed against her with the Commission, however, remained outstanding.

III. Procedural History

On September 23, 2021, Commission Executive Director Melody Mann, having investigated the grievances filed by teachers Wright and Browder, filed an Accusation initiating disciplinary action against Ms. Hayden’s Alaska Initial Teacher Certificate.³⁶ Ms. Hayden timely filed a Notice of Defense requesting a hearing, and the case was referred to the Office of Administrative Hearings on October 4, 2021. The matter was paused multiple times largely due

³⁰ Harper test., Agency Brief, p. 2, Ex. 7.

³¹ Harper test, Ex. 7.

³² Ex. 3, 5.

³³ Ex. 6, Mwarey test. The specific portions of the Code Ms. Hayden was found to have violated were 20 AAC 10.020(d)(2),(3),and (5). The Hydaburg City School Board has expressly incorporated the Code into School Board Policy 4119.21.

³⁴ *Id.*

³⁵ *Id.*

³⁶ While the Accusation's Prayer for Relief mentions both the administrative and teaching certificates, the introductory paragraph of the Accusation only states that the Accusation initiates a disciplinary proceeding against Ms. Hayden's teaching license. In this Decision, the Commission construes the Accusation in accordance with the Prayer for Relief. Acc., p. 3.

to changes of counsel on both sides, but ultimately the mutually agreeable hearing dates of December 15 and 16, 2022, were chosen by the parties.

Administrative Law Judge Danika Swanson presided over the hearing before Commissioners Jamie Burgess, Adam Reid, Deb Riddle, Emma Melkerson, Kim Bergey, Danette Peterson and Chair Lem Wheelles. Attorney Sara Bloom represented Ms. Hayden and an Assistant Attorney General from the Department of Law represented the Executive Director. In addition to Ms. Hayden, Marita Tolson and Sondra Segundo-Cunningham testified on Ms. Hayden’s behalf. Teachers Marsha Browder and Barb Harper, Assistant Superintendent Camille Booth, and Superintendent Bart Mwarey testified on behalf of the Executive Director. All exhibits submitted by the parties were admitted with no objections.

At the close of the hearing on December 16, 2021, the Commissioners moved into deliberative session, deliberated, and reached the following conclusion regarding this matter.

IV. Discussion

A. Applicable Law/Legal Framework

The Alaska Professional Teaching Practices Commission has been charged by the legislature to develop criteria of professional practices for the teaching profession.³⁷ Members of the profession are required to abide by the professional teaching standards this Commission has adopted, including 20 AAC 10.020, the Code of Ethics and Teaching Standards.³⁸ The legislature has also empowered this Commission with disciplinary authority to enforce its standards, and AS 14.20.030 and AS 14.20.470 identify the range of disciplinary sanctions that may be imposed, from the suspension or revocation of the certificate of a member of the teaching profession to a warning or reprimand.³⁹

In her September 2021 Accusation, the Executive Director accuses Ms. Hayden of violating the Code’s obligations:

- to fairly treat all members of the profession,⁴⁰
- to not use coercive means to influence colleagues’ professional decisions,⁴¹
- to safeguard colleagues’ personal information,⁴² and

³⁷ AS 14.20.450.

³⁸ AS 14.20.480.

³⁹ AS 14.20.470.

⁴⁰ 20 AAC 10.020(d)(2).

⁴¹ 20 AAC 10.020(d)(3).

⁴² 20 AAC 10.020(d)(5).

- to conduct professional business through appropriate channels.⁴³

As the party seeking to impose a disciplinary sanction, the Executive Director has the burden of proving, by a preponderance of the evidence, that Ms. Hayden has violated the Code of Ethics and Teachings Standards and if so, what sanction is appropriate.⁴⁴

B. The Division met its burden of proving that Ms. Hayden violated the Code of Ethics and Teaching Standards

1. *Failing to accord just and equitable treatment to all members of the teaching profession (20 AAC 10.020(d)(2)).*

The Accusation filed by the Executive Director of the Commission alleges Ms. Hayden violated four separate subsections of the Code, beginning with 20 AAC 10.020(d)(2), “failing to accord just and equitable treatment to all members of the teaching profession as set out in AS 14.20.370 in the exercise of their professional rights and responsibilities.” This standard protects the rights of the educators and ensures that the teaching profession is one that embraces principles of inclusivity and respect.

Ms. Hayden has decades of experience in the teaching profession. She also holds certificates not only in teaching, but also in administration, and her prior professional experience includes working as a school principal. Her teaching contracts with the Hydaburg City School District included a clause to abide by the Code of Ethics, Alaska Statutes and District policies.⁴⁵

Given this history, therefore, she unquestionably knew that circumventing Principal Scamahorn soon after the beginning of the 2020-2021 school year and going directly to Superintendent Mwarey was not appropriate regardless of their strained relationship, nor was ignoring School Board meeting bylaws to raise charged, inflammatory allegations about the School Principal at a public meeting.

Ms. Hayden likewise failed to accord teaching colleagues the professionalism required by the Code in her conduct around Ms. Harper’s note. When she texted the photo of Ms. Harper’s note left for the paraprofessional, Ms. Hayden disseminated not only Ms. Harper’s personal cell phone number, but also broadcasted to the small community of Hydaburg the personal teaching

⁴³ 20 AAC 10.020(d)(16).

⁴⁴ Cases before the PTPC are governed by the Administrative Procedure Act. Alaska Statute 44.62.460(e)(1) provides that “unless a different standard is stated in applicable law, the petitioner has the burden of proof by a preponderance of the evidence[.]”

⁴⁵ Ex. 9, 10.

decision of a particular colleague. Moreover, rather than acknowledge the harmful, inflammatory results of her conduct, at the hearing Ms. Hayden expressed no remorse, no thoughtful acknowledgment that in hindsight, especially given how the community lashed out at Ms. Harper, her actions were careless at best. To the contrary, she staunchly maintained that the text “had the intended effect.”

In short, the Executive Director met her burden of proving that Ms. Hayden on multiple occasions failed to accord just and equitable treatment to her colleagues when it did not serve her own interests, despite her extensive experience as a teacher and training regarding professional administrative practices.

2. *Using coercive means to influence professional decisions of colleagues (20 AAC 10.020(d)(3)).*

The second subsection raised in the Accusation is 20 AAC 10.020(d)(3), alleging that Ms. Hayden used coercive means or promised special treatment to influence professional decisions of colleagues. Workplace ethics promote openness, partnership, and trust, which are important in a position as stressful and emotionally taxing as teaching. Manipulative tactics can do the opposite, exacerbating feelings of burnout and demoralization.

Ms. Hayden clearly established many connections within the community during her tenure in Hydaburg, and held positions of significant influence as a teacher, cultural liaison, and pastor. She enjoyed very collegial relationships with the paraprofessionals in the school who immediately shared with her the note for the substitute they spotted in Ms. Harper’s classroom. Knowing she had significant community backing, Ms. Hayden boldly disseminated Ms. Harper’s note to ten other people, including at least one School Board member. Deftly weaponizing the community against Ms. Harper, the very first response to Ms. Hayden’s text was, “Fire her ass.”

Ms. Hayden also made the deliberate choice to add the incendiary comment, “Rise up, Hydaburg and protect the rights of your children...” As a voice of community influence, she consciously shared the note without providing the full context, knowing it would immediately intensify racial tensions, and understandably infuriate Hydaburg parents who would insist on having their children pulled from Ms. Harper’s class and participate in the Warrior Music event Ms. Hayden had organized. Ms. Hayden manipulated the Hydaburg community as a tool to achieve what she wanted, which was to influence the professional teaching decision of her colleague, Ms. Harper.

The Executive Director met her burden of proving that Ms. Hayden deliberately used coercive means to influence professional decisions of her colleagues by using community pressure to reverse Superintendent Mwarey's directive that participating in guest presentations was at the discretion of the teachers, and Ms. Harper's decision not to participate.

3. *Failure to withhold and safeguard professionally-acquired information about colleagues (20 AAC 10.020(d)(5)).*

The third subsection listed in the Accusation is 20 AAC 10.020(d)(5), which alleges that Ms. Hayden failed to withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose. The most compelling element of confidentiality is that it helps build trust, which has a profound impact on the ability of colleagues to communicate openly and honestly.

The note left for the paraprofessional that Ms. Hayden disseminated to the public included Ms. Harper's cell phone number. A person's cell phone number is very private, and it is a teacher's prerogative to whom it should be given, and under what circumstances. There was no compelling professional purpose for the community to have this confidential information about Ms. Harper, and the dangerous backlash to the publication of the text included her receiving death threats and other harassing calls. Not sharing a colleague's cell phone number is basic professional courtesy and common knowledge in any profession, but certainly among teachers for whom it is especially important to demonstrate excellent boundaries both in and out of the classroom.

In this matter, it is not surprising that after her cell phone number was shared with the community Ms. Harper described receiving so many frightening phone calls that she had to change her phone number.

Under the factual circumstances of this case, the Commission concludes that Ms. Hayden's distribution of Ms. Harper's note, including her cell phone number, violated her ethical obligations under 20 AAC 10.020(d)(5).

4. *Failure to conduct professional business through appropriate channels (20 AAC 10.020(d)(16)).*

The final subsection raised in the Accusation is 20 AAC 10.020(d)(16), alleging that Ms. Hayden failed to conduct professional business through appropriate channels.

Ms. Hayden breached this ethical obligation by intentionally and repeatedly flouting recognized chains of command. When she began working for Principal Scamahorn in the fall of 2020, she had decided very quickly that she did not want to report to him. Providing scant details

about the discriminatory slights she described, including how many times they happened, under what circumstances, or if they were rectified, she decided that she preferred to circumvent the principal and communicate with Superintendent Mwarey, instead. Ms. Hayden offered no testimony that she made sincere, concerted efforts to broach her concerns with Principal Scamahorn. If she truly could not communicate with her direct supervisor as she alleged, she did not take the appropriate steps to document her grievances about Principal Scamahorn and bring them to the Union or the School Board.

Instead, it wasn't until the April 15, 2021 School Board meeting that she raised inflammatory accusations against the principal, defying school bylaws and policies that expressly prohibit voicing staff criticisms in an open Board meeting.⁴⁶ As a teacher and administrator with decades of experience, it is unfathomable that Ms. Hayden was unaware that the Board meeting was not the appropriate forum to raise critiques about colleagues.

Finally, on April 27, 2021, when the paraprofessional texted Ms. Hayden the photo of Ms. Harper's note for the substitute, Ms. Hayden did not opt to counsel her to delete the photo, nor did she report the paraprofessional's significant ethical breach to school administrators. She did not wait and discuss with Ms. Harper her decision to keep off-island visitors out of the classroom. She did not speak with the administration about her concerns regarding Ms. Harper's class participation. Rather, within twenty minutes she had decided to deliberately target Ms. Harper by bypassing the chain of command and send the note out to the community.

Through the facts and testimony presented at the hearing the Commission finds that Ms. Hayden repeatedly failed to conduct business through appropriate channels by arrogantly choosing to disregard rules, policies, and hierarchal systems within her workplace and impetuously decide to circulate Ms. Harper's note, violating 20 AAC 10.020(d)(16).

C. Closing observations about areas of improvement by District administrators and the School Board

Under its broad powers, the Commission may make recommendations to the Hydaburg City School Board that will promote an improvement in the teaching profession.⁴⁷ While no express findings are made regarding the District or the Board, which are not parties to

⁴⁶ While an individual may expressly ask that his/her personnel issues be addressed during public comment, the April 15 School Board meeting agenda does not reflect any such request by Principal Scamahorn, there was no testimony to this effect, and the agenda specifically lists Principal Scamahorn's letter as a topic for Executive Session. Ex. R.

⁴⁷ AS 14.20.470(5)

this matter, it is the Commission’s hope that noting these concerns may help facilitate the creation of a more effective and professional school system.

1. *Disparately applied mandates by administrators*

Evaluating Ms. Hayden’s conduct in this case led the Commission to wonder whether administrative practices at the Hydaburg City School may have contributed to the discord among the staff. It appears that on several occasions, school leadership may have made decisions that were not equally applied to all teachers, or it was not fully explained to staff how policy exceptions would be handled.⁴⁸ The Commission respectfully suggests the School administration be aware that an inconsistent – or seemingly inconsistent – application of staff directives and mandates can lead to unintended but very negative results and promote misunderstanding, confusion, and a significant disruption among school staff.

2. *The School Board*

a. A profound need for professional development

The evidence presented in this case also demonstrated several areas of concern as to the Hydaburg School Board. The Board is the body that, among other responsibilities, approves or rejects the hiring decisions made by the Superintendent. All Board members are bound by a Code of Conduct to promote ethical, businesslike and lawful conduct, including an appropriate use of authority and decorum while serving.⁴⁹ Additionally, they are to act in the best interest in the community, representing them honestly and equally, and avoiding conflicts of interest or the perception of such, which can undermine public trust.⁵⁰ Members are not to take any individual action that could compromise the Board.⁵¹

It was highly disappointing, therefore, to see at least one School Board member’s name on Ms. Hayden’s text chain, as it gave an appearance of impropriety, suggesting a relationship had been forged such that Ms. Hayden felt completely comfortable sharing such an inappropriate communication. More concerning is that, instead of chastising Ms. Hayden or asking to be taken off the text string, that Board member joined in the furious responses, adding an offensive comment, and further stoking the community uproar. Even more disheartening were Ms.

⁴⁸ For example, Ms. Wright was permitted to opt out of the field trip, contributing to her altercation with Ms. Hayden. When Ms. Harper elected not to have the off-island visitors come into her classroom, her decision being “leaked” to the community led to dangerous consequences. This decision should not be construed as a criticism of either decision or an attempt to discourage teacher autonomy, but rather should be understood to advocate clearer lines of communication to minimize disinformation and mistrust.

⁴⁹ See BB 9271.

⁵⁰ *Id.*

⁵¹ *Id.*

Harper's assertions that immediately thereafter a Board member employed at the post office began tampering with her mail.

The evidence presented at hearing gives concern about Board members' consistent adherence to the Code of Conduct.⁵² Failure to dutifully adhere to that Code harms the credibility, reputation, and stature of the Board, renders its decisions less trustworthy, and ultimately compromises the community's faith in the Board and in District leadership. While any possible violations of the Code by Board Members for the incidents described in this case are well beyond the scope of this decision, the Commission sincerely hopes that the Board will note its concerns and engage in effective and meaningful professional development for Board Members.

b. A need for a review of meeting protocol

The Board's contentious April 15, 2021 meeting demonstrated a need for members to revisit how to appropriately conduct Board meetings in an orderly and efficient manner using parliamentary procedure.⁵³ The April 15 meeting should not have been allowed to become so disorderly, with individuals speaking out of turn, in raised voices, about personnel issues. It would behoove the Board to review the bylaws, to ensure that future meetings are efficient and conform to these parameters.

D. The Commission's determination as to discipline

Having found that the Executive Director met her burden of proving all four violations alleged in the Accusation, the Commission must now make a determination as to what discipline, if any, to impose.

In selecting an appropriate sanction, we look to our prior handling of similar cases, in an effort to establish consistency in our impositions of discipline. In this instance, however, there are no cases with sufficiently comparable facts or violations, so the default standard is to impose a sanction that is "reasonable." In the Accusation the Executive Director asked for a reprimand "or other appropriate actions;" at the close of the hearing, she expressly requested a one-year suspension of Ms. Hayden's teaching and administration certificates. Ms. Hayden maintained her request for Commission to take no action.

⁵² AS 14.12.090.

⁵³ Generally, the Board's policies provide that meetings are open to the public, with Robert's Rules of Order and the school bylaws providing a clear, detailed, sequential list of instructions. There is an agenda, a requirement that speakers wishing to be heard must be recognized by the President, and a time limit placed on commentary. Further, complaints against teachers or employees of the School Board are not appropriately raised at Board meetings, but rather follow a different procedure altogether. *See* BB 9323.

One of the reasons it was difficult to find similar prior cases is that this matter involves not a single action or oversight, but rather four Code violations for a series of unprofessional interactions with colleagues and community members. This is concerning, as the underpinnings of the standards established in the Code – treating colleagues equally and professionally, keeping their information safe, honoring chains of command – are trust and respect, which directly affect productivity, communication, morale, and turnover.

Soon after arriving in Hydaburg, Ms. Hayden, a pastor, became the leader of a congregation at a local popular church. As Assistant Superintendent Booth explained, pastors can have considerable sway and influence in villages, especially those with traumatic histories. While becoming integrated into the community is commendable, clear boundaries are also necessary to establish and uphold, as well. From her testimony it appears these lines became blurred, with Ms. Hayden’s objectives in building bonds with village members seemingly increasingly about forming alliances, which may have exacerbated her clashes with colleagues and the School administration.

Ms. Hayden’s testimony about Principal Scamahorn’s disparate treatment of her after she began working at the Hydaburg City School was less than convincing. Rather, she clearly had little respect for him as a “green” administrator, and therefore, instead of drawing on her years of experience as an educator and administrator and improving the lines of communication, almost immediately began bypassing him as her direct supervisor. Despite Principal Scamahorn chastising her for not honoring managerial hierarchy, she didn’t adjust her behaviors, but rather just a few months later was engaging in a shouting match with a far less experienced colleague, and then making inappropriate, incendiary accusations at a public Board meeting.

The common thread connecting these ethical Code violations is that, instead of correcting her conduct or taking steps to remedy issues or tensions within the school, Ms. Hayden contributed to the discord by showing increasingly greater levels of opinionated disrespect for her colleagues. These actions culminated in the most egregious ethical violation, her deliberate choice on April 27 to disseminate Ms. Harper’s note into the community.

For us, this evidence presented in this case revealed an extraordinary show of arrogance and disrespect, to violate the trust of her colleagues, rupture the cohesion of the school, place a coworker in danger, and pit her community alliances against her coworkers. This behavior represents a significant breach of the core tenets of the Code of Ethics, and it was highly disappointing that at the hearing, Ms. Hayden continued in her failure to acknowledge this.

In choosing to impose a sanction, we balance this behavior against Ms. Hayden’s more than four decades of teaching experience, devoid of any known violations. We acknowledge that at the hearing there was also testimony about the considerable good work that Ms. Hayden accomplished at the Hydaburg City School, engaging her students, working with parents, and organizing numerous school-wide activities that by all accounts were a success. Additionally, we recognize that there was evidence that suggested organizational issues within the school district which may have contributed to how some of these events unfolded.

In weighing these factors, we decide to impose the only sanction explicitly requested in the Accusation by strongly reprimanding Ms. Hayden. Additionally, we require her to take an ethics course to help ensure that she avoids any future Code violations.

V. Conclusion and Order

Prophetess Hayden violated the Alaska Code of Ethics and Teaching Standards by demonstrating highly unprofessional workplace behaviors, consistently flouting appropriate chains of command, and showing notably poor judgment by choosing to distribute a highly inflammatory text – with a colleague’s personal contact information – to community members. By its authority under AS 14.20.470(a)(3), the Commission will enter an order of a reprimand against the teaching and administration certificates issued to Ms. Hayden. Additionally, Ms. Hayden is to complete an online ethics course and produce a certificate of completion to the commission within one month of the order of the reprimand.

DATED: January 20, 2023.

PROFESSIONAL TEACHING PRACTICES
COMMISSION

By: Signed _____
Lem Wheelles, Chair

CONCUR: (Sanctions respecting an Administrative Certificate)
Dated this 24 day of January, 2023
Signed _____ Commissioner of Education and Early
Development

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