

BEFORE THE ALASKA PROFESSIONAL TEACHING PRACTICES COMMISSION

In the Matter of)
)
REINE LOEBS) OAH No. 21-1763-PTP
) Agency No. 21-11

ORDER OF REVOCATION

I. Introduction

The Executive Director of the Professional Teaching Practices Commission has filed an Accusation seeking revocation of Reine Loeb’s professional teaching certificate based on alleged violations of Alaska’s Code of Ethics and Teaching Standards. In particular, the Director alleges that Ms. Loeb repeatedly violated her obligations to safeguard confidential student information, to conduct professional business through appropriate channels, and to refrain from misrepresentations or falsifications relating to employment. Further, the Director alleges that Ms. Loeb engaged in this conduct immediately after entering into a consent agreement to resolve an earlier licensing action.

After a full hearing and considered deliberations, the Commission has concluded that Ms. Loeb’s multiple, repeated, and willful violations of the Code of Ethics warrant revocation of her teaching certificate. Revocation was entered on the record at the close of Commission deliberations on April 21, 2023; the basis for that decision is now set forth below.

II. Facts

A. Background and first disciplinary Accusation

Respondent Reine Loeb holds an Alaska Professional Teaching Certificate with two K-12 Special Education endorsements.¹ After ten years of teaching outside of Alaska, Ms. Loeb was hired by the Lower Yukon School District (LYSD) in the middle of the 2017-2018 school year.² She taught in Mountain Village from January 2018 through the end of that school year, and began the 2018-2019 school year at LYSD’s Hooper Bay School.³

Ms. Loeb’s time in Hooper Bay, and her employment with LYSD, ended tumultuously in April 2019 amidst multiple reported episodes of erratic, unprofessional behavior with students and in the community. As described in a stipulation signed by Ms. Loeb in August 2020, staff

¹ Ex. 1, p. 1.
² Testimony of Reine Loeb; Testimony of Eugene Stone.
³ Stone testimony.

reported seeing Ms. Loeb hit and kick students, use inappropriate language, light paper on fire in her classroom, and – after being placed on administrative leave – sit on her classroom floor, give students her credit card, and tell them to buy things. These were followed by reports that she damaged her teacher housing, and, shortly thereafter, by her arrest.⁴

The Commission’s Executive Director filed an Accusation in July 2020 seeking suspension or other discipline against Ms. Loeb’s teaching certificate based on the events leading up to her departure from Hooper Bay. The Accusation alleged violations of multiple duties towards students, as well as a violation of 20 AAC 10.020(d)(18), which prohibits a teacher from “continu[ing] in or seek[ing] professional employment while unfit due to [] physical or mental disability that impairs the educator’s competence or the safety of students or colleagues.” Ms. Loeb requested a hearing in that matter, and the case was referred to the Office of Administrative Hearings.⁵

In August 2020, Ms. Loeb and the Commission’s Executive Director entered into a Consent Agreement to resolve that case. The agreement included several pages of factual stipulations about the underlying events, including descriptions of the reported behavior, Ms. Loeb’s claims that her erratic behavior was caused by a recent head injury and that she did not remember the events described, and the Executive Director’s acknowledgement of medical documentation suggesting “a treatable medical disorder.”⁶ The Consent Agreement provided that the Commission would issue only a nonreportable warning – the lowest level of discipline available – against Ms. Loeb’s teaching certificate. In return, Ms. Loeb agreed that she would:

[F]ollow through with recommended medical treatment and discontinue communications with representatives and staff of the Lower Yukon School District regarding claims with state agencies.⁷

The Commission adopted the parties’ Consent Agreement and issued the agreed-upon Warning on October 20, 2020.

Ms. Loeb participated in a recorded status conference in the OAH case on October 28, 2020, held for purposes of confirming that the parties’ Consent Agreement had been adopted and was a full resolution of the matters at issue in that case. At that status conference, Ms. Loeb described the Consent Agreement as “an amicable resolution,” and, as to the issue of

⁴ Stone testimony; Ex. 1, pp. 2-4.

⁵ OAH Case No. 20-0646-PTP, Accusation dated July 15, 2020, filed with the OAH on July 24, 2020.

⁶ Ex. 1, pp. 2-4.

⁷ Ex. 1, p. 5. This no-contact provision was requested by LYSD administrators due to Ms. Loeb’s behavior following her termination. Stone testimony.

communication with LYSD staff, confirmed that she “won’t be reaching out to LYSD” moving forward.⁸

B. Post-Order Contact with LYSD personnel

Following the agreement to “discontinue communications with representatives and staff of the Lower Yukon School District regarding claims with state agencies,” however, Ms. Loeb engaged in a pattern of relentless contact with LYSD staff and representatives. Broadly speaking, Ms. Loeb’s communications appeared to relate to (1) her worker’s compensation claim against LYSD, and (2) her contention that LYSD was violating special education laws.

As to the worker’s compensation claim, the District was represented by counsel in that matter, and Ms. Loeb was told repeatedly to not contact individual LYSD employees or copy them on her correspondence with the District’s counsel. She did not adhere to this directive, however, routinely copying the LYSD Superintendent and others from LYSD on emails about that matter.

As for her contentions about alleged violations of the federal Individuals with Disabilities Education Act (“IDEA”), as time wore on, Ms. Loeb’s focus on this subject appeared to feed an increasingly strident view that the PTPC should be investigating other certificate holders – and non-certificated personnel – involved in what she believed to be IDEA-noncompliant special education services. At the same time, her desire to broadcast this message as well as her underlying allegations of IDEA violations led her to not only violate the prohibition against contacting LYSD personnel, but to also violate state and federal student privacy laws.

Against this backdrop, we review Ms. Loeb’s post-consent agreement contacts with various LYSD personnel.

1. Initial post-agreement contacts

Barely a week after the Commission had accepted the parties’ consent agreement and issued the Warning against Ms. Loeb’s certificate, and just one day after the October 28 status conference, Lower Yukon Superintendent Gene Stone notified the Commission’s Executive Director that Ms. Loeb was continuing to contact him.⁹

Despite having agreed to stop contacting LYSD staff “regarding claims with state agencies,” Ms. Loeb had unnecessarily copied Superintendent Stone on a cryptic email to

⁸ Ex. 5.

⁹ Stone testimony. At the time these communications started, Mr. Stone’s title was Chief School Administrator. At the time of the hearing, his title had changed to Superintendent. For simplicity, the title Superintendent is used throughout.

LYSD’s lawyer concerning her worker’s compensation case against the District. The subject line of Ms. Loeb’s October 29 email – sent to LYSD attorney Colby Smith with a cc to Superintendent Stone – read, “Yep! Lovely deposition – especially the ringing of the bell!” The body of the email read, in full: “I’m just unfinished! Btw, your assistant may need to read this! Love you, Colby – break free!”¹⁰ Like much of the correspondence in evidence in this matter, there was no legitimate need for Ms. Loeb to copy Superintendent Stone on this email.

Superintendent Stone forwarded Ms. Loeb’s October 29 email to the Executive Director with a request that the Commission “be clear that our board, LYSD staff as well as myself request communications from her discontinue.”¹¹ Accordingly, on October 30, 2020, the Executive Director emailed Ms. Loeb with a directive that she stop contacting LYSD staff:

You agreed to stop contacting LYSD staff directly. They are aware of the conditions of the warning. They sent me copies of your emails. You need to stop contacting them. Any information you need for the Workman's Comp case needs to [be] requested through that agency. Their representative will cooperate with the state agency. If you have a legitimate reason such as verification of service contact their Human Resources department. Stop contacting the superintendent and school board. If you continue to contact LYSD staff it will be seen as a violation of the order of the PTPC and will lead to a stronger sanction of your teaching certificate.¹²

Rather than heed this directive, Ms. Loeb instead forwarded the Executive Director’s email to Superintendent Stone, two LYSD Board members, and LYSD’s worker’s compensation attorney.¹³ Superintendent Stone then forwarded *that* communication to the Executive Director, observing, “it is unfortunate that she just can’t adhere to the warning and stipulations.”¹⁴ The same day – three days after assuring Judge Swanson that she would “no longer be reaching out to LYSD” – Ms. Loeb also blind-copied Superintendent Stone on a lengthy email to Alaska Department of Education & Early Development (DEED) Commissioner Michael Johnson with various claims about alleged fiscal and educational improprieties within LYSD.¹⁵

¹⁰ Ex. 7.

¹¹ Ex. 7. Superintendent Stone made clear that “should she legitimately need something from the district such as a VOS or copy of her file we will accommodate her,” but that otherwise, she should stop contacting LYSD. As to correspondence about the worker’s compensation case, he noted, “she does not need to copy me. Our counsel is responsible for informing me of developments, not her.”

¹² Ex. 8.

¹³ Ex. 9, p. 1.

¹⁴ Ex. 9, p. 1.

¹⁵ Ex. 9, pp. 2-4. Superintendent Stone’s response to those claims was this observation: “While Ms. Loeb can be rather convincing with her historical perspectives regarding her LYSD experiences, much of what she has shared has been a work of fiction. Ms. Loeb is not well and she has recently been warned by PTPC to cease communications with LYSD.” Ex. 9, p. 2.

On November 2, 2020, Ms. Loeb cc'ed Superintendent Stone, the LYSD Board Chair, and other LYSD personnel on three emails – one to the DEED Commissioner's Office, one to a University of Alaska teacher training program, and one to the Alaska Department of Labor's Division of Vocational Rehabilitation – each setting out various complaints about LYSD, her experiences there, and its handling of her worker's compensation case.¹⁶ These emails were erratic and difficult to follow. In one, after calling the LYSD Board Chair “a classic Gaslighter,” comparing the LYSD School Board to cult leaders, and alleging that the LYSD School Board Chair “is holding all of the students hostage,” Ms. Loeb implores the DEED Commissioner:

Mr. Johnson - please speak to Gov. Dunleavy, this cannot go on!! Replace these individuals on the Board, and have a representatives, perhaps me, because I'm available to monitor, assess, and demand accountability. I think it would be safe, because I've already been to jail, and they tried to kill me, and that didn't work – LOL.¹⁷

In another, Ms. Loeb asks to schedule a meeting with the Governor, again asserts that someone had tried to kill her, and then writes:

If one does their research, then they will see how Hooper Bay was burned down and 70 families went homeless, and that threat was viable, and active, because I met the Shaman at that Catholic Church. He continued to control the funding streams, allocation of state funds, lack of educational support, teaching, and resources ... the people are scared to death of freezing to death, because arson – during the mass at church, I personally spoke to the Shaman who was threatening to harm elders through fire, and continued criminal acts.¹⁸

In the third email, Ms. Loeb weaves back and forth between allegations about misappropriation of intensive needs funding, complaints about special education staffing in Hooper Bay, details of identified former students' special educational plans, and accusations that the LYSD school board chair “was behind the tribal police ‘watergate’ break-in of [her] teacher housing unit.”¹⁹

2. November 2020 PTPC Complaint, and Ms. Loeb's continued contact with LYSD thereafter

On November 4, 2020, the PTPC Executive Director submitted a formal Code of Ethics and Teaching Standards Complaint with the Commission based on Ms. Loeb's continued email contact with LYSD staff members in contravention of the conditions of the Commission's

¹⁶ Ex. 10.

¹⁷ Ex. 10, pp. 2-3.

¹⁸ Ex. 10, pp. 3-4 (punctuation in original).

¹⁹ Ex. 10, pp. 5-6. She also describes: “My experience with the school district has been, as a special education advocate, and I was literally thrown in Hooper Bay jail, and yes, drugged, my teacher housing unit was broken into, my head was ‘struck’ and I suffered post-concussion syndrome/traumatic brain injury.” *Id.*, p. 5.

October 2020 warning.²⁰ Consistent with PTPC practice upon initiating an investigation, the Executive Director emailed Ms. Loeb a copy of the November 4 Complaint as well as a letter describing the investigation process.²¹ Although the notification letter explained that “these proceedings are confidential unless and until discipline is imposed,” and that “both parties are bound by regulation to keep this matter in confidence,” Ms. Loeb copied her response to the Executive Director’s email to DEED Commissioner Johnson and – again – LYSD Superintendent Stone.²²

On November 15, 2020, Ms. Loeb emailed the Executive Director about the November PTPC complaint. Again notwithstanding the confidential nature of PTPC investigative proceedings, Ms. Loeb copied her email to Superintendent Stone, two LYSD school board members, the DEED Commissioner, and LYSD’s worker’s compensation attorney.²³ This email erroneously claimed that the November PTPC complaint had originated from an LYSD School Board member, and relayed a lengthy story about her prior conflicts with that board member. Apparently contending that she was being investigated for making PTPC complaints against other educators and/or for reporting alleged special education violations, Ms. Loeb continued,

Now, I have every right to inform the Commissioner, and Governor, and complete a survey about teacher retention., and how the medical evidence supports a traumatic brain injury – and that is not grounds for a PTPC investigation. In other words, someone struck my head, then decided to document my unethical behavior, instead of making sure I got to the hospital. Instead, the incarnated [sic] me, and your Chairman supported a termination AND denial of Workers Compensation, to date. Now that [I’m] permanently disabled, your Chairman is still seeking revenge by complaining to Melody to try to sanction my license.²⁴

The Executive Director responded to this email on November 16, 2020, noting that the current investigation did not arise from an LYSD complaint but from a concern by PTPC staff that Ms. Loeb was violating the terms of her agreement adopted by the Commission. The Executive Director also reiterated that the Ms. Loeb was free to pursue her various legal claims

²⁰ Ex. 11, p. 1 (Describing underlying contact as: “emailed LYSD staff members again, violating her sanction of a warning with the condition of discontinuing to directly contact LYSD staff members ordered on October 19, 2020 by the Professional Teaching Practices Commission.”).

²¹ Ex. 11, p. 2.

²² Ex. 12. Like many of Ms. Loeb’s written communications, the substance of that email was difficult to follow but touched on her complaints about alleged IDEA violations, her ongoing worker’s compensation case against LYSD, allegations that the earlier PTPC case was not properly investigated, and an allegation that she had “agreed to a ‘warning’ about [her] actions while [she] was not of sound mind and body due to having suffered a severe head injury.” Ex. 12, p. 1.

²³ Ex. 13.

²⁴ Ex. 13.

before various state agencies or in other forums, but needed to do so without copying LYSD staff. She cautioned Ms. Loeb:

Stop cc'ing LYSD staff in your communication. It violates the order of your Warning with conditions. It may lead to a stronger sanction by the Commission. PTPC works to preserve the integrity of the profession by ensuring educators understand their obligations to the professional standards.²⁵

On November 19, 2020, the Executive Director received a letter from Ms. Loeb characterizing herself as “a whistleblower that told the truth about misappropriations of special education funds & denial of FAPE/ESP (unethical business practices).”²⁶ Ms. Loeb expressed frustration that the PTPC “refuses to investigate” various LYSD professionals, and argues that she should not be disciplined “because she refuses to stop advocating for the students on her caseload during the 2018-2019 school year.”²⁷ She also appeared to suggest that the consent agreement may have been “nullified” by “unethical business practices” by LYSD and/or by the Commission itself, and characterized the no-contact condition as improperly prohibiting the “best practice” of “follow through with dissemination of facts relating to an injustice that the teacher is aware of.”²⁸

The same day, Ms. Loeb emailed the Executive Director, again copying Superintendent Stone, and again blaming LYSD for the complaint against her.²⁹ The email urges that, “[n]aturally, I would never seek to violate the terms of any stipulated agreement, as I entered into an amicable agreement with the hopes that LYSD would resolve all legal disputes[.]”³⁰ Apparently referencing her multiple emails to the DEED Commissioner regarding a statewide teacher retention survey, she characterizes the PTPC complaint against her as an attack over “my communication with Governor Dunleavy” about her experiences in Hooper Bay, when she “simply wished to communicate to provide the Governor with an accurate assessment.”³¹

²⁵ Ex. 14, p. 1.

²⁶ Ex. 15, p. 2. The IDEA requires school districts to provide each student with a “free and appropriate public education,” referred to as “FAPE.” An “ESP” is a shorthand for an “education support professional” – typically, non-certificated paraprofessionals and others supporting students in a variety of roles.

²⁷ Ex. 15, p. 1.

²⁸ Ex. 15, pp. 2-3.

²⁹ Ex. 16.

³⁰ Ex. 16. In this email, Ms. Loeb also indicates that her “work-related injury” occurred 19 months earlier, and describes herself as “fully recovered from a post concussion syndrome and traumatic brain injury.”

³¹ Ex. 16. All certificated educators were sent an anonymous 20-minute survey about “how Alaska’s current educators, as a whole group, prioritize specific factors” related to recruitment and retention. *See* R. 01131; Enoch testimony. Ms. Loeb’s apparent interpretation of this survey as an individualized invitation to enter into a lengthy one-on-one dialogue with, variously, the DEED Commissioner and/or the Governor of Alaska, is emblematic of the distorted thinking that characterizes the vast majority of her email correspondence with LYSD personnel and others in the exhibits discussed herein.

Ms. Loeb's continued to copy the LYSD Superintendent and Board Chair on emails, including:

- A November 21, 2020, email to DEED Special Education Administrator Don Enoch, titled "Administrative Complaint 4 AAC 52 500," and indicating that Ms. Loeb's would be filing "a formal complaint" regarding thirty-one named LYSD special education students.³²
- A November 22, 2020 email to Superintendent Stone and other LYSD personnel, referencing a PTPC complaint allegedly filed by an LYSD teacher.³³
- A December 1, 2020 email to the Executive Director about the current PTPC complaint against Ms. Loeb's.³⁴

Each of these was a communication regarding claims before a state agency, and each was the type of communication Ms. Loeb's had previously agreed and been directed to stop sending to LYSD employees and administrators.

Ms. Loeb's's emails during this time – and indeed throughout the lifespan of this administrative appeal – were largely erratic and difficult to follow. Superintendent Stone forwarded many, but not all, of the messages he received to the Commission's Executive Director because he wanted to document Ms. Loeb's's continued violation of the conditions of the PTPC Order in her earlier case, and because he perceived that her ongoing conduct would eventually lead to further disciplinary action against her teaching certificate.³⁵

3. Videos sent to Superintendent Stone

In addition to sending numerous emails about various claims before state agencies, Ms. Loeb's also sent Superintendent Stone multiple videos of herself speaking into the camera or singing, including the following which were played in full during the evidentiary hearing.

On December 24, 2020, Ms. Loeb's texted Superintendent Stone a bizarre 2-minute video, mostly of herself talking, with occasional shots of a desk and some piles of paper. The text of her message was as follows:

So I just got this awesome file cabinet for my desk, uh well, next to my desk, you know, you know what I mean. Anyway, so yeah, so it's solid wood, and I mean it

³² Ex. 17. This email is discussed further below.

³³ Ex. 18. ("Do you have certificates to prove that you've properly trained your staff? Common sense! I think Xavier should consider thinking twice before filing a complaint with the PTPC without proper assessment of the problem. It certainly started something, and yet here we are full circle.")

³⁴ Ex. 19. ("You know, the reason you filed this was because Gene contacted you (Governor's committee on teacher retention). Ok sharing some virtual CTE things with him, so we can talk about that at some point; however, attempts to cut me off from the man who saved my life - and brought me to Alaska. It simply seems like an attempt to interfere with my job, and prevent me from following through with the reason why we are in the profession-kiddos! Let's go battle about my license and a shady school district that needs mending.")

³⁵ Stone testimony.

slides really nicely, but here's, the here the pun – no, the rub. Here's the rub. [laughs] So I was opening up the files because obviously it has, they left, uh, some files, and one of them was, uh, "workman's comp." Look at this. "Workman's Comp Sheets." 'Cause it came from like probably a HR office or something. So I open it up and I'm like, oh great, just the irony of it all. And so look – [laughs] I got a whole stack of these. Look at these! [shows stack of papers] I'm like, "LYSD! You know, send these to LYSD because obviously their HR department needs it." So anyway, look: "Employee Report of Occupational Injury or Illness to Employer, Alaska Department of Labor and Workforce Development." And so, you know, anyway, Happy Holidays. Hence, don't forget! I chatted with you, what is it, uh, Thanksgiving time period, and I was talking about [lowers voice] – what was I talking about? Oh, that draft! Oh, yeah! Um, let's chat some more about that. [winks]³⁶

The video begins in a chatty, familiar tone, despite the fact that Mr. Stone had not communicated with Ms. Loeb for many months and, to the contrary, had requested and secured an agreement that she stop contacting him about her various claims. Ms. Loeb's tone and expression shift noticeably at the end of the video, ending on an unsettling, slightly menacing note. The viewer is left with the impression that Ms. Loeb believes that the referenced "draft" will be somehow damaging to the video's recipient, and that the suggestion to "chat some more about that" is not made in a collaborative spirit but rather as a threat about whatever Ms. Loeb believes her "draft" will accomplish.

Ms. Loeb texted Superintendent Stone another bizarre video on March 3, 2021. This time, she is seen with dark circles painted around her eyes and singing a traditional folk song, "Down to the River to Pray."³⁷ As in the other videos described herein, the video is shot on an extreme close up of Ms. Loeb's face. After singing the entire song into the video, Ms. Loeb states: "This is what it looks like when you go to battle and you're winning."³⁸ Mr. Stone did not solicit this or any other video communication from Ms. Loeb, and did not know the purpose of her sending that video, other than to surmise "that she was willing to incur some wounds so she could win a battle or something she's conceived of as some kind of injustice and she was somehow still winning."³⁹

Ms. Loeb continued periodically to send messages of this nature to Superintendent Stone. A few weeks before the hearing in this case, Ms. Loeb texted him another unsettling

³⁶ Ex. 20.

³⁷ Ex. 26.

³⁸ Ex. 26.

³⁹ Stone testimony.

video, seemingly about the upcoming hearing.⁴⁰ Over the course of three minutes, Ms. Loeb is seen and heard, raising her voice at times, saying the following:

You will be subpoenaed.^[41] You will be called to testify. Be prepared. If you are an administrator you're in charge of the signatories on the IEPs, and every IEP over the last ten years will need to correlate to a certified, Alaska-DEED certified teacher. And if it doesn't, and if you can't document through a valid assessment both formative and summative in the IEP those boilerplate IEPs are history and every single student over the age of 18 who is in the system through the age of 26 will have valid due process rights to go back and re-make up all those hours, those educational hours, on the service delivery page that was not implemented by a certified and licensed teacher, through valid assessments in accordance with progress notes. And you can go ahead and look at the US Supreme Court Justice Roberts recent case opinion. I already documented all of that. Laws have changed. The misappropriation of federal and state money, special education money, hidden in school districts, misappropriated in school districts and not used for the purposes intended. School boards are responsible. We're gonna freeze their spending. It's over! This teacher survived! And lived to tell about it and advocate for those students out there in the Bush and the rural parts even on the slope. So this is not about violations of confidentiality. You cannot keep that confidential and hidden, and let me tell you what, ACLU is on, remarked, educational policy advisors in the Governor's office are investigating. So you want to try to say and make it look like this teacher was crazy and whatever? I don't care what you did to make it look like it was something else. "Oh, I started to burn the house down?" Yeah, right. And then there's arsenic in the water? Hmmm. That water filters through the school? Hmmm. That's interesting. Very interesting. As Chief Justice, the late Chief Justice Warren once said – you can look that up, he's a wonderful judge, appointed by the President – "You just can't do that. No way."

Like the other emails and videos described above, this message was unwanted, unwelcome, and unsettling to those who viewed it.

C. November 2020 – April 2021 disclosures of special education student information

Around the same time that Ms. Loeb was engaging in the above-described campaign of unwanted contact with LYSD personnel, she also took a series of actions that resulted in dissemination of dozens of named students' special education status – including, dissemination of detailed information about at least seven individual students' special education needs, diagnoses, and/or assessment reports.

The Commission finds that Ms. Loeb took these actions knowingly, believing that it was necessary to share more student information in order to bring attention to her "cause." As a

⁴⁰ Ex. 34.

⁴¹ Ms. Loeb did not file a witness list and did not subpoena any witnesses in this matter.

trained and certificated special education teacher, Ms. Loeb was aware of the protections afforded student records and information generally, as well as the heightened confidentiality of special education student records. In the incidents described below, Ms. Loeb chose to identify special education students by name and in some instances to even share students' special education records, believing – wrongly – that doing so was necessary in order to prove that she was correct about the failures of the special education system.⁴²

In none of the instances below did Ms. Loeb have – or seek – the consent of the students or parents before publishing and distributing their protected information. Further, at the time she sent the correspondence detailed below, Ms. Loeb herself was no longer a part of any of these students' special education teams.

1. November 2, 2020: Ms. Loeb broadly publishes confidential educational information about a special education student, identified by name

As mentioned above, on November 2, 2020, Ms. Loeb emailed the administrator of a University of Alaska Anchorage teachers' professional development program, copying the email to LYSD Superintendent Stone, LYSD School Board Members, and a Department of Labor – Vocational Rehabilitation employee.⁴³ In that email, Ms. Loeb describes in detail the special education needs and experiences of a former LYSD student, whom she identifies by name. In the email she acknowledges the confidential nature of this information, adding the following parenthetical immediately after the student's name: "I know it's confidential information; however, she is no longer an LYSD student."⁴⁴

2. November 21, 2020: Ms. Loeb identifies 31 LYSD special education students by name to multiple individuals with no right to access these students' educational information

On November 21, 2020, Ms. Loeb sent DEED Special Education Administrator Don Enoch an email titled "Administrative Complaint 4 AAC 52 500." Ms. Loeb informed Mr. Enoch that he should "expect a formal complaint for the following students," then named 31 special education students. Ms. Loeb copied the email to Superintendent Stone, LYSD Board Chair Edgar Hoelscher, and LYSD's worker's compensation attorney.⁴⁵ The individuals to whom Ms. Loeb sent this information were not in any way part of the students' special

⁴² Loeb testimony.

⁴³ Ex. 10, p. 4.

⁴⁴ Ex. 10.

⁴⁵ Ex. 17.

education team, nor was Ms. Loeb, and she did not have parental consent to disseminate information about these students outside of that team.

3. January 25-31, 2021: Ms. Loeb identifies numerous North Slope Borough School District special education students, and distributes five students' special education assessment documentation, while falsely holding herself out as a Hooper Bay teacher

Between November 2020 and January 2021, Ms. Loeb worked briefly for Edmentum, Inc., which provides contractual instructional and consulting services to some Alaska school districts.⁴⁶ Ms. Loeb's assignment apparently involved special education services in the North Slope Borough School District (NSBSD). She was terminated in early January 2021.⁴⁷

a. *January 13, 2021 Letter to Edmentum*

On January 13, 2021, Ms. Loeb emailed a four-page single spaced letter to Edmentum's Alaska Team Instructional Leader, copied to Edmentum's CEO, the DEED Special Education Division, and the entire NSBSD School Board.⁴⁸ The letter alleges various special education violations by Edmentum, and specifically names numerous NSBSD special education students.⁴⁹

At the time she sent the letter, Ms. Loeb was no longer an Edmentum employee, and was not part of the educational team for any student listed. The individuals who received the letter were likewise not on the named students' educational team. Ms. Loeb did not have parental consent to distribute these students' confidential information – including special education status – outside their educational team.⁵⁰

Separately relevant to these proceedings is that Ms. Loeb's January 13 letter was on letterhead purporting to affiliate her with LYSD generally and the Hooper Bay School in particular. The upper righthand corner of the complaint included the following identifiers:

Reine Loeb
Hooper Bay School
PO Box 249
Hooper Bay, AK 99604
rloeb@lysd.org⁵¹

⁴⁶ See Ex. 22 (referencing an employment contract signed in November, "approximately twenty days of employment," and termination occurring prior to Ms. Loeb's January 13, 2021 letter to Edmentum). See also, R. 931-932.

⁴⁷ Mann test.; Ex. 22, p. 1, Ex. 25.

⁴⁸ Ex. 21, pp. 1, 4, 5.

⁴⁹ Ex. 21, p. 2. The names in the agency record and in the Director's exhibit are redacted to protect student confidentiality, so the exact number is not known, but the list of names spans nearly three full lines in the letter.

⁵⁰ Ex. 22.

⁵¹ In addition to falsely listing an lysd.org email address, Ms. Loeb added other fictitious email addresses associated with two different law firms – one apparently in Fairfax, Virginia, and the other the law firm representing

At the time of this complaint. Ms. Loeb had not worked for LYSD nor lived in Hooper Bay for nearly two years, and resided in Chugiak, just outside of Anchorage.⁵²

b. January 25, 2021 Complaint to DEED

On January 25, 2021, about two weeks after her letter to Edmentum, Ms. Loeb submitted a 23-page complaint to DEED Commissioner Johnson and DEED Special Education Administrator Don Enoch about Edmentum’s role in the provision of special education services in the NSBSD.⁵³ Although Ms. Loeb no longer worked with Edmentum and had no legitimate reason to possess student records associated with that prior employment, she attached to her complaint detailed special education assessment materials of five named NSBSD special education students.⁵⁴ Ms. Loeb also emailed a copy of this complaint – and its confidential attachments – to LYSD Superintendent Gene Stone.⁵⁵

Like the January 13 letter to Edmentum, Ms. Loeb’s complaint falsely associated herself with the Hooper Bay School and LYSD, listing a return address of PO Box 249, Unit 13, Hooper Bay, AK 99604, the address of LYSD’s teacher housing in Hooper Bay.⁵⁶

Superintendent Stone contacted both Mr. Enoch and the Commission’s Executive Director about Ms. Loeb’s copying him on her January 25 complaint, noting the impropriety of his receiving special education student records for another districts’ students, as well as expressing concern that Ms. Loeb was holding herself out in these communications as somehow affiliated with LYSD.⁵⁷ Superintendent Stone “didn’t want any outside entities to think that she had any affiliation with the Lower Yukon School District or Hooper Bay School.”⁵⁸

DEED was “concerned” about Ms. Loeb’s distribution of special education student records to individuals unaffiliated with those students, and wrote to both Ms. Loeb and the NSBSD Superintendent about Ms. Loeb’s unauthorized disclosures of these materials.⁵⁹ In

LYSD in Ms. Loeb’s worker’s compensation matter. Ms. Loeb had no good faith reason to suggest that she was affiliated with either law firm or with LYSD.

⁵² Loeb testimony.

⁵³ Ex. 23, pp. 4 - 26.

⁵⁴ Mann testimony; Stone testimony; Ex. 23, pp. 1, 26. The attachments were one student’s Individual Education Plan (“IEP”), the written document that outlines a special education student’s educational needs, goals, and services to be provided and four students’ Evaluation Summary and Eligibility Review (“ESER”), a detailed summary of evaluations conducted as part of the special education eligibility determination process. IEPs and ESERs contain a significant amount of private, confidential student information.

⁵⁵ Ex. 23, p. 3; Mann testimony; Stone testimony.

⁵⁶ Ex. 23, p. 4.

⁵⁷ Ex. 23, p. 3; Stone testimony.

⁵⁸ Stone test.

⁵⁹ Enoch testimony.

addition to observing that these disclosures appeared to violate both state and federal law, Mr. Enoch added, “we also note that the Department has previously reminded Ms. Loeb of her obligation to protect confidential student information under FERPA.”⁶⁰ The NSBSD Superintendent responded with “alarm” at the prospect that Ms. Loeb, whose access to student information had been rescinded upon her termination by Edmentum, “appears to have retained and be misusing copies of student records for purposes other than those for which access has been granted.”⁶¹

4. April 19, 2021: Ms. Loeb widely publishes name and special education needs of at least one LYSD special education student.

On April 19, 2021, Ms. Loeb sent a 7-page letter to DEED about LYSD special education compliance issues relating to visually impaired students.⁶² The complaint named a specific LYSD student, and described in detail that student’s special education needs and educational progress. Ms. Loeb sent copies of this letter to:

- the United States Department of Education,
- Governor Dunleavy’s offices in both Washington D.C. and Anchorage,
- the entire LYSD School Board,
- LYSD Superintendent Gene Stone,
- the offices of the Mayor and Vice Mayor of Hooper Bay,⁶³
- the President and CEO of the Alaska Humanities Forum, and
- the Alaska Center for the Blind and Visually Impaired.⁶⁴

None of these individuals or entities were part of the named student’s educational team such that they had a legal right to information about the student’s special education status or needs. Nor was Ms. Loeb herself a part of the student’s special education team, having been terminated from employment with LYSD nearly two years before sending the letter.

On May 4, 2021, the parent of the named student submitted a complaint to the PTPC about Ms. Loeb’s widespread disclosure of her child’s name, disability, and special education status.⁶⁵ Ms. Loeb’s May 5, 2021 response to that Complaint again copied multiple LYSD personnel – despite the Executive Director having informed her that the investigation was confidential.⁶⁶ The Executive Director filed the Accusation in this case soon thereafter.

⁶⁰ Ex. 24.

⁶¹ Ex. 25.

⁶² Ex. 28.

⁶³ Ms. Loeb testified that both the Mayor and Vice Mayor were also LYSD teachers. However, the documents were sent to their City government addresses, and in their capacities as City officials.

⁶⁴ Ex. 28, p. 8-9.

⁶⁵ Ex. 29.

⁶⁶ Ex. 30; Ex. 32.

III. Procedural History

A. Accusation

The Executive Director filed an Accusation in June 2021, seeking revocation of or other discipline against Ms. Loeb's teaching certificate. After describing in detail Ms. Loeb's communications and conduct between October 2020 and May 2021, the Executive Director alleged that Ms. Loeb had violated:

- 20 AAC 10.020(b)(8), the requirement to "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;"
- 20 AAC 10.020(d)(9), the prohibition against "falsify[ing] a document or mak[ing] a misrepresentation on a matter related to employment;" and
- 20 AAC 10.020(d)(16), the "obligation to conduct professional business through appropriate channels."

Ms. Loeb requested a hearing to contest the Accusation, and the case was referred to the Office of Administrative Hearings.

B. Hearing

The prehearing period was delayed considerably due to a series of events, including Ms. Loeb's incarceration shortly before the hearing originally scheduled for January 2022, and then a period of time when Ms. Loeb ceased participating in prehearing proceedings.⁶⁷

The hearing was ultimately held before the full Commission on April 20, 2023, with Administrative Law Judge Cheryl Mandala presiding. Ms. Loeb represented herself, appeared before the Commission in person, and testified on her own behalf. The Executive Director was represented by Assistant Attorney General Kevin Higgins, who presented the testimony of the Executive Director, LYSD Superintendent Gene Stone and State Special Education Administrator Don Enoch.

C. Evidentiary issues

1. Scope of hearing

Throughout the pre-hearing process, numerous scheduling orders were issued specifying that the scope of this proceeding was limited to whether Ms. Loeb's conduct had violated the Code of Ethics. Ms. Loeb was repeatedly cautioned, in writing and during multiple status conferences, that the proceedings in this case were not a forum to litigate or relitigate side issues,

⁶⁷ January 6, 2022 Status conference. Subsequent status conferences were held January 27, March 3, April 7, May 18, July 12, September 28, November 15 and 17, 2022, and March 15, 2023.

including but not limited to her worker’s compensation case, the earlier disciplinary action which was settled by consent agreement, her employment claims against LYSD, or her allegations of various special education improprieties.⁶⁸ Nonetheless, Ms. Loeb’s hearing testimony and questioning of witnesses focused largely on issues not before the Commission, namely: the circumstances of her departure from Hooper Bay, her beliefs about IDEA violations in rural Alaska, her frustration with the outcomes of complaints she has submitted against others, and her perception that various individuals and/or entities have colluded against her. As was explained repeatedly at the hearing, we do not find these side issues relevant to the question before us, which is whether Ms. Loeb’s own conduct, as described herein, violated her obligations under the Code of Ethics.

2. Credibility

Of the witnesses who testified, the Commission found Ms. Loeb to be the least credible.⁶⁹ Ms. Loeb was evasive at times, gave inconsistent testimony, and appeared to display selective memory as it suited her needs in the moment.

The Commission was not persuaded by Ms. Loeb’s testimony that she does not remember entering into the stipulation to resolve her earlier case.⁷⁰ We note that Ms. Loeb has made conflicting statements about the stipulation – at times acknowledging that she entered into the agreement freely, and at other times alleging she was incompetent to have done so.⁷¹ Moreover, regardless of Ms. Loeb’s state of mind at the time that she entered into the Stipulation, we find there is no question that she was made aware of it, and of the conditions on

⁶⁸ See, e.g., Scheduling Order issued September 30, 2021 (“The Accusation in this matter seeks discipline against Reine Loeb’s professional teaching certificate based on communications by Ms. Loeb during the 2020-2021 school year. The issue before the Commission is whether Ms. Loeb’s conduct described in the Accusation violated 20 AAC 10.020(b)(8); 20 AAC 10.020(d)(9)(B); and/or 20 AAC 10.020(d)(16). These proceedings are not an avenue to relitigate prior disciplinary cases, or to conduct side trials on employment disputes or other collateral matters.”).

⁶⁹ The Commission had no concerns about the credibility of the other three witnesses.

⁷⁰ Loeb suggested at the hearing that she was not competent when she signed the consent agreement, but was/is competent now. Ms. Loeb indicated that a guardianship/conservatorship proceeding had been initiated against her as part of the worker’s compensation claim proceedings, but expressed visible offense at the existence of that proceeding, and assured the Commission that no guardian has been appointed on her behalf. CourtView reflects that a conservatorship proceeding was initiated by the Alaska Department of Labor & Workforce Development on October 6, 2020, and that the matter – Anchorage Superior Court Case No. 3AN-20-02131PR – remains open as of the date of this decision with no guardian or conservator having been appointed.

⁷¹ Compare, e.g., Ex. 12 (“So here’s the rub. I agreed to a “warning” about my actions while I was not of sound mind and body due to having suffered a severe head injury.”) with Ex. 15, p. 3: (11/19/20, arguing that the PTPC has committed “a breach of contract . . . that nullifies the stipulated agreement entered into between the PTPC and Ms. Loeb”) with Ex. 19 (11/19/20 email, describing herself as “fully recovered from a post concussion syndrome and traumatic brain injury,” states, “naturally, I would never seek to violate the terms of any stipulated agreement, as I entered into an amicable agreement[.]”)

the October 2020 warning, repeatedly, both prior to and after the initiation of this disciplinary proceeding.

Setting aside the issue of the Stipulation, the Commission found Ms. Loeb to be less than fully forthright in her testimony. Ms. Loeb denied having received documents – such as the November 2020 PTPC complaint – when multiple exhibits clearly demonstrate that she received the complaint, and was responding to it.⁷² The Commission also found that Ms. Loeb gave testimony that was at least confusing even if not intentionally misleading – for example, testifying repeatedly about having “audited” special education files, but later admitting that she had not been asked to conduct an audit, and that she was simply using the word audit to mean a self-initiated review for her own purposes.

3. Exhibits

During the hearing Ms. Loeb asserted that she had not been permitted to submit exhibits. This is incorrect. Ms. Loeb was provided multiple scheduling orders setting out the due date for exhibit lists and hearing exhibits. She did not comply with these deadlines or attempt to submit an exhibit list.

While Ms. Loeb copied the Office of Administrative Hearings (OAH) on dozens of emails – including many that were sent to LYSD personnel, repeating the same various allegations as described in Section II B, above – OAH staff provided instruction that this practice was not a substitute for the required filing of an exhibit list and exhibits. On August 28, 2022, Ms. Loeb copied OAH on yet another email to Superintendent Stone, with a subject line of “Insubordination threats.”⁷³ OAH staff responded to this email as follows:

We are copying your emails to the other parties in your PTPC case because we are required to do so. However, ALJ Lebo has asked me to (a) remind you to please limit your filings with OAH to materials that are relevant to your PTPC case with OAH, and (b) to tell you that your emails that we received from you today, as well as your filings submitted by email on August 15, do not appear to be relevant to your case with OAH. Even if these materials had some marginal relevance, you would need to submit them as potential exhibits, with some explanation of their relevance, rather than just copying OAH on a series of emails.⁷⁴

⁷² See, e.g., Ex. 16 (11/19/20 email: “I will file a Notice of Defense today, but I would like to know where the allegations are coming from”).

⁷³ Indeed, in addition to the violations established through evidence at the hearing, Ms. Loeb also copied Mr. Stone on numerous email filings with the OAH in the course of the pre-hearing process in this administrative appeal.

⁷⁴ 8/29/2022 11:24 a.m. email from OAH staff to Loeb, Higgins, Mann, and Department of Law.

To the extent that Ms. Loeb occasionally submitted emails to the OAH with a note asking that these “be filed” or be “add[ed] as exhibits,” she never submitted the exhibit list required under the pre-hearing order. Moreover, the emails in question were focused around the same issues she had repeatedly been instructed were not before the Commission in this case – namely, her various legal disputes with LYSD, her attempts to file PTPC complaints against other educators, and her dissatisfaction with the outcome of her IDEA-related complaints. Ms. Loeb offered no evidence and made no showing to suggest she was prevented from submitting exhibits relevant to the question of whether she violated the Code of Ethics.⁷⁵

D. Post-hearing deliberations

Commissioners Bergey, Burgess, Carlson, Melkerson, Peterson, Reid, Riddle, Stafford, and Wheelles participated in this hearing and decision. Following the hearing, the Commission met in deliberative session to consider the June 2021 Accusation and the evidence presented at hearing. The Commissioners voted unanimously in open session on April 21, 2023 to adopt the outcome set out below. This written Order has been drafted to reflect the Commissioners’ findings and reasoning, and has been approved by all participating Commissioners.

IV. Discussion

Members of the teaching profession are required to abide by the professional teaching standards adopted by this Commission.⁷⁶ In 20 AAC 10.020, we have adopted a Code of Ethics and Teaching Standards. A violation of this Code is grounds for revocation or suspension of a teacher certificate, or for the lesser sanctions of a warning or reprimand.⁷⁷ In an action for sanctions against a teaching certificate, the Executive Director bears the burden of proving each alleged violation by a preponderance of the evidence.

A. Did the Executive Director establish that Ms. Loeb violated 20 AAC 10.020?

1. Did the Executive Director establish that Ms. Loeb violated 20 AAC 10.020(b)(8)?

“In fulfilling obligations to students, an educator shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a

⁷⁵ Ms. Loeb also variously contended that she had not received the Director’s Exhibits, and/or the agency record. However, she was provided the agency record on multiple occasions and in multiple formats during the prehearing process. Further, she arrived at the hearing with a sealed USPS box of documents that she indicated was the agency record, and which she appeared to open for the first time in front of the Commission. Ms. Loeb’s failure to promptly open her mail is not a denial of due process.

⁷⁶ AS 14.20.480.

⁷⁷ AS 14.20.030(a)(4); AS 14.20.470(a)(3).

compelling professional purpose or is required by law.”⁷⁸ With specific regard to the confidential nature of special education students’ information, we have previously observed that “it is a core tenet of special education that personally identifiable information regarding the children with disabilities must be held in confidence.”⁷⁹

The evidence presented at hearing establishes that Ms. Loeb violated this requirement repeatedly and intentionally, on the following occasions:

- i. On November 2, 2020: In disclosing at least one visually impaired former student’s name, diagnosis, and special education history to an administrator of the University of Alaska teacher training program, and copying that email to multiple individuals – a Division of Vocational Rehabilitation (DVR) employee, a worker’s compensation lawyer, Superintendent Stone, and two LYSD Board members – with no legitimate educational interest in access to that private information.⁸⁰
- ii. On November 21, 2020: Listing, in an email to Don Enoch that she copied on outside parties – the DEED commissioner, a school board member, and a lawyer representing LYSD in a worker’s compensation case – the names of 31 individual LYSD students with IEPs.⁸¹
- iii. On January 13, 2021: Naming numerous NSBSD special education students in a letter copied to a different district’s superintendent, multiple employees of an educational contracting firm, and the entire NSBSD School Board.⁸²
- iv. On January 25, 2021: In disclosing both names and highly sensitive special education records of five NSBSD special education students.⁸³ Ms. Loeb distributed these documents to the superintendent of another school district.
- v. On April 19, 2021: In disclosing two visually impaired former students’ names, diagnoses, and special education histories in a seven-page letter that she broadly disseminated to multiple individuals and entities with no legitimate educational interest in this sensitive information.⁸⁴
- vi. On April 20, 2023: At the hearing itself, naming a former special education student and then opining that this disclosure was permissible because the individual was no longer a student.

⁷⁸ 20 AAC 10.020(b)(8).

⁷⁹ *Matter of Maffitt*, OAH No. 06-0330-PTP (PTPC 2007).

⁸⁰ Ex. 10, pp. 4-7.

⁸¹ Ex. 17.

⁸² Ex. 21; Stone testimony.

⁸³ Ex. 23.

⁸⁴ Ex. 28 (distributed to multiple offices of the United States Department of Education, the Washington D.C. and Anchorage offices of Governor Dunleavy, the DEED Commissioner, an LYSD school Board member, the Alaska Attorney General, the Mayor and Vice Mayor of Hooper Bay, the United States Office of Special Counsel, the Alaska Humanities Forum, and the Alaska Center for the Blind and Visually Impaired).

In each of the instances described above, Ms. Loeb's disclosed confidential information obtained in the course of providing professional services. In each instance, she disclosed this information after she was no longer providing educational services to the student(s) in question. And in each instance, she disclosed this information to individuals with no legitimate educational interest in the confidential information she provided.

As to certain disclosures – e.g. her disclosure of information about a visually impaired student – Ms. Loeb's has argued that she did not violate the Family Educational Records and Privacy Act (FERPA) because she shared information about students from personal knowledge or observation, not their actual records. Of course, in multiple instances she did, in fact, share students' records and/or other FERPA-protected student information.⁸⁵ Further, the scope of the obligation under the Code of Ethics is broader than the scope of FERPA. The Code provision under which the Director seeks discipline prohibits a teacher from disclosing “information that has been obtained in the course of providing professional service.” Thus, even information gleaned from personal knowledge or observation -- but in the course of providing professional service – must be kept in confidence under this rule.

Ms. Loeb's has also argued that her disclosures were legally permissible because of the exception in 20 AAC 10.020(b)(8) for disclosure that either “serves a compelling professional purpose or is required by law.” Neither of these exceptions applies here. Ms. Loeb's disclosures of students' confidential information did not “serve a compelling professional purpose.” First, at the time of each of the disclosures identified above, Ms. Loeb's was no longer professionally affiliated with the students in question. Accordingly, this exception cannot apply. Moreover, we have previously rejected this defense to a teacher's disclosure of student IEPs to school board members as part of a personnel complaint.⁸⁶

Ms. Loeb's characterization of her actions as “whistleblowing” does not lead to a different outcome. Even if the statute's concept of “compelling professional purpose” were broadly construed to encompass purported whistleblowing by a former employee, that purpose could be achieved without violating the confidentiality of student records and personal information. To the extent to which Ms. Loeb's felt compelled to report alleged shortcomings in

⁸⁵ Broadly speaking, FERPA prohibits the improper disclosure of personally identifiable information derived from education records.

⁸⁶ *Matter of Maffit*, OAH No. 06-0330-PTP (Alaska Professional Teaching Practices Commission February 2007) (aff'd, *Maffit v. State of Alaska*, Professional Teaching Practices Commission, Superior Court Case No. 3AN-07-5902 CI).

IDEA compliance by writing to a broad swath of individuals and entities, she absolutely could have done so without including students' confidential information. Whatever alleged IDEA violations she believes she has uncovered do not license her to violate the confidentiality of student records and information. The Commission was troubled by Ms. Loeb's apparent inability to recognize how inappropriate her disclosures were, and how untethered to her stated goal of bringing attention to IDEA compliance concerns in rural Alaska.

Ms. Loeb also appears to contend that her multiple disclosures of confidential student information are excused under the second prong of the regulation's exceptions – disclosure that “is required by law.” Ms. Loeb seeks to invoke this exception on the basis that she disclosed students' confidential information in order to expose what she believes are violations of law. Such disclosures are not within the scope of the “required by law” exception, which, as with FERPA's comparable provision, permits disclosures to comply with a judicial order or a lawfully issued subpoena.⁸⁷ The “required by law” provision does not, as Ms. Loeb suggests, permit disclosure on the basis that the teacher believes that the confidential information reveals a legal violation. Ms. Loeb's repeated disclosure of multiple students' confidential information through the emails, letters, and hearing testimony described herein was not “required by law” or otherwise allowable under the Code of Ethics.

The evidence presented established multiple disclosures of information obtained in the course of providing professional service. The severity of these violations is heightened by the fact that, in each of the instances detailed above, the specific information Ms. Loeb disclosed was confidential information about special education students' diagnoses, special education status, and/or educational process. The severity is further heightened by Ms. Loeb's testimony that she disclosed this confidential information *intentionally*. She explained, clearly and repeatedly, her belief that providing student records made her claims about IDEA violations more believable.⁸⁸ The Commission further notes that Ms. Loeb continued to disclose confidential information about additional students during the hearing itself, a public proceeding, and showed a lack of remorse for those disclosures. In short, the Director proved that Ms. Loeb committed multiple intentional violations of 20 AAC 10.020(b)(8).

⁸⁷ See 34 C.F.R. § 99.31(a)(9)(i).

⁸⁸ Don Enoch testified that Alaska DEED investigated Ms. Loeb's claims set out in Ex. 33, and did not find any actionable violations.

2. Did the Executive Director establish that Ms. Loebis violated 20 AAC 10.020(d)(9)?

The Director next asserts that Ms. Loebis violated the regulatory directive that, “[i]n fulfilling obligations to the profession, an educator may not . . . make a misrepresentation on a matter related to employment[.]”⁸⁹ The Director proved multiple violations of this provision by Ms. Loebis during January 2021.

On her January 13, 2021 letter to Edmentum, Ms. Loebis listed her return address as the Hooper Bay School, and provided an email address “@lysd.org.” Both of these statements were misrepresentations related to employment.⁹⁰ On the January 25, 2021 complaint filed with DEED, Ms. Loebis again listed as her return address the teacher housing for the Hooper Bay School. Again, this was a misrepresentation related to employment.

In both instances, Ms. Loebis’s actions were clearly taken to suggest an employment affiliation with LYSD at a time where she quite plainly did not have such an affiliation. Indeed, at the time she provided the false LYSD address and credentials, Ms. Loebis was engaged in litigation against LYSD, and had already been warned repeatedly by the Commission and its Executive Director to stop contacting LYSD personnel. Ms. Loebis’s use of LYSD credentials under these circumstances was false and misleading.

At the hearing, Ms. Loebis gave multiple explanations for listing these false affiliations. One explanation was because of the strong bond she feels to Hooper Bay. The Commission does not find this explanation to be remotely credible. Ms. Loebis also testified – in particular with reference to the Edmentum letter – that she used the LYSD affiliations to bolster the credibility of her complaint. The Commission believes this explanation – Ms. Loebis falsely stated an affiliation with LYSD because she thought it would make her allegations more credible. This testimony highlights the intentionality of Ms. Loebis’s conduct. The Executive Director established that Ms. Loebis intentionally committed two violations of 20 AAC 10.020(d)(9).

3. Did the Executive Director establish that Ms. Loebis violated 20 AAC 10.020(d)(16)?

Lastly, the Director alleges that Ms. Loebis violated her professional obligation to “conduct professional business through appropriate channels.”⁹¹ The evidence in this case overwhelming supports a finding that Ms. Loebis violated this obligation in multiple ways.

⁸⁹ 20 AAC 10.020(d)(9)(B).

⁹⁰ Ex. 21.

⁹¹ 20 AAC 10.020(d)(16).

First, as to Ms. Loeb's multiple widely distributed communications containing special education students' confidential information, this conduct not only violated her obligations under 20 AAC 10.020(b)(8), but also constituted a failure to conduct professional business through appropriate channels. Thus, in emailing her Edmentum complaint (with special education students' ESERs and IEPs attached) to individuals with no educational purpose for receiving that information,⁹² emailing a letter with details about two named special education students to more than a dozen individuals and entities outside those students' educational teams,⁹³ and sending emails about named special education students' educational progress to a worker's compensation attorney and a Division of Vocational Rehabilitation counselor,⁹⁴ Ms. Loeb's broad disclosure of confidential special educational information outside the students' educational team or any other legitimate professional connection also violated 20 AAC 10.020(d)(16).

Ms. Loeb additionally violated her obligation to conduct professional business through appropriate channels by sending dozens of emails to the LYSD Superintendent and board members – despite the consent agreement and order by the Commission – in violation of the warning not to email LYSD regarding claims with state agencies,⁹⁵ and even after being cautioned that further contact would be seen as a violation of the Commission's order.⁹⁶ Indeed, throughout the course of the pre-hearing process in this case, Ms. Loeb continued to copy Superintendent Stone and multiple other LYSD Board members and teachers on emails she sent to the Office of Administrative Hearings. Ms. Loeb's own filings with the OAH – and her repeatedly copying the OAH alongside LYSD personnel on emails submitted to other entities – demonstrated that she has continued this pattern up to the time of the hearing in this matter.

To be clear, the directive to stop contacting LYSD staff and Board members in no way impairs Ms. Loeb's ability to conduct legitimate business, including conducting claims before state agencies. Neither the Consent Agreement she signed nor the Commission's order adopting that agreement infringe on Ms. Loeb's ability to pursue, for example, her worker's

⁹² Ex.

⁹³ Ex. 10, Ex. 28.

⁹⁴ Ex. 17.

⁹⁵ Ex. 3 (10/21/20 email re: OAH case), Ex. 4, (10/23/23 email re: worker's compensation and guardianship cases), Ex. 7 (10/29/23 email re: worker's compensation case).

⁹⁶ Ex. 8, 14 (Mann warnings); Ex. 12 (11/5/20 email about PTPC Case 21-11), Ex. 13 (11/15/20 email about PTPC Case 21-11 and about complaint against DEED), Ex. 16 (11/19/20 email about PTP case), Ex. 17 (11/21/20 email about special education complaint), Ex. 18 (11/22/20 email about PTPC complaints and investigations), Ex. 19 (12/1/20 email about PTPC matter). It must also be noted that Ms. Loeb's practice of sending bizarre emails and videos to her former employer is not consistent with the obligation to "conduct professional business through appropriate channels." Ex. 20 (December 2020 video), Ex. 26 (March 2021 video), Ex. 27 (3/21/21 email).

compensation claim or her defense in this matter. Ms. Loeb's violative conduct is her unnecessarily and improperly copying her correspondence in those matters on various LYSD personnel.

Ms. Loeb has repeatedly defended her conduct as whistleblowing, and has contended that she is being punished by this body for advocating for students. This is simply false. Ms. Loeb is not being sanctioned for advocating for students. Rather, she is being sanctioned for repeatedly continuing to contact school district personnel from her former district after numerous directives to stop these contacts.

To the extent to which Ms. Loeb seeks to defend this conduct by denying that she is bound by the stipulation she signed in August 2020 and which this Commission approved in October 2020, this argument fails. As noted above, the Commission is not persuaded by Ms. Loeb's claim that she doesn't recall signing the stipulation. But even if that were true, the stipulation and our Order that followed remain binding unless and until they are vacated, a remedy Ms. Loeb has not pursued. Ms. Loeb is not free to simply disregard them, however. Moreover, during the time period at issue in this case, Ms. Loeb was warned *repeatedly* about her conduct over the course of several years, up through the hearing in this matter, but nonetheless continued to send inappropriate emails and videos to the LYSD Superintendent and others associated with LYSD.

In the context of the stipulation and Order in her earlier PTPC case, and the repeated directives and warnings to discontinue those communications, Ms. Loeb's continued communications with LYSD personnel about claims with state agencies as described above violated her obligation to conduct professional business through appropriate channels. Ms. Loeb also failed to conduct professional business through appropriate channels by repeatedly ignoring and defying warnings about the confidentiality of the PTPC complaint investigation process. In short, the Commission finds that Ms. Loeb repeatedly and willfully violated 20 AAC 10.020(d)(16).

B. What sanction is appropriate under the circumstances of this case?

The Commission may, but is not required to, impose discipline on a teacher whom it finds to have violated the Code of Ethics and Teaching Standards.⁹⁷ Depending on the severity of the violation and the surrounding circumstances, disciplinary responses can include a warning,

⁹⁷ AS 14.20.030(a).

reprimand, suspension, or revocation.⁹⁸ In deciding whether to impose a sanction and selecting an appropriate sanction, we look first to our prior handling of similar cases.⁹⁹ While we may depart from these earlier benchmarks, we do so only for carefully articulated policy reasons.

Here, our prior disciplinary decisions arising out of adjudicatory hearings are of limited usefulness in this case because there are no sufficiently similar cases. In *Matter of Maffitt*,¹⁰⁰ an educator distributed 24 unredacted IEPs to local school board members as part of a personnel complaint to the Board, defending her reckless treatment of confidential information by asserting that the IEPs were relevant to her Board complaint. This Commission issued a strong reprimand – the only sanction requested in the Director’s Accusation – while observing that the misconduct actually “approached a level that would justify suspension.”

While the teacher in *Maffitt* distributed a larger number of confidential records – i.e. distributing 24 IEPs versus the one IEP and 4 ESERs distributed by Ms. Loeb,

(1) she did so on only one occasion, while Ms. Loeb distributed confidential information on at least six occasions,

(2) IEPs, while highly confidential, are generally less sensitive than ESERs, which contain highly personal assessment information, and

(3) Maffitt’s distribution – while reckless and indefensible – was to a more narrowly tailored pool than the recipients to whom Ms. Loeb distributed five students’ ESERs, descriptions of several students’ special education needs, and dozens of special education students’ personally identifying information.

Further, the Commission in *Maffitt* was limited, on due process grounds, by the discipline requested in the Accusation. That is, strong due process concerns would have arisen had this Commission imposed a suspension when the Accusation only sought a reprimand.¹⁰¹ Here, Ms. Loeb committed a larger number of confidentiality violations (including new ones during the hearing itself), did so willfully, distributed confidential information more broadly, and showed no remorse for any of these disclosures. And here, unlike in *Maffitt*, the Accusation expressly identifies revocation as the discipline sought.

⁹⁸ See AS 14.20.470(a)(3) & (4).

⁹⁹ Most of these can be found here: <https://aws.state.ak.us/OAH/Category/Item?cat=114>. Others can be found by inquiry to the PTPC staff.

¹⁰⁰ OAH Case No. 06-0330-PTP (PTPC 2007) (published at <https://aws.state.ak.us/OAH/Decision/Display?rec=5863>).

¹⁰¹ This is not to say that the Commission could never do so – for example, after continuing adjudicatory proceedings to provide a licensee sufficient opportunity to prepare for a hearing on more severe discipline. But generally speaking the Accusation provides the licensee with notice of the matters at issue, including the nature of the discipline under consideration.

Also marginally relevant to our consideration is our recent revocation decision in *Matter of McCormick*.¹⁰² While the actual misconduct committed by Mr. McCormick was wholly dissimilar to Ms. Loeb's misconduct, we find similarities in the willfulness and broad scope of the misconduct in both cases. Ultimately, however, our past cases do not provide clear guidance in this case. Accordingly, we have carefully considered the evidence, and Ms. Loeb's conduct throughout the time period at issue in this case.

In considering Ms. Loeb's confidentiality violations, we note the multi-tiered nature of these violations. Ms. Loeb's misconduct in distributing students' confidential special education information breached the privacy rights of those students, their parents' parental rights, district policy, state law, and federal law.¹⁰³ We also note Ms. Loeb's repeated violations of this obligation – despite both her status and training as a special education specialist and the heightened awareness that such providers do or should have about the confidential nature of special education student information, and despite prior warnings by DEED.

Similarly, as to the obligation to conduct professional business through appropriate channels, we note the sheer volume of inappropriate communications – both in terms of the number of missives and the breadth of recipients. As to this violation, we also note that Ms. Loeb continued to contact LYSD administrators and Board members about various claims with state agencies (1) after signing a stipulation agreeing not to do so, (2) after this Commission's issuance of the disciplinary warning, (3) after affirming on the record with Judge Swanson that she would stop doing so, (4) after repeated directions from the Executive Director, (5) after the initiation of a new PTPC investigation on this very issue, (6) after the filing of a new disciplinary Accusation on this issue, and (7) all the way up to the hearing in this case.

Further, in considering the multiple instances in which Ms. Loeb failed to conduct professional business through appropriate channels, we are left with the strong impression that Ms. Loeb's overarching reason for taking the actions she took was that she wanted to. Ms. Loeb's testimony and conduct during the hearing, and the content of her many communications

¹⁰² OAH Case No. 22-0370-PTP (PTPC 2023) (published at <https://aws.state.ak.us/OAH/Decision/Display?rec=6942>).

¹⁰³ We note that the Commission's enabling statute provides a separate ground for suspension or revocation based on "substantial noncompliance with the school laws of the state or the regulations of the department." AS 14.20.030(a)(3). The Commission notes that Ms. Loeb's repeated distribution of special education students' personally identifiable information including, in some cases, highly confidential assessment materials, would certainly qualify as substantial noncompliance with the laws governing student privacy. However, as the Accusation only seeks discipline under .030(a)(4) – violation of ethical or professional standards – this decision is made on that basis alone

admitted into evidence, support a strong inference that Ms. Loeb, time and again, chose a course of action because of her belief that she knows better than anyone around her. She chose not to follow confidentiality restrictions – whether relating to protected student information or a confidential complaint process – because she simply didn’t think those restrictions should apply to her. She chose to continue emailing Superintendent Stone and others at LYSD despite multiple directives to stop because she wanted to keep doing it. Ms. Loeb was well aware of the chain of command and appropriate complaint processes for raising various issues of concern. However, when her complaints in those processes were unsuccessful, she was unwilling to alter her behavior or accept the conclusions of other authorities. Instead, she elected, repeatedly, to disregard applicable rules or procedures in favor of whatever course of action she preferred.

Turning next to Ms. Loeb’s misrepresentation of employment-related information, her conduct in this regard was again repeated, willful, and knowingly false. There was no remote basis in fact for Ms. Loeb to provide a Hooper Bay return address, or an @lysd email address, two years after her termination by LYSD. It was a lie, and she knew it was a lie, and she told the lie with the specific intent of misleading people – that is, because she hoped that it would lend credibility to her allegations.

A final significant factor in our decision is Ms. Loeb’s unrepentant defense of her misconduct. She denies that her distribution of special education student records, including private, sensitive evaluation materials, was improper. She defends continuing to copy Superintendent Stone on scores of emails – and defends texting him multiple “selfie” videos – on the basis that he has not “blocked” her number. While she purported to feel remorse for her actions, she described that remorse solely in terms of the consequences to her – displaying no insight or concerns about the impact of her misconduct on the students whose confidentiality she had violated, their parents, or the recipients of her campaign of harassing emails and texts.

All of the factors discussed herein – the numerous violations, the utter lack of insight or remorse, the intentionality of the conduct, and the seriousness of the confidentiality breaches – lead us to conclude, unanimously, that revocation is the appropriate sanction in this case.

In making this decision, we are mindful of the possibility that at least some of Ms. Loeb’s conduct as described herein may well have been related to some sort of mental health disturbance. The fact remains, however, that she has committed multiple significant ethics violations, and cannot be a certificated teacher while engaging in the type of conduct described herein. To the degree that mental health played a significant causal role in Ms. Loeb’s

behavior, in the event that she is ever successfully treated and able to show there is no likelihood that she would reoffend, AS 44.62.550 provides a mechanism to evaluate the changed circumstances.

V. Conclusion and Order

The Commission finds that Reine Loebbs repeatedly and willfully disclosed information obtained in the course of providing professional services in violation of the Alaska Code of Ethics and Teaching Standards, 20 AAC 10.020(b)(8).

The Commission finds that Reine Loebbs willfully, on two occasions, falsely misrepresented her employment status and affiliation in violation of the Alaska Code of Ethics and Teaching Standards, 20 AAC 10.020(d)(9).

The Commission finds that Reine Loebbs repeatedly and willfully failed to conduct professional business through appropriate channels in violation of the Alaska Code of Ethics and Teaching Standards, 20 AAC 10.020(d)(16).

After considering the circumstances surrounding the violations, the Commission hereby revokes Reine Loebbs’s Alaska Teacher Certificate.

This decision becomes effective as provided in Alaska Statute 44.62.520. Reconsideration and appeal rights will be communicated in the accompanying distribution notice.

Dated: May 8, 2023

Signed

Lem Wheelles, Chair
Alaska Professional Teaching Practices Commission

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]