

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
907.269.7460
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shawn Sypeck
Department of Education and Early Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: August 28, 2017

RE: Filed Permanent Regulations: Professional Teaching Practices Commission
Professional Teaching Practices Commission update to regulations re: educator ethics
(20 AAC 10.020; 20 AAC 10.900)

| | |
|------------------------|-------------------|
| Attorney General File: | JU2016200872 |
| Regulation Filed: | 8/28/2017 |
| Effective Date: | 9/27/2017 |
| Print: | 223, October 2017 |

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE PROFESSIONAL TEACHING PRACTICE COMMISSION

The attached 4 pages of regulations, dealing with the Code of Ethics of the Education Profession (20 AAC 10.020 and 20 AAC 10.900), are certified to be a correct copy of the regulation changes that the Professional Teaching Practices Commission adopted at its January 26-27, 2017 meeting, under the authority of AS 14.20.450, AS 14.20.460 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Professional Teaching Practices Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

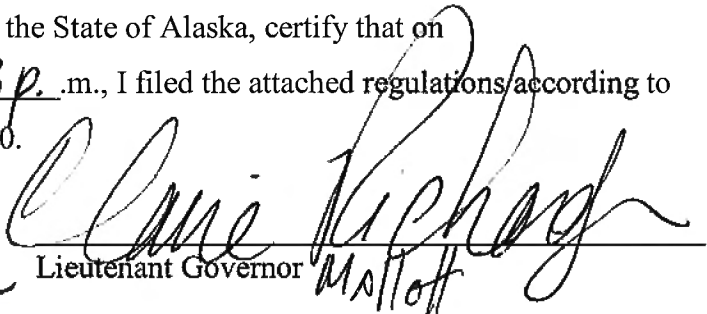
Date: 2/14/17


James A. Seitz, Executive Director

Claire Richards mfor

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on
" August 28, 2017 at 3:33 p. .m., I filed the attached regulations according to
the provisions of AS 44.62.040 - 44.62.120.

for 
Lieutenant Governor *Mallott*

Effective: September 27, 2017

Register: 223, October. 2017

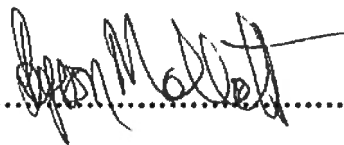
FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employee to perform the Administrative Procedures Act filing
functions of the Office of the Lieutenant Governor:**

Claire Richardson, Special Assistant

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on January 7th 2015.**




.....

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

Register 223, October 2017

MISCELLANEOUS BOARDS

20 AAC 10.020 is amended to read:

20 AAC 10.020. Code of ethics and teaching standards. (a) The following code of ethical standards governs ~~all members of the teaching profession, as well as any individual~~

~~holding a teaching, administrative, or special services certificate as issued under 4 AAC 12~~

~~in individual authorized as a ^{lowercase} under 4 AAC 30.020, and all other members of the~~
~~and 4 AAC 30. This includes Student Teacher Authorizations. A violation of this section is~~

grounds for discipline as provided in AS 14.20.030.

~~(b) In fulfilling obligations to students, an educator~~ ^{at Publisher: Existing introductory language of 20 AAC 10.020(b) is unchanged.))}

~~(4) may not engage in physical abuse of a student or sexual conduct with a student~~

within the educator's sphere of influence, including up to 1 year after the student has

graduated from high school; and shall report to the commission knowledge of such an act by

an educator;

20 AAC 10.020(b)(6) is amended to read:

(6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, gender identification, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course

of conduct that would encourage a reasonable student to develop a prejudice on these grounds;

20 AAC 10.020(c)(3) is amended to read:

~~(c) In fulfilling obligations to the public, an educator~~ ^{at Publisher: Existing introductory language of 20 AAC 10.020(c) is unchanged.))}

(3) shall cooperate in the statewide student assessment system established under (4)

AAC 06.710 - 4 AAC 06.790 by ^(A) safeguarding and maintaining the confidentiality of test

materials and information; and ^(B) By adhering to all written rules, policies, procedures, and

other requirements established by DEED regarding the administration and operation of

New language withdrawn.

ACJF
8/28/2017.

at Publisher:

With the

new text

with-

drawn,

existing

20 AAC

10.020(b)(4)

is unchanged.

Leave

existing

20 AAC

10.020(b)(4)

as is.))

the statewide student assessment system as set out in 4 AAC 06.761 (Test

administration) and 4 AAC 06.765 (Test security; consequences of breach);

~~(d) In fulfilling obligations to the profession, an educator~~ ← *Publisher: Existing introductory language of 20 AAC 10.020(d) is unchanged*
20 AAC 10.020(d)(1) is amended to read:
(1) may not, on the basis of age, race, color, creed, sex, national origin, marital

status, political or religious beliefs, physical condition, family, social or cultural background,

gender identification, or sexual orientation, deny to a colleague a professional benefit,

advantage, or participation in any professional organization, and may not discriminate in

employment practice, assignment, or personnel evaluation;

20 AAC 10.020(d)(6) is amended to read: *accord just and equitable treatment to all members of the teaching profession as set out in AS 14.20.370*

(6) shall provide, upon the request of the affected party, who must be a member

of the teaching profession as defined by AS 14.20.370, a written statement of specific reasons

for recommendations that led to the denial of increments, significant changes in employment, or

termination of employment;

20 AAC 10.020(d)(9) is amended to read:

(9) may not falsify a document, or make a misrepresentation on a matter related to

licensure, employment (including employment application), employment evaluation, test

results, or professional duties; (Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84,

Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am

4/8/99, Register 150; am 10/25/2000, Register 156; am 9/27/2017, Register 223)

Authority: AS 14.20.030

AS 14.20.370

AS 14.20.450

AS 14.20.460

AS 14.20.480

20 AAC 10.900 is amended to read:

~~20 AAC 10.900. Definitions.~~ In this chapter, (1) "sexual conduct" includes, but is not

limited to [SOLICITATIONS FOR SEX;] explicit sexual jokes and stories; flirtatious or

Register 223, October 2017

MISCELLANEOUS BOARDS

sexually related comments; ^{9(C)}sexual kidding or teasing; ^{9(D)}sexual innuendos or comments with double entendre; ^{9(E)}inappropriate physical touching; ^{9(F)}soliciting, encouraging, participating, or initiating inappropriate written ^{9(G)}communication, verbal ^{9(G)}communication, electronic ^{9(G)}communication, or physical or romantic relationship with students, whether consensual or nonconsensual; ^{9(H)}discussion of the educator's sexual feelings or activities; ^{9(I)}discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and ^{9(J)}"sexual penetration" and "sexual contact" as those terms are defined in ^{AS 11.81.900}AS 11.81.900(j);

20 AAC 10.900 is amended by adding new ^{paragraphs}sections to read:

~~(4) "student" is any individual enrolled in public or private school, or any individual who is under the age of 20 and has not yet completed the 12th grade. A "student" in higher education is any individual enrolled in at least one course at an institution of higher education.~~

Withdrawn.
ACJ
8/28/2017.

⁽⁴⁾(5) "colleague" includes ^{9(A)}any certificated educator ^{9(B)}as well as individuals ^{is}who are employed by the school district on a permanent or temporary basis.

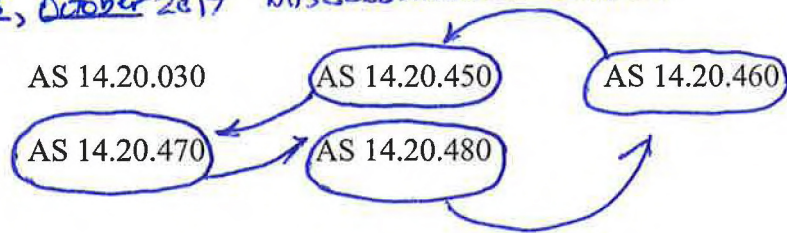
⁽⁵⁾(6) "educator" includes ^{9(A)}any individual holding a teaching certificate, administrative certificate, ^{or}special services certificate, ^{issued under 4 AAC 12}or student teacher authorization, ^{30.020; 9(B)}as issued under ^{an institution of learning}4 AAC 12 and 4 AAC 30; as well as instructors in higher education.

~~(7) "members of the profession" includes all members of the teaching profession, as defined in AS 14.20.370, as well as any individual a teaching certificate, administrative certificate, special services certificate, or student teacher authorization, as issued under 4 AAC 12 and 4 AAC 30.~~ (Eff. 8/5/90, Register 115; am 7/28/94, Register 131; am 4/8/99,

Register 150; am 9/27/2017, Register 223)

Register 223, October 2017 MISCELLANEOUS BOARDS

Authority: AS 14.20.030



MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: August 28, 2017

File No.: JU2016200872

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Professional Teaching Practices
Commission update to regulations re:
educator ethics (20 AAC 10.020;
20 AAC 10.900)

We have reviewed the attached regulations from the Professional Teaching Practices Commission against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated August 24, 2017 from the Regulations Attorney. The regulations update educator ethics standards.

We find no legal problems with the regulations. We have received confirmation from the executive director for the Professional Teaching Practices Commission to defer our review of the proposed amendment to 20 AAC 10.020(b)(4) and the proposed addition of a definition of "student" to 20 AAC 10.900, pending additional commission work on those provisions in a future regulations project. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the rest of the attached regulations.

The October 14, 2016 public notice and the February 14, 2017 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200872

August 28, 2017
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

James A. Seitz, Executive Director
Professional Teaching Practices Commission
Department of Education and Early Development

Hon. Michael Johnson, Commissioner
Department of Education and Early Development

Shawn Sypeck, Regulations Contact
Department of Education and Early Development

Erin K. Egan, Assistant Attorney General
Commercial and Fair Business Section

Luann E.B. Weyhrauch, Assistant Attorney General
Labor and State Affairs Section

Rebecca E. Hattan, Assistant Attorney General
Labor and State Affairs Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: August 24, 2017

FILE NO.: JU2016200872

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Professional Teaching Practices
Commission update to ethics
regulations for educators
(20 AAC 10.020; 20 AAC
10.900)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES TO THE CODE OF ETHICS AND DEFINITIONS
IN THE REGULATIONS OF THE PROFESSIONAL TEACHING PRACTICES
COMMISSION

The Professional Teaching Practices Commission proposes to adopt regulation changes in Title 20 of the Alaska Administrative Code to update and clarify provisions of the Code of Ethics of the Education Profession, including the following:

1. 20 AAC 10.020 (Code of ethics and teaching standards) is proposed to be changed to clarify that that the Code of Ethics applies to anyone holding an Alaska education certificate, including student teachers; to explicitly prohibit sexual contact between educators and recently graduated students for up to one year after graduation; to add gender identification to the list of protected classes of students; to further clarify responsibilities of educators before, during, and after administration of any part of the Alaska statewide assessment system; to add gender identification to the list of protected classes of colleagues; to clarify that a section of the Code of Ethics dealing with employment issues pertains only to certificated employees; to prohibit falsification or misrepresentation in regards to initial employment.
2. 20 AAC 10.900 is proposed to be changed by adding additional conditions to the definition of sexual conduct and by adding the definition of “student,” “colleague,” “educator,” and “members of the profession.”

The Professional Teaching Practices Commission invites the public to submit written comments during the written comment period, which begins with the date of this notice and ends on December 15, 2016, at 4:30 p.m. The written comment period closes in advance of the meeting of the Professional Teaching Practices Commission on January 26 & 27, 2017 at which time the Commission will consider the adoption of the proposed regulations. This allows the Professional Teaching Practices Commission staff an opportunity to prepare changes based on written comment and to distribute any proposed changes to the Commission for its consideration prior to the meeting.

You may comment in writing on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comment to the Professional Teaching Practices Commission, 1016 W. 6th Ave., Suite 302, Anchorage, AK 99501.

You also may submit written comment by facsimile at (907) 269-5070; by electronic mail to jim.seitz@alaska.gov; and through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. **All written comments received are public records subject to public inspection.**

All written comment must be received not later than 4:30 p.m. on December 15, 2016.

Oral comments will not be accepted.

You may submit written questions relevant to the proposed action to Jim Seitz at jim.seitz@alaska.gov or the Professional Teaching Practices Commission, 1016 W. 6th Ave., Anchorage, AK 99501. If a question is relevant to the proposed change in the regulations and the question is received by **December 5, 2016**, which is 10 days before the end of the public comment period, the Commission Staff will make a good-faith effort to answer the question before the end of the public comment period. Commission Staff will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the website of the Professional Teaching Practices Commission at <https://education.alaska.gov/ptpc/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jim Seitz at (907) 269-6579 or jim.seitz@alaska.gov not later than **December 5, 2016**, to ensure that any necessary accommodation can be provided.

Copies of the proposed regulation changes are available on the Alaska Online Public Notice System, on the website of the Professional Teaching Practices Commission <https://education.alaska.gov/ptpc/>, and by contacting Jim Seitz at jim.seitz@alaska.gov or 907-269-6579.

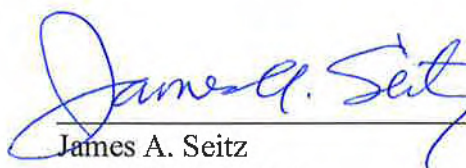
After the public comment period ends, the Professional Teaching Practices Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 14.20.450; AS 14.20.460

Statutes being implemented, interpreted, or made specific: AS 14.20.030; AS 14.20.370; AS 14.20.480

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: October 11, 2016



James A. Seitz
Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Professional Teaching Practices Commission
2. General subject of regulation: Code of Ethics of the Education Profession
3. Citation of regulation (may be grouped): 20 AAC 10.020, 20 AAC 10.900
4. Department of Law file number, if any: JU2016200872

5. Reason for the proposed action:

- ☐ Compliance with federal law or action (identify):
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify):
☐ Development of program standards
☒ Other (identify): Clarify and update the Code of Ethics

6. Appropriation/Allocation: none

7. Estimated annual cost to comply with the proposed action to:

A private person: none

Another state agency: none

A municipality: none

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

| | Initial Year FY <u>17</u> | Subsequent Years |
|-------------------------------|------------------------------|---------------------|
| Operating Cost | \$ <u>0</u> | \$ <u>0</u> |
| Capital Cost | \$ <u>0</u> | \$ <u>0</u> |
| 1002 Federal receipts | \$ <u>0</u> | \$ <u>0</u> |
| 1003 General fund match | \$ <u>0</u> | \$ <u>0</u> |
| 1004 General fund | \$ <u>0</u> | \$ <u>0</u> |
| 1005 General fund/ program | \$ <u>0</u> | \$ <u>0</u> |
| Other (identify) | \$ <u>0</u> | \$ <u>0</u> |

9. The name of the contact person for the regulation:

Name: James A. Seitz
Title: Executive Director
Address: 1016 W. 6th Avenue, Anchorage, AK 99501
Telephone: 907-269-6579
E-mail address: jim.seitz@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: October 12, 2016

Prepared by: _____

Name: James A. Seitz
Title: Executive Director
Telephone: 907-269-6579

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

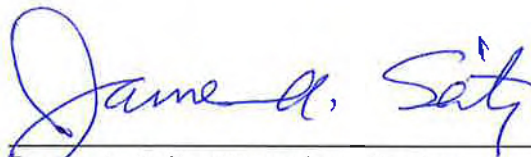
I, James A. Seitz, Executive Director of the Professional Teaching Practices Commission, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 20 AAC 10.020 (Code of Ethics and teaching standards) and 20 AAC 10.900 (Definitions) has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Education Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 2/14/17


James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage on 2/14/17




Notary Public in and for the State of Alaska

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Alaska Department of Education
& Early Development

OCT 19 2016

Commissioner's Office

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

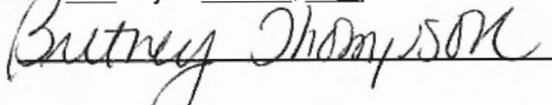
October 14, 2016

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 14th day of October, 2016



Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019
BRITNEY L. THOMPSON

State of Alaska

Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO THE CODE OF ETHICS AND DEFINITIONS IN THE REGULATIONS OF THE PROFESSIONAL TEACHING PRACTICES COMMISSION

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Copies of the proposed regulation changes are available on the Alaska Online Public Notice System, on the website of the Professional Teaching Practices Commission <https://education.alaska.gov/ptpc/>, and by contacting Jim Seitz at jim.seitz@alaska.gov or 907-269-6579.

After the public comment period ends, the Professional Teaching Practices Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 14.20.450; AS 14.20.460

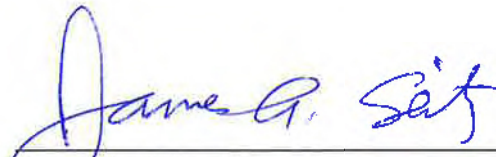
907-244-1022
Licensed • Bonded • Insured
ed, interpreted, or made specific:
All Rich Belong

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, James A. Seitz, Executive Director for the Professional Teaching Practices Commission, being duly sworn, state the following:


In compliance with AS 44.62.215, the Professional Teaching Practices Commission has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Professional Teaching Practices Commission regulations on the Code of Ethics of the Education Profession.

Date: 2/14/17


James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage on 2/14/17.




Notary Public in and for the State of Alaska

AFFIDAVIT OF PROFESSIONAL TEACHING PRACTICES COMMISSION ACTION

I, James A. Seitz, Executive Director for the Professional Teaching Practices Commission, being duly sworn, state the following:

The attached motions dealing with the Code of Ethics of the Education Profession were passed by the Professional Teaching Practices Commission during its January 26-27, 2017 meeting.

Date: 2/14/17

James A. Seitz
James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage on
2/14/17.



[Signature]
Notary Public in and for the State of Alaska

Professional Teaching Practices Commission Meeting
January 26-27, 2017
Excerpt from Unapproved Minutes

Proposals #1, 4, 6, 7, 9, 10, 11, and 12 - David Piazza moved and David DeVaughn seconded to accept Proposals 1, 4, 6, 7, 9, 10, 11 and 12 as presented in the document titled "Revisions after discussion at January 26, 2017 PTPC meeting" document, which is appended in a reformatted form to these minutes.

Motion Passed Unanimously (7-0)

Proposal #2 -- Maureen van Wagner moved and David DeVaughn seconded to pass Proposal #2 as submitted on the attached (appended) document.

Motion to Amend Passed 6-1

Motion as Amended Passed 4-3

Proposal #3 - Maureen van Wagner moved and David DeVaughn seconded to accept Proposal #3 as submitted in the attached (appended) document.

Motion Passed 6-1

Proposal #5 -- Maureen van Wagner moved and David DeVaughn seconded to accept Proposal #5 as presented in the attached (appended) document.

Motion Passed 6-1

Proposal #8 - Francie Roberts moved and Dave Piazza seconded to accept Proposal #8 as presented in the attached (appended) document.

Motion Passed Unanimously (7-0)