

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Melissa McCormick  
Department of Education and Early Development

**FROM:** Scott Meriwether, Office of the Lieutenant Governor  
465.4081

**DATE:** July 3, 2018

**RE:** Filed Permanent Regulations: Professional Teaching Practices Commission  
  
Professional Teaching Practices Commission update to regulation (20 AAC 10.020; 20 AAC 10.032; 20 AAC 10.900)

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Attorney General File:	2017200766
Regulation Filed:	7/3/2018
Effective Date:	8/2/2018
Print:	227, October 2018

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 2 pages of regulations, dealing with the Code of Ethics of the Education Profession (20 AAC 10.020, 20 AAC 10.035, 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 February 26-28, 2018 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: March 13, 2018

  
James A. Seitz, Executive Director

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 3, 2018 at 3:10 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
Lieutenant Governor

Effective: August 2, 2018

Register: 227, October 2018

20 AAC 10.020(b)(4) is amended to read:

(b) In fulfilling obligations to students, an educator

(4) may not engage in

(A) physical abuse of a student or sexual conduct with a student and shall

report to the commission knowledge of such an act by an educator; and (C)

(B) sexual conduct with a former student of the educator, or former

student with whom the educator taught, exercised, including supervised or had authority over such as in

or a coaching or school sponsored activity; up to one year after the student has

graduated from high school and shall report to the commission knowledge of

such an act by an educator;

(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 9/27/17, Register 223; am 8/2/2018, Register 227)

Authority: AS 14.20.030 AS 14.20.450 AS 14.20.480

AS 14.20.370 AS 14.20.460

20 AAC 10.035 (2) is amended by adding a new is a paragraph section to read:

(2) "a crime involving moral turpitude" includes

(CC) unlawfully furnishing marijuana or products containing marijuana to a

minor.

(Eff. 4/8/99, Register 150; am 12/25/2005, Register 176; am 8/2/2018, Register 227)

Authority: AS 14.20.030 AS 14.20.450 AS 14.20.460

Bold

((Publisher: No changes to 20 AAC 10.020(b)(1)-(3).)))

((Publisher: No changes to 20 AAC 10.035(2)(A)-(B), except to change the period to a semicolon at end of 20 AAC 10.035(2)(B).)))

cc held unnecessary

20 AAC 10.900 is amended by adding a new paragraph to read:

(6) "student" <sup>means</sup> ~~is~~ an individual who is

(A) enrolled in public or private school, or

(B) ~~who is~~ under the age of 18 and has not yet completed the 12<sup>th</sup> grade, or

(C) enrolled in at least one course at an institution of higher learning.

(Eff. 8/5/90, Register 115; am 7/28/94, Register 131; am 4/8/99, Register 150; am 9/27/17,

Register 223; am 8 / 2 / 2018, Register 227)

Authority: AS 14.20.030 AS 14.20.460 AS 14.20.480

bdd AS 14.20.450 AS 14.20.470



# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** July 3, 2018

**File No.:** 2017200766

**Tel. No.:** 465-3600

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

**Re:** Professional Teaching Practices  
Commission update to regulation re:  
20 AAC 10.020, 20 AAC 10.035 and  
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. The regulations concern educator ethics standards.

We find no legal problems with the regulations. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The November 17, 2017 public notice and the March 12, 2018 certification of 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.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. We have received confirmation from the executive director for the Professional Teaching Practices Commission that the corrections are technical and consistent with commission intent. The corrections are shown on the attached copy of the regulations.

SRP:srp

cc: Melody Mann, Executive Director  
Professional Teaching Practices Commission  
Department of Education and Early Development

Honorable Michael Johnson, Commissioner  
Department of Education and Early Development

Melissa McCormick, 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. Hatten, Assistant Attorney General  
Labor and State Affairs Section

NOTICE OF PROPOSED CHANGES TO THE CODE OF ETHICS, MORAL TURPITUDE,  
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 the Code of Ethics explicitly prohibits sexual contact between educators and recently graduated students for up to one year after graduation from high school.
2. 20 AAC 10.035 (Moral turpitude) is proposed to be changed by adding “providing students marijuana or marijuana related products” to the list of crimes of moral turpitude.
2. 20 AAC 10.900 (Definitions) is proposed to be changed by adding the definition of “student.”

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 20, 2017, at 4:30 p.m. The written comment period closes in advance of the meeting of the Professional Teaching Practices Commission on January 29-31, 2018 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, 550 W. 7<sup>th</sup> Ave., Suite 1240, Anchorage, AK 99501.

You also may submit written comment by facsimile at (907) 269-5070; by electronic mail to [jim.seitz@alaska.gov](mailto: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 20, 2017.**

**Oral comments will not be accepted.**

You may submit written questions relevant to the proposed action to Jim Seitz at [jim.seitz@alaska.gov](mailto:jim.seitz@alaska.gov) or the Professional Teaching Practices Commission, 550 W. 7<sup>th</sup> Ave., Suite

1240, Anchorage, AK 99501. If a question is relevant to the proposed change in the regulations and the question is received by **December 10, 2017**, 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](mailto:jim.seitz@alaska.gov) not later than **December 10, 2017**, 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](mailto: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: November 13, 2017

  
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 10.035, 20 AAC 10.900
4. Department of Law file number, if any: \_\_\_\_\_
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>18</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>

- Name: James A. Seitz  
Title: Executive Director  
Address: 550 W. 7<sup>th</sup> Avenue, Anchorage, AK 99501  
Telephone: 907-269-6579  
E-mail address: jim.seitz@alaska.gov

- x   Staff of state agency  
      Federal government  
      General public  
      Petition for regulation change  
      Other (identify): \_\_\_\_\_

- Prepared by: James J. Saly

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), 20 AAC 10.035 (Moral turpitude), 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: March 19, 2018

  
James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage, Alaska on March 19, 2018.



  
Notary Public in and for the State of Alaska  
My commission expires w/ office

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:

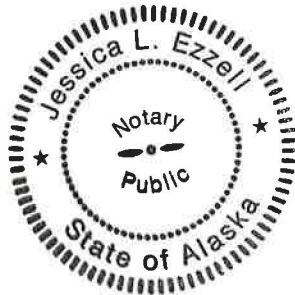
In compliance with AS 44.62.215, the Professional Teaching Practices Commission has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Professional Teaching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

Date: March 19, 2018

James A. Seitz

James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage, Alaska on March 19, 2018.



Jessica L. Ezzell  
Notary Public in and for the State of Alaska  
My commission expires w/ office



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# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Lisa Hartlieb  
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

November 17, 2017

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 17th day of November, 2017

*Britney Thompson*

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

*2/23/2019*  
Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

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

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**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.

Published: November 17, 2017



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 motion dealing with the Code of Ethics of the Education Profession was passed by the Professional Teaching Practices Commission during its February 26-28, 2018 meeting.

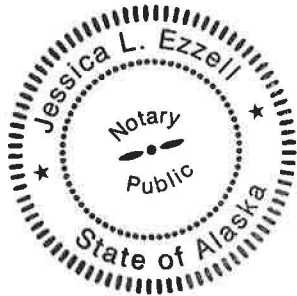
Date: March 19, 2018

James A. Seitz

James A. Seitz, Executive Director

Subscribed and sworn to before me at Anchorage, Alaska on

March 19, 2018.



Jessica L. Ezzell

Notary Public in and for the State of Alaska

My commission expires w/office

# Professional Teaching Practices Commission Meeting

February 26-28, 2018

Excerpt from Unapproved Minutes

**PTPC Code of Ethics:** Director Seitz reviewed three revisions to the Code of Ethics. The commission moved to approve all three revisions as written.

Moved: David DeVaughn    Seconded: David Piazza

Motion passed unanimously (7-0)