

Alaska State Professional Teaching Practices Commission
550 W. 7th Avenue, Suite 1236
Anchorage AK 99501
ADOPTED MINUTES
October 7-8, 2021 (Via Zoom)

Call to Order: Lem Wheelles called the meeting to order at 8:35a.m. There were 8 members present on the conference call so there was a quorum.

Members Present: Secretary Jamie Burgess, Chair Lem Wheelles, Vice-Chair Adam Reid, Jennifer Stafford, Deborah Riddle, Kim Bergey, Diane Kardash and Danette Peterson. All members attended via Zoom. Melody Mann, PTPC Executive Director was also present.

Members Absent: Janine Todd

Agenda Approval: Danette Peterson moved and Diane Kardash seconded to approve the agenda as presented. The agenda was unanimously approved. Melody noted some items may be taken out of order.

Introductions/Updates from Communities: New member Kim Bergey introduced herself. All other members reintroduced themselves and shared something they wished to celebrate.

Public Comment: There was no public comment.

Approval of Minutes: It was moved by Deborah Riddle and seconded by Adam Reid to approve the minutes of the April 15, 2021 meeting. The motion passed. It was moved by Jamie Burgess and seconded by Danette Peterson to approve the minutes of June 29, 2021 special meeting. The motion passed.

Department of Education Teacher Certification Report: Sondra Meredith joined at 9:04 am. Sondra was pleased to announce the UAA Board of Regents has been approached to approve an initial licensure program/Bachelor's degree program in early childhood education. They hope to add additional programs later, as they move slowly back to restore their education program after loss of accreditation several years ago. Sondra has also been involved in development of a regulation package to be presented to the State Board of Education to clean up and streamline the Certification process to include a fully online application process. The hope is to beta test the new online process in the spring and roll out in the summer of 2022. The system is tentatively named TeachAK. Turnover in staff has resulted in a vacancy; Sondra is working to fill. The State Board of Education has re-configured their committees to align with the State Education Priorities, one of which is focused on Educator Recruitment and Retention. One big area of interest is the "Grow Your Own" concept. Due to the COVID-19 pandemic, there have been quite a few changes in the Certification office. One is the use of the Microsoft Teams platform for remote workers, especially the "Phone" component of Teams, which provides an automated attendant. This provides a transcript of voicemails delivered straight to Certification Office team members. The Emergency Certificate provision which came out of the COVID-19 pandemic continues to be utilized this year, as well as an uptick in J-1 Visa teachers using the Emergency Certificate provision.

Executive Director's Reports: Melody Mann delivered her reports in the following areas.

Activity Report: Melody noted there were relatively few complaints submitted this year, with many inquiries around decisions around the COVID-19 pandemic and delivery of instruction. Staff have inquired about complaints around provisions of medical documentation for COVID-19 mitigating circumstances for accommodations. Complainants are asked to exhaust all local remedies before involving the Commission. Melody works closely with AAG Erin Egan to ensure legal authority is appropriately used.

A downswing in the number of "hits" referred from the Certification Office has continued; most of these are from items which were not prosecuted, were dismissed or are old enough as not to cause concern. Barrier crimes (crimes involving children) have not been seen.

Melody presented to UAS Superintendent Candidates in July, Skagway School District certified staff in August, and mentor/mentees in the Mat-Su School District in September. She discusses the code of ethics and professionalism, both when in person or delivering virtual instruction. Melody also presented to UAS Superintendent candidates, and will be presenting to attendees at the AASB Annual Conference's Professional Boundaries pre-conference day.

Diane Kardash's appointment has not been selected, nor has a replacement for Janine Todd been identified. Janine has retired, but her appointment is not up until March of 2022.

Melody has made some progress with her Records Retention clean up; she was able to shred an entire file cabinet of old certificate "hits". The project is still ongoing.

Melody is working with AASB and AKPEI (public entity insurer) to encourage Alaska school districts to adopt and implement a Professional Boundaries policy. Very few school boards to date have adopted it. There are a variety of training opportunities being made available to school boards, superintendents, administrators and others.

Financial Report: Melody reviewed the financial report. The request to increase the travel budget to return to in person meetings was denied, so there is only a budget line item to support one in-person meeting, likely the January meeting due to a requested hearing.

Case Report: The commission was provided a summary of the cases the PTPC office has investigated since the last meeting.

EXECUTIVE/DELIBERATIVE SESSION: Diane Kardash moved and Danette Peterson seconded to go into executive session as permitted by AS 44.62.310(d). The motion passed unanimously. The commission moved into deliberative session at 9:26 am.

The meeting was recessed at 1:52pm for lunch. The meeting came back to order at 2:03pm.

The meeting was recessed at 3:58pm. The meeting came back to order at 8:30am Friday October 8th.

It was moved by Adam Reid and seconded by Kim Bergey to move out of deliberative session at 9:35am. The motion passed. Lem Wheelles conducted a roll call, Janine Todd is absent.

Action Items

Professional Teaching Practices Commission Cases

PTPC Case 19-18: *The Commission accepted the warning with conditions against the Administrative and Teaching Certificate of an educator.*

Moved: Adam Reid Second: Diane Kardash

AYE
Lem Wheelles
Diane Kardash
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 20-24: *The Commission accepted the revocation for life of the Professional Teaching and Administrative Certificates of Christopher Carmichael.*

Moved: Jamie Burgess Second: Deborah Riddle

AYE
Lem Wheelles
Diane Kardash
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 21-19: *The Commission rejected the warning with conditions against the Professional Teaching Certificate of an educator and moved to dismiss.*

Moved: Deborah Riddle Second: Danette Peterson

AYE
Lem Wheelles
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY
Diane Kardash

Diane Kardash mentioned that being a trauma-informed educator is crucial and teachers should educate themselves accordingly.

Motion passed on a Vote of 7-1

PTPC Case 21-20: *The Commission accepted the surrender of the Professional Teaching Certificate of John Cuzzocreo.*

Moved: Adam Reid Second: Kim Bergey

AYE
Lem Wheelles
Diane Kardash
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 21-21: *The Commission accepted the one year suspension of the expired Emergency Teaching Certificate of Trinidad Hernandez, effective April 6, 2021.*

Moved: Adam Reid Second: Danette Peterson

AYE
Lem Wheelles

Diane Kardash
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 21-23: *The Commission accepted the warning against the Professional Teaching and Administrative Certificates of an educator.*

Moved: Danette Peterson

Second: Diane Kardash

AYE
Lem Wheelles
Diane Kardash
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 21-27: *The Commission accepted the reprimand against the Professional Teaching Certificate of Monique Duggins.*

Moved: Jamie Burgess

Second: Deborah Riddle

AYE
Lem Wheelles
Adam Reid
Jamie Burgess
Danette Peterson
Jennifer Stafford
Kim Bergey
Deborah Riddle

NAY

Diane Kardash

Diane Kardash commented that educators needed to practice self-care. When educators are confronted by challenging behaviors, their own health and well-being can influence their reactions.

Motion passed on a vote of 7-1.

Uncontested Hearings

PTPC Case 20-45: *The Commission issued a decision and order of reprimand against the expired Initial Teaching Certificate of Aubrey C. Newsome.*

Moved: Danette Peterson

Second: Jamie Burgess

AYE

Adam Reid

Jamie Burgess

Danette Peterson

Kim Bergey

Jennifer Stafford

NAY

Diane Kardash

Deborah Riddle

Lem Wheelles

Diane Kardash encouraged all educators to communicate with their districts to ensure better outcomes with disagreements.

Motion passed on a vote of 5-3.

PTPC Case 21-15: *The Commission issued a decision and order of a one-year suspension of the expired Initial Teaching Certificate of Jonathan Longworth effective November 10, 2020.*

Moved: Diane Kardash

Second: Deborah Riddle

AYE

Lem Wheelles

Diane Kardash

Adam Reid

Jamie Burgess

Danette Peterson

Jennifer Stafford

Kim Bergey

Deborah Riddle

NAY

Motion passed unanimously.

Administrative Reviews

PTPC Case 22-06: *In the matter of PTPC Case 22-06, the Commission moved to uphold the staff decision to deny the teaching certificate.*

Moved: Adam Reid

Second: Deborah Riddle

AYE

Lem Wheelles

Diane Kardash

Adam Reid

Jamie Burgess

Danette Peterson

Jennifer Stafford

Kim Bergey

Deborah Riddle

NAY

Motion passed unanimously.

PTPC Case 21-29: *In the matter of PTPC Case 21-29, the Commission moved to overturn the staff decision to dismiss the case.*

Moved: Jamie Burgess

Second: Kim Bergey

AYE

Lem Wheelles

Diane Kardash

Adam Reid

Jamie Burgess

Danette Peterson

Jennifer Stafford

Kim Bergey

Deborah Riddle

NAY

Motion passed unanimously. The Commission recommended to the Executive Director to continue investigation into the circumstances of the case and bring it before the Commission again at a later date with more information to support any decision.

Discussion Items

Annual Report – Melody shared that the 2020-2021 Annual Report was completed and in a much more timely fashion. The Report will be placed on the PTPC website.

Administrative Reviews:

A discussion around the recent Administrative Review Special meeting was held. Those three commissioners felt it was a good experience and that it afforded complainants and respondents a more timely resolution for their case as opposed to waiting until one of the regular meetings of the Commission. The virtual format made it very easy for the commissioners to conduct the meeting, and the Commission supports using this option going forward.

In Person Meetings:

Melody discussed that the budget for the Commission only covers the cost for one in-person meeting. A budget revision request was submitted for travel for additional meetings but was denied. Two educators thus far have requested administrative hearings; one is scheduled for the January meeting, the other has yet to be scheduled. If in-person meetings are requested, the COVID situation will have to be assessed, and may mean only telephonic hearings will be held.

Breach of Contract Policy and Practices

Lem Wheelles shared that during discussion around several cases before the Commission, the issue was raised regarding the Commission's policy manual's guidelines for how breach of contract cases are handled. Discussion was held regarding the rationale behind the policy and the June 30th cutoff date, and that the one-year standard minimum sanction targets educators who sign a contract, start a school year and then walk away. This is an established practice, but mitigating circumstances may apply that would reduce or abrogate the minimum sanction. However, districts also use their best judgement to determine if releasing an educator from their contract mid-year is the best choice as well. In this particular case, an educator signed a contract in the spring of the school year, but resigned prior to the June 30th date. The Commission discussed that given the policy and the Administrative Code that governs its work, that there may still be grounds for sanction if someone breaks a contract for the next school year, even before the June 30th date, depending on the circumstances. The timing of the contract offer within the school year as well as the requirement to make a decision within 30 days may make the decision difficult for some educators, leading some to sign a contract but then encounter personal circumstances which would lead to a resignation several months later, but not yet in the following school year. The Commission acknowledges that recruitment and retention are issues in the state, and that locking an educator into a contract extremely early in the year may be problematic. The best path forward may simply be to consider individual circumstances carefully in each case around breach of contract brought forward to the Commission, as opposed to simply following a standard one-size-fits-all discipline policy.

Melody responded with the need to have consistent discipline by the Commission, and that it is generally well-accepted by educators and makes it easier to settle breach of contract complaints. Melody also stated that she does get many questions or concerns expressed by educators about receiving their contracts quite early, precluding the ability to research available options within the tight time frame needed to return signed contracts. It is balance between the needs of educators to move in response to changing circumstances and the need of the district to recruit and replace educators who leave.

Diane Kardash stated that since mitigating circumstances should always be considered, she questioned whether a specific date was needed. She asked if the policy could be reframed or revised to include sample documented mitigating circumstances. Kim Bergey stated that the policies and regulations were clear that there needed to be written communication between both parties regarding breach of contract situations, and in some of the cases before the Commission, that written component was often missing,

making it difficult to determine good intent and due diligence. Danette Peterson stated that the Commission had discussed the competing needs between educators and districts, and the need for districts to find the best possible staff for their students, while acknowledging that recruitment and retention were challenging, that a teacher shortage exists, and it is important to make the profession attractive to young professionals. Jamie Burgess pointed out that we may need another section in the policy manual which encourages districts to adopt a policy which provides guidance not only to teachers but also to administrators when handling a potential breach of contract situation, and that Melody could ask during the course of an investigation if a written policy was already in place which discusses how the situation would be handled. If more districts had something in place, the Commission would see fewer of these complaints, as we encourage complaints to be handled at the District level as opposed to come automatically before the PTPC. The needs of the district and administrators must be balanced by the rights of the educators; there are legitimate reasons to release a teacher or administrator from a signed contract, regardless of the difficulties that that may pose to the District, and it is important the leaders not be overly harsh or prescriptive, or use a threat of report to the PTPC as a way to keep an educator. Evidence of good clear communication and good faith effort on the part of both parties is an important consideration for the Commission when reviewing these types of cases.

Diane Kardash asked if the Commission should consider a review and possible revision of this policy in the Handbook at the next meeting; Jamie Burgess stated she believed this should occur. Lem Wheelles stated that for each breach of contract case, having both copies of any communications between parties discussing the situation was important, as well as having a copy of the signed contract for Commission review. Different districts may have different contract language which may have information pertinent to help the Commission make an informed decision. Melody did state most districts would send all of that information along with the complaint; she typically asked for the signed contract, a copy of the resignation letter, and any written policy around breach of contract for the district. In addition, she looks to see if the resignations were accepted by the School Board. Melody asked if the Commission would like for her to draft some potential revisions, if members would like to do it prior to the meeting, or if the entire Commission wished to work on it as a body at the next meeting. Melody asked Commission members to send any ideas they had, and Lem asked her to research into how other states handled breach of contract policies. Melody said she would reach out to NASDTEC for that information, and stated that work on this policy revision may be easier for an in-person meeting.

Lem Wheelles stated that there was a lack of precedent around the type of breach of contract case which was considered by the Commission, but it would likely come up again, so an adjustment to policy may be warranted to account for that scenario. Melody stated that she counsels educators who make inquiries about potential breach of contract situations to make sure that they are communicating in writing with their districts about the situation. In summary, the Commission and Melody will both gather ideas for possible policy revisions, and the policy will be reviewed at the next meeting.

Information Items

Presentation of Teacher Professionalism and the Code of Ethics:

Melody Mann shared the presentation that she gives to classroom teachers on professionalism and the Code of Ethics. Discussion followed.

Adjournment: Danette Peterson moved and Kim Bergey seconded to adjourn the meeting. The motion was approved. Lem Wheelles adjourned the meeting at 11:12 am.

Submitted by,
Jamie Burgess