



PTPC Annual Newsletter

January 2015

Breach of Employment Contract

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COMMISSION MEMBERS

Jill Exe (Chair)

Teacher Representative

Melody Mann (Vice Chair)

Teacher Representative

Francie Roberts (Secretary)

Teacher Representative

Maureen van Wagner

Teacher Representative

David Piazza

Superintendent Representative

Eric Fry

DEED Representative

Lou Pondolfino

Principal Representative

David DeVaughn

Teacher Representative

Dr. Martin Laster

Higher-Ed Representative

PTPC STAFF

James A. Seitz

Executive Director

Atiya Barlow

Administrative Assistant

Code of Ethics. Section (d)(15) of the State of Alaska Code of Ethics of the Education Profession states, “In fulfilling obligations to the profession, an educator may not unlawfully breach a professional employment contract.” What does that mean? What are the consequences of a “breach of contract?”

There are two basic ways in which employment contracts are breached. In the first, an educator quits mid-year (that is, before the end date of the contract). In the second case, an educator signs a contract for the following school year but then resigns before the year begins. Many people have the mindset that giving two weeks’ notice and then quitting is acceptable. Although this may apply to certain jobs in the general workforce, it does not apply to the education profession—a higher standard is expected of professional, certificated educators.

Mid-year resignation. When you sign an employment contract with a school district, you are making a commitment to the district from the beginning date to ending date stated on your contract. In order to provide continuity and stability in meeting the needs of students, you are expected to fulfill your obligations as a professional educator for the entire school year. It is not only potentially disruptive to student learning when a teacher quits mid-year, but it also imposes an additional burden on the school district, who now must hire a qualified teacher in the middle of the year. This can be especially difficult for hard-to-fill areas.

Summer resignation. Although resignation during the summer may not directly affect students, in many cases it still presents an undue burden on the district to hire someone at a late date to fill the vacated position. Therefore, this too is considered a breach of contract.

Automatic reemployment. Some districts, especially larger districts, do not have teachers sign a paper copy of a contract each year. Alaska Statutes (AS 14.20.145) provide for “automatic reemployment” unless a notification of nonretention or layoff is given to the teacher. If your district utilizes this provision, you may be sanctioned for breach of contract if you “resigned” during the summer.

Consequences. Some districts impose a financial penalty such as a deduction of 5 days of pay (or more!) or loss of expenses paid by the district on your behalf. The district penalty is in addition to any discipline that the Professional Teaching Practices Commission (PTPC) might impose. Several years ago, the PTPC established the sanction for a breach of contract violation to be a **one-year suspension** of the teaching certificate. (http://education.alaska.gov/ptpc/pdf/policy_contract.pdf)

If a situation arises in the summer or during the school year whereby you feel that you will not be able to fulfill the agreed upon dates of your contract, contact the district office immediately! School districts and certificated employee may be able to reach a mutual agreement to terminate the employment contract. The ramifications of a breach of contract violation can have long-lasting consequences to your educational career well after the one-year suspension is over. Act wisely and professionally!

Education is the most powerful weapon which you can use to change the world.
~ Nelson Mandela~

COMMISSION ACTION

During its February 2014 meeting:

- the Commission accepted the **surrender** of the Alaska Professional Teacher Certificate of **Janice M. Glover**.
- the Commission accepted the **surrender** of the Alaska Professional Teacher Certificate of **Richard J. Rau**.
- the Commission issued an order of **revocation** and also denying the right to renew the Alaska Professional Teacher Certificate of **Shane L. Wegner** effective October 7, 2013.
- the Commission issued an order for a one-year **suspension** of the Alaska Professional Teacher certificate of **Carolyn S. Lampi** effective August 30, 2013.
- The Commission issued a **warning** to three educators.

During its April 2014 meeting:

- the Commission issued an order for a one-year **suspension** of the Initial Alaska Teaching Certificate of **Sarah J. Ropp** effective January 8, 2014.

During its September 2014 meeting:

- the Commission issued an order of **reprimand** of **John A. Wahl**, who holds a Professional Teacher certificate.
- the Commission issued an order for a **one-year suspension** of the Alaska Special Services Certificate (Type C – School Psychologist) of **Jeffrey E. Crowe** effective September 11, 2014.
- the Commission issued an order for a **one-year suspension** of the Alaska Professional Teacher Certificate and the Alaska Administrative Certificate of **Garrett W. McMullen** effective July 17, 2014.
- the Commission issued an order for a **one-year suspension** of the Alaska Professional Teacher Certificate of **Michael A. Dilworth** effective August 7, 2014.
- The Commission issued a **warning** to two educators.
- The Commission conducted an administrative review of staff’s decision to dismiss seven cases. Staff’s decision to dismiss was upheld.

"The only discipline that lasts is self-discipline."

Bum Phillips



Commission staff is available to provide presentations on the Code of Ethics of the Education Profession and the role of the Commission. The presentation includes discussions regarding professionalism and professional responsibilities.

Contact the State of Alaska Professional Teaching Practices Commission to arrange presentations in your district.

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The Professional Teaching Practices Commission will meet in general session **January 22-23 and April 23-24, 2015**. Commission meetings are held in the Willawaw conference room of the Alaska State Library, 344 West 3rd Avenue in Anchorage. Meetings are open to the public.

Maureen van Wagner holds one of the five teacher seats on the 9-member Commission. She taught Special Education in New Jersey for nine years before moving to Alaska. Ms. van Wagner currently is an Affective Skills teacher at East Anchorage High School where she has taught since 2005. She received a bachelor’s degree in Elementary Education from Eastern University in 1996 with concentrations in Special Education and Early Childhood Education. In 2011 she earned a Master’s Degree in Special Education from the University of Alaska Anchorage. She has also served as a board member for the Anchorage Education Association and NEA-Alaska.

David Piazza has been the superintendent of the Southwest Region School District since 2011. Prior to that he served in SWRSD as the Technology Coordinator, Director of Information Systems, and most recently, Director of Instructional Programs. His career in education started in 1985 in the Bering Strait School District where he was a Secondary Math Teacher, Computer Specialist, and then Technology Coordinator. Mr. Piazza received a BA from Central Washington University in Secondary Mathematics Education in 1985. He went on to receive a Master’s Degree in Curriculum and Instruction from the University of Oregon in 1992, and then a Superintendent’s Graduate Certificate from the University of Alaska Anchorage in 2011.

Jill Exe (Chair), Teacher Representative, and Lou Pondolino, Principal Representative, have served the maximum of two, three-year terms on the commission and will term out in March. Both Jill and Lou have been great assets to the PTPC with their varied educational experiences, wisdom, and strong sense of fairness to everyone. We greatly appreciate the time they have volunteered in service to the PTPC.



CODE OF ETHICS QUIZ—True or False

1. The Code of Ethics applies to educators “24/7,” 365 days a year.
2. The Code of Ethics applies only to educators who are currently employed by a public school district in Alaska.
3. The Code of Ethics is mostly “common sense.”
4. The Code of Ethics supersedes any school district policies or procedures regarding ethical behavior of educators.
5. It is a violation of the Code of Ethics for a teacher to send a text message to a student.
6. It is a violation of the Code of Ethics for a teacher to “friend” a student on Facebook.

1. **True.** The Code of Ethics applies regardless of time of year (including summer vacation), time of day (including late at night), and location (including locations not in the school building). Professional educators work with children and are viewed as role models. Therefore they are held to a high standard of ethical conduct whenever and wherever they might be.
2. **False.** The Code of Ethics applies to all certificated educators regardless of job status or place of employment. This includes teachers, counselors, nurses, librarians, assistant principals, principals, and many district office personnel. It also includes retired teachers who still hold a current certificate.
3. **Probably True.** The difficulty is that people might have differing views as to what constitutes “common sense.” Thus the Code of Ethics spells things out to make it clearer what is acceptable and what is not.
4. **False.** Although many school district policies may overlap some parts of the Code of Ethics, a school district may set more stringent requirements than what is in the Code of Ethics. School districts can determine their own punitive measures also. As a certificated employee, you are obligated to meet the requirements set by both entities.
5. **False,** on the surface. However, depending on the specifics of the text message, some sections of the Code of Ethics may be violated. Educators are cautioned to be very careful in communicating with students via text message. (Group texts vs. individual texts; time of day; purpose of text, etc.) It is too easy to start down a “slippery slope” that can’t be stopped. Individual school districts might have policies about this.
6. **False,** on the surface. However, educators are strongly advised to never friend a student on their personal Facebook account. This is fraught with too many dangers. This is another “slippery slope.” Some activities or sports might have Facebook pages that are separate from an individual’s Facebook page. That is helpful in having clear boundaries between your personal life and your school life. Individual school districts might have policies about this.

ALASKA TEACHER OF THE YEAR:

The Alaska Department of Education & Early Development named **John Bruce**, a math teacher at Romig Middle School in Anchorage, the Alaska Teacher of the Year 2015. The Award was presented during the annual conference of the Association of Alaska School Boards in Anchorage in November 2014. The Alaska Department of Education & Early Development facilitates the award in Alaska as part of a nationwide program sponsored by the Council of Chief State School Officers.

Lee Butterfield, an English and electronic media teacher at South Anchorage High School, was named alternate for the Alaska Teacher of the Year 2015

ALASKA PRINCIPALS OF THE YEAR:

The Alaska Association of Elementary School Principals (AAESP) announced that **David Kingsland**, principal of William H. Seward Elementary School in Seward, Alaska, has been selected by his peers as the Alaska National Distinguished Principal for 2014.

The Alaska Association of Secondary School Principals (AASSP) selected **Heather Stewart**, principal of Ryan Middle High in the Fairbanks North Star Borough School District, as the Alaska Middle School Principal of the Year.

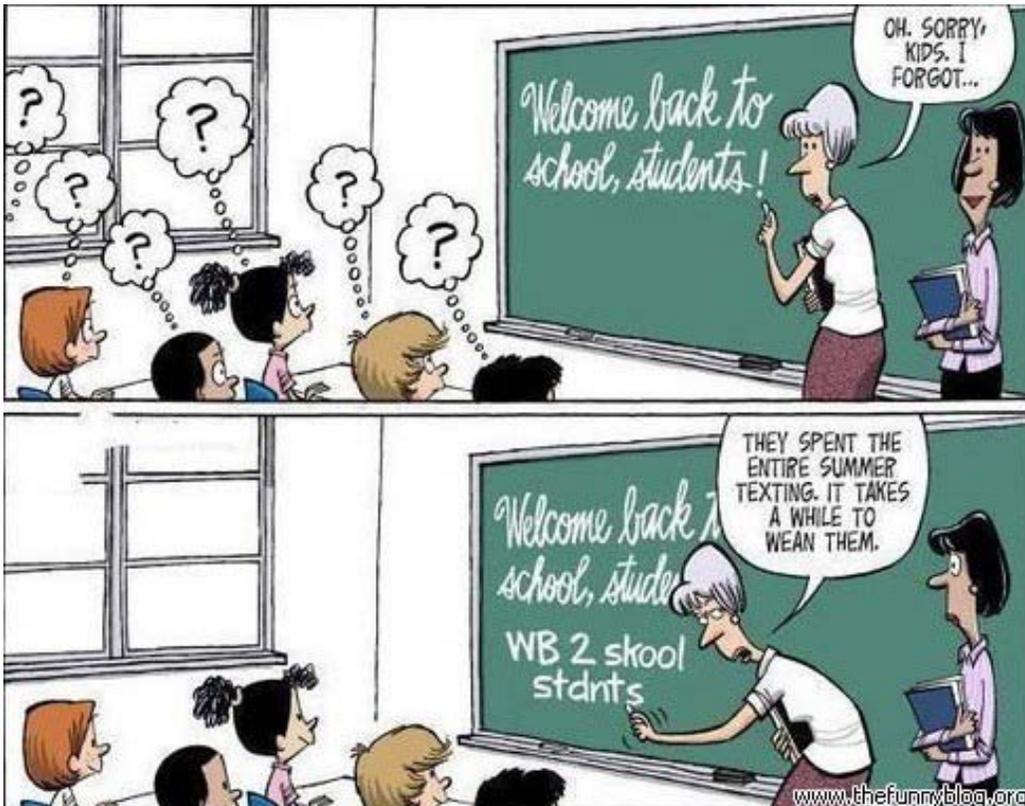
Adam Mokolke, principal of Burchell High School in the Matanuska Susitna Borough School District, was chosen as Alaska High School Principal of the Year by the Alaska Association of Secondary School Principals.

ALASKA SUPERINTENDENT OF THE YEAR:

The Alaska Superintendents Association (ASA) announced that St. Mary's School District Superintendent, **Dr. David Herbert**, has been selected by his peers as Alaska's 2015 Superintendent of the Year.

MILKEN AWARD:

Jenna White, a physical education teacher at Orion Elementary School on Joint Base Elmendorf Richardson in Anchorage, received a Milken Educator Award in October 2014.



*Better than a
thousand
days of
diligent study
is one day
with a great
teacher.
~Japanese
Proverb~*