Breach of Employment Contract

**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!

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**Inside this issue:**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breach of Contract</td>
<td>1</td>
</tr>
<tr>
<td>Commission Action</td>
<td>2</td>
</tr>
<tr>
<td>New Commissioners</td>
<td>3</td>
</tr>
<tr>
<td>Code of Ethics Quiz</td>
<td>3</td>
</tr>
<tr>
<td>Awards</td>
<td>4</td>
</tr>
</tbody>
</table>

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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

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*Education is the most powerful weapon which you can use to change the world.*

~ Nelson Mandela~
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.

344 West Third Avenue, Suite 127, Anchorage, Alaska 99501
Phone: 907-269-6579  Fax: 907-269-5070
Email: jim.seitz@alaska.gov  Webpage: http://education.alaska.gov/ptpc

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 SWRS SD 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 Pondolfino, 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.

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**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.

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1. False. 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 higher standard of ethical conduct wherever and whenever they might be. Educators are often the first line of defense for children and are charged with protecting, caring for, and educating children.
2. False. Although many school district policies may overlap some aspects of the Code of Ethics, the Code of Ethics is a comprehensive guide to ethical behavior in education.
3. True. The Code of Ethics applies to all certificated educators, regardless of their position in the educational system.
4. False. The Code of Ethics applies to all certificated educators, regardless of their position in the educational system.
5. True. The Code of Ethics applies to all certificated educators, regardless of their position in the educational system.
6. False. Although many school district policies may overlap some aspects of the Code of Ethics, the Code of Ethics is a comprehensive guide to ethical behavior in education.
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 Mokelke, 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~