

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

February 6, 2009

8:03 a.m.

**MEMBERS PRESENT**

Representative Cathy Engstrom Munoz, Vice Chair  
Representative Bryce Edgmon  
Representative Wes Keller  
Representative Peggy Wilson  
Representative Robert L. "Bob" Buch  
Representative Berta Gardner

**MEMBERS ABSENT**

Representative Paul Seaton, Chair

**COMMITTEE CALENDAR**

OVERVIEW(S):

PROFESSIONAL TEACHING PRACTICES COMMISSION

- HEARD

NO CHILD LEFT BEHIND

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to report

**WITNESS REGISTER**

PATRICIA TRUMAN, Executive Director  
Professional Teaching Practices Commission(PTPC)  
Department of Education and Early Development (EED)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented an overview of the commission.

EDDY JEANS, Director  
School Finance and Facilities Section  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions regarding the Professional Teaching Practices Commission overview.

LES MORSE, Deputy Commissioner  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions regarding the No Child Left Behind program.

CYNTHIA CURRAN, Director  
Teaching and Learning Support (TLS)  
Department of Education and Early Development (EED)  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview of the No Child Left Behind program, and responded to questions.

#### **ACTION NARRATIVE**

[8:03:23 AM](#)

**VICE CHAIR CATHY ENGSTROM MUNOZ** called the House Education Standing Committee meeting to order at 8:03 a.m. Representatives Munoz, Edgmon, Keller, Buch, Gardner, and Wilson were present at the call to order.

[8:03:45 AM](#)

OVERVIEW(S): PROFESSIONAL TEACHING PRACTICES COMMISSION

[8:04:18 AM](#)

PATRICIA TRUMAN, Executive Director, Professional Teaching Practices Commission (PTPC), Department of Education and Early Development (EED), explained that, by act of the 1966 legislative session, the nine member commission was established and empowered to define and enforce ethical standards in the teaching profession. Sanctions can be imposed against the certificates of members who are found to be in violation of the code of conduct. The mission has expanded since the inception of the PTPC to include efforts toward enhancing the standards of the teaching professions. One means of meeting this goal is via the publications issued throughout the year by the commission. As executive director, her duties include providing presentations regarding the code of ethics to audiences of the various stakeholder groups including: Alaska Association of State School Boards, superintendents, pre-service teachers, mentors, principals, and parents. This helps to promote how the

children are being kept safe through the ethical standards adhered to by Alaska licensed school employees. The commission can impose four levels of sanctions beginning with a warning. A warning is not published but does become a matter of public record. The other levels are reprimand, suspension, and revocation, which are all publicly announced actions. The year 2008 had 68 cases investigated, by the two member staff of the commission; herself and an administrative assistant. She reported that the administrative assistant position is currently vacant. If an application is received with a question attached, perhaps a background check requirement, it becomes incumbent on the staff to make a review. Of the total number of applications received, in 2008, 292 were subject for review, of which 68 were investigated, resulting in 8 certificates receiving sanctions. She explained that the misconduct definition, as used in the PTPC ethics code, is broad. Examples include breach of test security, failure to maintain appropriate boundaries with students, and breach of confidentiality. The commission acts as a quasi judicial body, with the power to impose sanctions, based on the preponderance of evidence versus a criminal proceeding requiring reasonable doubt. The bottom line for this commission is to hold colleagues to a high ethical standard, as is demanded by a professional entrusted with the care and teaching of children.

[8:13:09 AM](#)

REPRESENTATIVE EDGMON observed that the commission appears to parallel the legislative ethics committee structure. He asked whether the teachers are able to pose questions to the commission, prior to committing an activity which may be within the gray area of misconduct.

MS. TRUMAN answered yes, and said calls of that nature are fielded on a daily basis. To Representative Edgmon's follow up question, she said there is no yearly review requirement, although it is encouraged that members have a full understanding of the obligations.

[8:15:05 AM](#)

REPRESENTATIVE WILSON queried if an on-line data base exists for independent review.

MS. TRUMAN assured the committee that there is a user friendly web site, which allows access/review of all the standards. The

site also includes sanctions, the newsletter, a complaint form, and other up to date information.

8:16:02 AM

REPRESENTATIVE WILSON referred to the eight mentioned sanctions and asked for an example of how the actions were administered.

MS. TRUMAN explained that the first step is a letter of admonition; something has occurred that must never recur. This is followed by a formal reprimand, stating that inappropriate activity must cease and will not be tolerated. A reprimand remains in a member's file and must be divulged anytime that employment status changes, such as a re-application for license, employment application, or position reassignment takes place. These steps are followed by a suspension, which may be for one, two or three years. She provided an example of an educator who unilaterally breeches their employment contract with no mitigating circumstances. In this scenario, the commission would suspend the license for one year. The final step is revocation of the teaching license for life, which happens in egregious cases involving illegal activities of a criminal or fraudulent nature.

8:20:03 AM

REPRESENTATIVE KELLER asked whether appointment seats are open this year.

MS. TRUMAN cited the two positions which were recently appointed by the governor and are awaiting confirmation by the present legislature. One seat is for a teacher and the other is reserved for a principal.

8:20:55 AM

EDDY JEANS, Director, School Finance and Facilities Section, Department of Education and Early Development (EED), interjected that, in the case of specific sanctions, teachers are required to receive additional training prior to re-entering the work force. He asked to have Ms. Truman elaborate on the newsletter publication.

MS. TRUMAN indicated that a copy of that newsletter is on line, and is mailed to every educator in Alaska.

8:22:19 AM

REPRESENTATIVE EDGMON asked how sanctions would effect a teacher gaining tenure.

MS. TRUMAN stipulated that teacher tenure is a labor issue, which is not the purview of the commission.

REPRESENTATIVE EDGMON restated, asking whether there would be a connection between sanctions and teacher tenure.

MS. TRUMAN responded that if a person lost their license/employment they would lose tenure, or eligibility for tenure.

REPRESENTATIVE EDGMON continued stating his interest in how sanctions reflect in a teacher's ability to attain tenure status.

MS. TRUMAN said the district might consider a sanction, and stressed that the commission has no jurisdiction regarding tenure.

[8:24:05 AM](#)

REPRESENTATIVE WILSON asked for further clarification of how a district would handle a sanction, particularly in the case of a suspension.

[8:24:47 AM](#)

MS. TRUMAN explained that when an educator is suspended, it also results in the loss of employment; leave with pay does not occur. The district would be required to hire another educator to fill the vacant post.

[8:25:33 AM](#)

VICE CHAIR MUNOZ inquired whether a teacher, brought before the commission without the result of a formal sanction, would have the hearing become part of their permanent employee record.

[8:25:59 AM](#)

MS. TRUMAN said, "No."

[8:26:01 AM](#)

OVERVIEW(S): NO CHILD LEFT BEHIND

8:26:20 AM

VICE CHAIR MUNOZ announced that the final order of business would be a presentation on the No Child Left Behind act.

8:26:26 AM

LES MORSE, Deputy Commissioner, Department of Education and Early Development (EED), began by providing answers to previously submitted questions from the committee. The first question, "Can there be a change in the way that adequate yearly progress (AYP) is evaluated." He explained that each year a determination is made of how children in a given school are performing by determining what percentage of the population is proficient. The resulting percentage of proficient students is measured against a target number - the annual measurable objective (AMO). The proficiency requirements this year were mathematics 66 percent, and language arts 77 percent. The school percentage is measured first as a whole, then broken into sub groups of special education, limited English proficient, and finally low income status. Additionally, a growth measure is taken to establish how many of the students would become proficient if they continue to make gains as shown in the prior year. The department sought permission to utilize the growth model aspect, which is not an element in every state. He stipulated that federal statute and state regulations would need to be altered, to effect the model being instituted. In the past year, he reported, 58 percent of Alaska's schools, 294 of 501, met AYP standards.

8:29:48 AM

REPRESENTATIVE KELLER asked if the annual measurable target is a state wide standard or does it vary between schools, and have the results of non-proficient students become positive in the last two years.

MR. MORSE responded that the target is the same for all schools in the state and the sub groups. The target remains level for two years then moves up incrementally. In terms of the growth results, he said, students do show improvement, however not enough growth has been tracked to make a difference in a schools AYP.

8:31:53 AM

REPRESENTATIVE WILSON stated her understanding that a school could use the information to zero in on an individual child to track progress.

MR. MORSE concurred that the benefit of the growth model is how a school receives specific information about each child, enabling focus to be brought where needed. Schools in areas with superintendants, principals, and teachers who understand the model are able to use the system to full advantage, and some districts are not as informed. The department is in the process of making presentations to every district.

[8:33:08 AM](#)

VICE CHAIR MUNOZ observed that the model helps the schools look at individual students, but does not help them to meet their AYP calculation.

MR. MORSE defended that not enough students have shown the type of gains that would enable a school to meet the AYP. He predicted that, as schools become more familiar with the model and are able to specifically target intervention, this could change in the future.

REPRESENTATIVE WILSON commented that some schools have utilized this model to focus on individual children successfully, and expressed her support for its use as an educational tool.

[8:34:51 AM](#)

REPRESENTATIVE KELLER referred to the longitudinal data base that is becoming available with individual student information, and the pilot programs being implemented, and asked when he could expect it to be available in his district.

[8:35:44 AM](#)

MR. MORSE reported that the fall of 2009 is the expected timeline for widespread use of the longitudinal database. The department's contract requires the service provider to design the database for accessibility to a wider audience. The form that it is currently in does not present in a dynamic user friendly accessible format, but the data is available.

[8:37:09 AM](#)

VICE CHAIR MUNOZ asked whether the EED has approached the U.S. Department of Education requesting that the individual growth model be made part of the flexibility that each school district has in achieving AYP.

MR. MORSE reiterated that the EED gained permission to use this growth model through negotiations with the U.S. Department of Education. There may be some changes to be renegotiated, when the new federal administration is in place.

VICE CHAIR MUNOZ stated her understanding that a school may have compliance with the standard, meet the goal, but have a few students falling below that level. If the progress of the individual students is documented, would the entire school be allowed to meet progress standards, she asked.

MR. MORSE established that, conceptually the model works in that way, however, the amount of progress that the student would be required to make cannot just be a minimal gain. For a student who is not achieving at grade level, a four year gain versus a one year leap, could be a realistic expectation for meeting the target. If the new administration is amenable to negotiation, the department will request a more reasonable gain factor.

[8:40:02 AM](#)

REPRESENTATIVE KELLER commented that receiving the waiver was an important step, and expressed appreciation to EED for that effort.

[8:41:00 AM](#)

REPRESENTATIVE GARDNER asked if a four year gain trajectory student would also be identified by an individual education plan (IEP).

MR. MORSE replied that a number of them would have an IEP, through the special education program, however, not proficient students occur in several of the sub groups. Although a school may have a plan for each of these students, he pointed out, they may not necessarily hold a formal IEP.

[8:41:48 AM](#)

CYNTHIA CURRAN, Director, Teaching and Learning Support (TLS), Department of Education and Early Development (EED), began by responding to previous submitted committee questions. The first

question referred to changing the deadline for the required parent meeting regarding parental choice for students in Title I schools. She clarified that notification is the requirement under the federal regulations, not a parent meeting; however, a parent meeting may be considered best practices. The requirement is for notification to occur no later than 14 days prior to the start of the school year, allowing parents the opportunity to make choices for their child's education.

VICE CHAIR MUNOZ indicated that the concern is in light of the meetings occurring prior to the beginning of school, precluding the attendance of some parents. Would it be possible to provide a flexibility measure for meetings to be scheduled after school commences.

MR. MORSE pointed out that these are the federal requirements regarding choice. There is no requirement to hold a meeting. If choice is an option, notification is required prior to the beginning of school, via optional means - public meeting forum or web site posting, for example.

[8:45:18 AM](#)

REPRESENTATIVE GARDNER noted that it would seem prudent to have the meeting prior to the beginning of school to allow parents to have the advantage of enrolling in a school of choice.

MR. MORSE underscored that the requirement for notification prior to school is mandatory where educational choice will be an option for parents.

[8:46:03 AM](#)

MS. CURRAN referred to the flexibility questions regarding the hiring of highly qualified teachers, as mandated by No Child Left Behind (NCLB). The difficulty of getting teachers highly qualified to teach all of the core content areas required became a national issue when NCLB was enacted. Thus, the federal government provided a flexibility in the time line for training a teacher to meet the standard. Additionally, it was stipulated that when a teacher is hired, they have a subject area in which they are highly qualified. One resource used in Alaska to meet this requirement has been the distance learning program, she reported, and provided an example from the Lower Kuskokwim school district. In the example, one school in the district has a highly qualified teacher for Algebra II, whose presentation can then be transmitted to classes throughout the district.

Each participating site has a teaching aide to assist students who are remote from the originating classroom. State regulations include provisions for small, rural schools with an ADM of less than 150, to have this type of flexibility in attaining the qualified teacher mandate. In regard to the special education teachers who, when hired, are highly qualified in academic courses, they are provided additional time to become qualified in extra content areas. She said that in order to meet all of the federal requirements, Title II offers competitive grant programs, as well as the math-science partnership grants. Alaska's congressional delegation, and interested organizations are continually consulted for advice on flexibility in providing appropriate options to Alaska's rural teachers.

[8:49:51 AM](#)

REPRESENTATIVE BUCH inquired about the comprehensive aspect of the distance learning system.

MS. CURRAN said the technology varies in each district. Some districts may not choose to use distance learning, having partnered and created a network between their schools. Distance education is not mandated, but it is a means to assure access to highly qualified teachers in every subject.

REPRESENTATIVE BUCH queried how he could access more information regarding the distance learning system - which schools are involved, and cost/effectiveness of the program, for example.

MS. CURRAN offered to provide information to the committee, as well as an update on the Alaska Distance Education Consortium (ADEC), which meets regularly.

[8:53:56 AM](#)

REPRESENTATIVE KELLER requested information regarding the partnerships between the districts and how the implementation of the distance learning is considered for funding purposes. He suggested that there may be a conflict of resource sharing if a school is not able to benefit from a student being counted in the ADM, when accessing an on site, highly qualified teacher.

MS. CURRAN mentioned the mutually beneficial partnership between the Delta Greely and Kodiak Island Borough school districts, and offered to provide additional information.

8:56:25 AM

REPRESENTATIVE GARDNER asked if, under Title II - preparing and training teachers and principals, there is a focus on special education teachers, considering the current demands.

MS. CURRAN said that any time there is a math-science partnership, or higher education grant, it is open to all teachers.

REPRESENTATIVE GARDNER asked if teachers taking professional development courses are receiving encouragement from the state to learn methods to meet a variety of learning styles, not specifically targeted towards special education.

MS. CURRAN responded that professional development occurs throughout the year in a variety of areas. The course trainers offer the attendees strategies for teaching children with a wide variety of learning challenges. Many of the new teachers, and mentors, will be attending the upcoming Alaska Special Education Conference, she reported.

8:59:37 AM

REPRESENTATIVE EDGMON requested that EED provide the committee with a comprehensive, macro level report of how NCLB is working throughout Alaska.

MS. CURRAN directed attention to the committee packet handout, to information regarding the Title grants, and the pie chart that was requested. She said that reauthorization is still many months away, given the federal administrative change. The department is working with Alaska's congressional delegation to report on, and suggest improvements to, the NCLB program.

REPRESENTATIVE EDGMON maintained his request for an in depth level understanding of how NCLB is carried out in rural Alaska.

9:02:58 AM

REPRESENTATIVE GARDNER directed attention to the page 3 pie chart in the committee handout, and asked what the zero percentages represent.

MS. CURRAN responded that under Title V, the category titled "State Grants for Innovative Programs" has been zeroed out of the federal budget.

REPRESENTATIVE GARDNER noted how that was a federal choice, and asked if the state is still under a mandate to perform in that area.

MS. CURRAN explained that these grants were available to states for improvement and innovative in education, with the intent of being funding start up programs; it is up to the state whether to continue funding. A federal mandate does not exist for innovative programs, however, these funds were helpful for Alaska in beginning several programs. She clarified that the teacher mentorship program does not fall under this funding, but comes under state funding of Title V and some funds from Title IIA.

[9:05:24 AM](#)

REPRESENTATIVE GARDNER pointed out the other zero percent figures next to amounts on the pie chart and asked what they represent.

MR. MORSE said it indicates less than one percent.

[A brief panel discussion ensued on what type of report the EED could bring to the committee to provide more detailed information on NCLB, how the funds are utilized, and for discovery of the areas to be elaborated upon.]

[9:10:00 AM](#)

MR. MORSE indicated how the previous school budget document overlays the page 3 pie chart, to establish the detail breakout of the NCLB funding.

[9:12:22 AM](#)

REPRESENTATIVE GARDNER noted that NCLB was implemented in the state with controversy. Considering the funding benefits and program options, versus the mandates and requirements, she asked, if given the choice, would the department choose to opt out or stay with NCLB.

[9:13:14 AM](#)

MR. MORSE indicated that many of the requirements of NCLB are parallel to those of state statute. Because of the overlap, the department has been able to leverage joint funds to build a high quality system, as well as improve assessment and

accountability. He expressed his belief that much good has come out of the NCLB mandate. The department has been aggressive in meeting the challenges that have arisen in meeting the federal requirements, and benefits have been gleaned.

9:15:40 AM

REPRESENTATIVE BUCH opined on the evolution of education in the state, and stated the importance for the committee to receive input from EED towards improvement of the system.

9:17:05 AM

REPRESENTATIVE WILSON asked how Alaska compares to the other states.

MR. MORSE said that it would depend on the area being considered: accountability systems, assessment systems, teacher quality, or innovative programs. He opined that, in general, Alaska is in the top half, and, in certain areas, has taken a leading role, such as when gaining approval for the growth model. He also pointed out that NCLB roots were first established, in the mid 1960's, under the Elementary and Secondary Education act. When the act was reauthorized, in the 1990's, the law requirement included the establishment of standards for accountability and assessment systems for Title I schools; expanded to incorporate all schools. Alaska has been on the forefront in terms of readiness to respond to these evolving educational mandates, due to the existing state statutes, he maintained.

9:20:40 AM

REPRESENTATIVE EDGMON reviewed his understanding of the NCLB Title designations, which mandate standards to be met, in order to receive federal funding.

MR. MORSE explained that the funding is based on a formula for each of the Title programs. Additional funding is not gained through compliance, but consequences in the form of mandates and other reporting impositions to correct violations, or fund withholdings, could occur. However, Alaska has always maintained an acceptable level of compliance. To a follow up question, Mr. Morse said that when competitive grants are available, such as the longitudinal data system, Alaska is in a positive position to be awarded because of what is already in place, and due to the state's record of compliance standards.

9:23:43 AM

VICE CHAIR MUNOZ reviewed Monday's meetings agenda.

9:24:20 AM

**ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:24 a.m.