

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

March 26, 2010

8:01 a.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Co-Chair  
Senator Joe Thomas, Co-Chair  
Senator Bettye Davis, Vice Chair  
Senator Charlie Huggins  
Senator Donald Olson  
Senator Gary Stevens

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION OF CANDIDATES FOR THE ALASKA STATE BOARD OF  
EDUCATION AND EARLY DEVELOPMENT

- CONFIRMATIONS ADVANCED

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 110(HSS)  
"An Act relating to the practice and licensing of  
psychologists."

- MOVED CSHB 110(HSS) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 360(EDC)  
"An Act relating to the provision of information regarding a  
student by a school district to the Department of Military and  
Veterans' Affairs, Alaska Challenge Youth Academy."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 110

SHORT TITLE: PSYCHOLOGISTS' LICENSING & PRACTICE

SPONSOR(S): REPRESENTATIVE(S) HERRON

02/04/09	(H)	READ THE FIRST TIME - REFERRALS
02/04/09	(H)	HSS, L&C
03/19/09	(H)	HSS AT 3:00 PM CAPITOL 106

03/19/09 (H) Heard & Held  
03/19/09 (H) MINUTE(HSS)  
01/28/10 (H) HSS AT 3:00 PM CAPITOL 106  
01/28/10 (H) Moved CSHB 110(HSS) Out of Committee  
01/28/10 (H) MINUTE(HSS)  
01/29/10 (H) HSS RPT CS(HSS) 6DP 1NR  
01/29/10 (H) DP: HOLMES, T.WILSON, SEATON, LYNN,  
CISSNA, HERRON  
01/29/10 (H) NR: KELLER  
02/17/10 (H) L&C AT 3:15 PM BARNES 124  
02/17/10 (H) Moved CSHB 110(HSS) Out of Committee  
02/17/10 (H) MINUTE(L&C)  
02/19/10 (H) L&C RPT CS(HSS) 2DP 3NR  
02/19/10 (H) DP: HOLMES, T.WILSON  
02/19/10 (H) NR: BUCH, NEUMAN, OLSON  
02/24/10 (H) TRANSMITTED TO (S)  
02/24/10 (H) VERSION: CSHB 110(HSS)  
02/26/10 (S) READ THE FIRST TIME - REFERRALS  
02/26/10 (S) EDC, L&C  
03/19/10 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)  
03/19/10 (S) -- MEETING CANCELED --  
03/26/10 (S) EDC AT 8:00 AM BELTZ 105 (TSBldg)

#### WITNESS REGISTER

JAMES MERRINER, Site Administrator  
Interior Distance Education of Alaska (IDEA)  
Anchorage, AK

**POSITION STATEMENT:** Presented professional background and answered questions on appointment to the Alaska State Board of Education and Early Development.

ESTHER COX, Chair  
State Board of Education  
Anchorage, AK

**POSITION STATEMENT:** Presented professional background and answered questions on appointment to the Alaska State Board of Education and Early Development.

REPRESENTATIVE HERRON  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of HB 110.

DR. PHILLIP BAKER, Legislative Chair  
Alaska Psychological Association  
Anchorage, AK

**POSITION STATEMENT:** Supported HB 110.

**ACTION NARRATIVE**

[8:01:45 AM](#)

**CO-CHAIR JOE THOMAS** called the Senate Education Standing Committee meeting to order at 8:01 a.m. Present at the call to order were Senators Huggins, Olson, Stevens, Davis, Meyer and Thomas.

**Confirmations for Alaska State Board of Education and Early Development**

[8:02:18 AM](#)

**CO-CHAIR THOMAS** announced that the first order of business would be to hear from perspective appointees to the Alaska State Board of Education and Early Development.

[8:03:06 AM](#)

**JAMES MERRINER**, Site Administrator, Interior Distance Education of Alaska (IDEA), introduced himself and said that he has dedicated his professional life to the youth of Alaska and is honored to be considered for the board. He said he is excited for where they are as a state and what is happening nationally on the educational landscape as well. He also mentioned that he is very supportive about the Governor's Performance Scholarship (GPS) bill.

He said he believes he brings a lot to the table in terms of his experiences. He attended public and private schools and was home schooled for a time as a student. And, as an adult, has worked in all of those arenas, and as a professional educator. He feels strongly about who he is as an educator and the experience that he brings.

**SENATOR STEVENS** asked how he thinks the state can improve the rate of graduation from college.

**MR. MERRINER** answered that he thinks the GPS could help a lot. With the national standards, he said, he is still wrestling with certain aspects, but he sees the potential benefits for the state's students to be compared nationally. He believes that, in terms of the high school exit exam, they need to stay where they are in regards to accountability for students for right now.

[8:07:18 AM](#)

SENATOR HUGGINS said that he has been hearing about what Newark and New York City are doing in their educational system and their focus on the quality of teachers. He asked what Mr. Merriner's thoughts are on this topic and the decision on which teachers stay and which ones go during time of fund shortages.

MR. MERRINER answered that the quality of teachers is essential. In his job experience as a site administrator he is looking for someone who not only has the qualifications but who can connect with students on a personal level. There are obviously struggles and challenges when you have a tenured teacher who doesn't meet those qualifications. He said he is excited for some of the talk on a national level on how to address these issues.

SENATOR HUGGINS referred to conversations with people who are home schooled or participate in distance education he understands it is relative easy for them to receive the rigorous curriculum that is necessary to participate in the GPS.

MR. MERRINER answered that is true.

SENATOR OLSON asked why he left Kipnuk in the middle of the year.

MR. MERRINER said that Governor Parnell called him out of the blue right after her was elected as lieutenant governor and asked him to be his chief of staff.

SENATOR STEVENS said, while he would have voted against it if he had been present, this committee moved a bill to remove the high school exit exam. He asked Mr. Merriner to clarify the school board's position and his position on this.

MR. MERRINER answered that the board is not in favor of doing away with the exit exam because they don't feel there is a good replacement to keep students accountable.

CO-CHAIR THOMAS said that those on the committee who wished to repeal it did so because they felt that the current test was not a real measure of high school education.

SENATOR DAVIS asked what other measures Mr. Merriner would like to see in place before getting rid of the exit exam.

MR. MERRINER replied that he simply meant that the exit exam should stay in place until they see an alternative to it that is viable and can hold students to a standard.

8:14:47 AM

ESTHER COX, Chair, Alaska State Board of Education, said she has done just about everything a secondary administrator can do in the Anchorage school district. She has served as chair of the state board for the last three years and thinks the board has done some good things.

She said when Larry LeDoux came on as Commissioner of the Department of Education and Early Development (DEED), one of the first things he said is that the state doesn't really have an educational plan. That began discussions on issues that are being discussed at the legislature such as graduation rates, career and technical schools, teacher quality, etc. As far as teacher quality goes, one thing they are doing is requiring substantive work within a teacher's discipline for recertification. Also, another point of discussion for the board is to require an induction time that would be required for teachers new to Alaska. This program would give a real insight into Alaskan culture and teaching Alaskan children.

The other thing that is happening, she said, is that they have a teacher mentoring program that is wildly successful. These mentors spend face to face time with teachers, particularly in rural Alaska, to improve the quality of teachers throughout the state. They are also working on career and technical education delivery systems. Kids learn in different ways and what they are doing in this state is offering options to accommodate different learning styles.

Personally, she said, when they really get serious, they also need to address the school calendar and schedule.

8:19:57 AM

SENATOR HUGGINS said the committee has a bill that addresses the facilities for charter schools. He asked her to ensure that the board works with them to facilitate that program.

MS. COX replied that she saw that bill recently and confirmed that facilities are very much an issue.

SENATOR STEVENS said he has noticed how little high school students know about government and he is shocked at times by the questions they ask. He asked how they better educate their children in those areas.

MS. COX answered that in high school a government class is required for graduation. They also have an Alaska history class that is the board has mandated. Civics is not required but students do take history through eighth grade and certain aspects of history that are required in high school. She said she doesn't really have an answer for that question. She thinks that, maybe, students take their citizenship for granted. Kids who get involved and see government in action tend to understand it better. Perhaps, she said, this should be looked at on a curriculum basis.

SENATOR DAVIS asked Ms. Cox, in regards to the high school exit exam, about the time when the board had concern about it and had requested the commissioner to look into alternatives or the possibility of eliminating it. She wondered why she had a concern about the exam at that time and no longer has one.

MS. COX responded that she isn't necessarily a supporter of the exit exam. However, she is in favor of accountability. This exam is a minimal competency exam, but it does show some accountability. She doesn't think this is the time to change it because the educational landscape is changing so rapidly. No Child Left Behind (NCLB) is going to change radically; the national administration wants everyone to sign on to common core, etc. So until they decide what should be used to replace this accountability measure, she isn't willing to do away with the exam.

She added that she has heartburn over the term "minimal". There is a lot of talk about a rigorous curriculum and it is one thing she really likes about the GPS. But she believes that the exit exam should be kept until there is a better replacement.

SENATOR DAVIS said she appreciates the answer, but wants to know was why the board was concerned then and not now.

MS. COX responded that she does not recall the board saying they need to do away with the exit exam. The board has said that they need to be looking for a better alternative. She said many states are going towards exit exams. She repeated that she is not aware of any time that the board recommended doing away with it.

SENATOR DAVIS said she received a memo saying they wanted the exam looked at because they felt something should replace it.

CO-CHAIR THOMAS commented that they have been educating people in that state for 50 years and Commissioner LeDoux's statement that the state doesn't have a good plan in place, is commentary that there needs to be a change. He feels that the board should address not only teaching recertification, but of replacing the exit exam with something more relevant within the next 18 months.

[8:30:52 AM](#)

SENATOR OLSON asked for Ms. Cox's thoughts on WorkKeys replacing the current exit exam.

MS. COX answered that she likes WorkKeys. She isn't sure whether it is appropriate for both college and career assessment. What she likes about the test is that it gives different levels and is a good counseling tool.

SENATOR OLSON said, looking at her resume, he sees little rural education experience on her resume compared to some other candidates, including Mr. Merriner.

MS. COX responded that he is correct; she does not have any rural experience. But, she believes her urban experience also needs to be included on the board. Others can bring the rural perspective, but the urban perspective needs to be there as well.

[8:33:12 AM](#)

CO-CHAIR THOMAS thanked the candidates and said the committee will pass their names on to the next committee.

CO-CHAIR MEYER moved that Ms. Cox and Mr. Merriner's names be moved on to the next committee of referral for consideration.

SENATOR STEVENS commented that he hopes they can develop more meaningful dialog between the board and the committee.

CO-CHAIR THOMAS said that there being no objection, the motion carried.

#### **HB 110-PSYCHOLOGISTS' LICENSING & PRACTICE**

[8:34:33 AM](#)

CO-CHAIR THOMAS announced consideration of HB 110 [CSHB 110 (HSS) 26-LS0474\R was before the committee].

[8:34:56 AM](#)

REPRESENTATIVE HERRON, sponsor of HB 110, said HB 110 hopes to clarify the current statute regarding the licensing and regulation of psychologists in Alaska. It aligns the exams that are available and clarifies who can practice psychology and the associated practices with it. School psychologists and government employees can practice outside of the current statutes. It does not limit the work of mental health service providers in Alaska.

SENATOR OLSON asked if the department supports this.

REPRESENTATIVE HARRIS replied yes.

CO-CHAIR THOMAS commented that there are a variety of letters of support accompanying the bill.

SENATOR DAVIS said she is in support of HB 110.

[8:37:26 AM](#)

DR. PHILLIP BAKER, Legislative Chair, Alaska Psychological Association, said they cosponsored this bill with the Psychology Licensing Board and the purpose was to clarify some of the wording in the original psychology license in 1963 which tried to identify who could call themselves psychologists and provide psychological services. To have a license at the time, because it was the only mental health license on the books, the definition had to be fairly broad to allow people working in government agencies and other mental health organizations to be licensed. Time has passed and four other types of licenses have been put on the books that clarify other mental health services that do not need to be provided by doctor level psychologists. It is time to clean up the legislation because as it stands, people who are not trained psychologists can legally specify themselves as such. They are trying to close this loophole. They do not intend to exclude anybody from providing mental health services, only that they could not advertise themselves as licensed psychologists.

[8:40:42 AM](#)

SENATOR STEVENS said he doesn't like the idea that someone who hasn't passed the exam could call themselves a psychologist. He asked Dr. Baker to provide some statistics on who are the individuals who are failing this exam.

DR. BAKER answered that the pass rate on the first try is about 65 to 70 percent, so it is fairly rigorous. He took the test twice before he passed. He does not have specifics on how many

people in the state have or have not passed the exam. It is designed to ensure that people who are not qualified cannot treat or evaluate our citizens. He agreed that this is very pertinent.

SENATOR HUGGINS brought the committee's attention to page 2, section 2. He asked if people who have been practicing will have to take the exam or will they receive grandfather rights.

DR. BAKER said those in government service have rather strict regulations and the requirement is they have to have a psychology license. That may not always have been the case, but it certainly is now. Their main concern, he explained, is that they have had several instances in which persons applied to work as psychologists in rural settings specifically in the state and it turns out they were not licensed.

SENATOR HUGGINS clarified that what he wants to know is if someone has been working for several years in the field, do they have to take this test.

DR. BAKER answered that it would depend upon what type of services they are offering. If they are offering services that are restricted to psychologists, such as specific psychological tests, then they must take the exam.

SENATOR STEVENS asked if this is a standardized test that is used by other states.

DR. BAKER replied that it is a national standardized exam.

REPRESENTATIVE HERRON returned to Senator Huggins' question and said that the answer is "yes."

[8:46:53 AM](#)

SENATOR OLSON asked what the thinking is behind the six months between the retaking of the exam.

REPRESENTATIVE HERRON replied that he did not know.

DR. BAKER answered that this is from the original wording of the license statute from 1963 and was implemented to give people six months to study before re-taking it. Other licensing requirements do not stipulate a specific time interval. It is up to the board.

SENATOR OLSON said when he was taking the medical exam, he wondered what relevance it had to do with his practice of medicine. He wondered how much relevance this exam has.

SENATOR STEVENS asked if there was a limit for how many times an individual can retake the exam.

REPRESENTATIVE HERRON replied that they can keep trying.

DR. BAKER responded that after an individual tries to take the exam two or three times, the board will usually encourage the individual to get further training before petitioning to take it again. He pointed out that, in addition to the national exam, applicants generally have to pass a state exam on statutes and regulations that pertain to the state.

SENATOR STEVENS asked for confirmation that there is a governing body overseeing these exam applicants.

DR. BAKER confirmed that the national testing organization collects and scores all the examinations and then reports to the Psychological State Board. It is then the scope of work of the licensing board to discuss the matter with applicants who did not pass. The exam covers about eight different areas of human development, research, and practice and treatment of varying problems in human development.

SENATOR OLSON asked how often they see malpractice cases against the licensee.

DR. BAKER said that would be more appropriately directed to the Psychology Licensing Board, but he thinks they have seen two or three cases since 1963. The process is that complaints come to the licensing examiner and, if the complaint has merit, it is referred to the member of that licensing board and then to the Attorney General's office if necessary.

[8:54:14 AM](#)

CO-CHAIR MEYER moved to adopt the proposed CSHB 110(HSS) Version R, as the committee's working document. There being no objection, the motion carried.

[8:55:47 AM](#)

CO-CHAIR MEYER moved to report the CS for HB 110, version R, from committee with attached fiscal note(s) with individual recommendations. There being no objection, CSHB 110(HSS) moved from the Senate Health and Social Services Standing Committee.

8:57:05 AM

There being no further business to come before the committee, CO-CHAIR THOMAS adjourned the Senate Health and Social Services Standing Committee meeting at 8:57 a.m.