

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

April 2, 2010

8:02 a.m.

MEMBERS PRESENT

Senator Kevin Meyer, Co-Chair
Senator Joe Thomas, Co-Chair
Senator Bettye Davis, Vice Chair
Senator Charlie Huggins

MEMBERS ABSENT

Senator Donald Olson
Senator Gary Stevens

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

PROFESSIONAL TEACHING PRACTICES COMMISSION

Eric Fry - Juneau
Jeffrey Hebard - Fairbanks
Michael Husa - Bethel

CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ERIC FRY, Appointee
Professional Teaching Practices Commission
Juneau, AK

POSITION STATEMENT: Testified as appointee to the Professional Teaching Practices Commission.

MICHAEL HUSA, Appointee
Professional Teaching Practices Commission
Bethel, AK

POSITION STATEMENT: Testified as appointee to the Professional Teaching Practices Commission.

JOMO STEWART, Staff
to Senator Meyer
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Informed the committee that Mr. Hebard was unavailable to testify as appointee to the Professional Teaching Practices Commission because he was teaching a class.

ACTION NARRATIVE

[8:02:23 AM](#)

CO-CHAIR THOMAS called the Senate Education Standing Committee meeting to order at 8:02 a.m. Present at the call to order were Senators Davis, Huggins, Meyer and Thomas.

CONFIRMATION HEARING(S)

Professional Teaching Practices Commission

[8:02:48 AM](#)

CO-CHAIR THOMAS announced the business before the committee would be confirmation hearings for Jeffrey Hebard, Michael Husa, and Eric Fry to positions on the Professional Teaching Practices Commission.

[8:03:18 AM](#)

SENATOR OLSON joined the meeting.

CO-CHAIR THOMAS asked Mr. Fry to tell the committee about himself and why he wants the appointment.

[8:03:24 AM](#)

ERIC FRY, Appointee, Professional Teaching Practices Commission, said he is the information officer for the Department of Education and Early Development (DEED) in Juneau. Commissioner LeDoux asked him to serve on the commission because of his background as a newspaper reporter because he's capable of grasping issues, asking good questions, and being fair minded. Commission members act as adjudicators rather than investigators and he said he feels that he has the necessary qualities for this. He said he particularly likes that the Alaska ethics laws create an expectation that teachers will maintain a good classroom climate that is free of harassment. Mr. Fry said he would be happy to serve.

[8:04:49 AM](#)

SENATOR OLSON asked for Mr. Fry's thoughts as to the Commission's primary purpose and how he intends to achieve that end.

MR. FRY replied the primary responsibility is to adjudicate complaints about teachers' ethics. The Commission can also give recommendations to the state and local school boards on teaching practices.

SENATOR OLSON asked if he's ever been a certified teacher or had a close family member who was certified.

MR. FRY answered no.

SENATOR OLSON asked if anybody he's close to has ever had ethical problems.

MR. FRY answered no.

SENATOR OLSON observed that he has no experience with ethical problems.

MR. FRY agreed that he has had no experience adjudicating these issues.

[8:05:57 AM](#)

SENATOR HUGGINS asked what circumstances would bring a teacher before the Professional Teaching Practices Commission.

MR. FRY explained that anyone is entitled to bring a complaint against a teacher. When that occurs Commission staff investigates to determine whether or not the complaint meets a threshold of not being frivolous and if it applies to existing laws on what is unethical. If the issue can't be resolved early on the commission holds a hearing. If the teacher chooses not to contest the claim, the Commission makes a ruling. If the teacher contests the claim there's a formal hearing; an administrative law judge presides, the attorney general's office acts as the prosecutor, and the teacher may retain counsel.

[8:07:03 AM](#)

The issues that the Commission is concerned with relate to teachers using their professional position for private gain or using their professional position to impose their personal views on students or making false statements about other teachers or committing the various types of malfeasance that fall under

moral turpitude - regardless of whether or not the action took place within the school.

[8:07:45 AM](#)

SENATOR HUGGINS asked what the range of punishment would be.

MR. FRY replied they range from a written reprimand to suspension or revocation of the teacher's certificate to teach.

SENATOR HUGGINS posed a hypothetical situation and asked if a teacher accused of drug abuse would come before the commission.

MR. FRY answered yes; a teacher in that circumstance might face criminal prosecution from the state, but the state also has an interest in keeping teachers out of the classroom if they've breached ethics laws. Even if they've paid their debt to society the state may not want that teacher back in the classroom.

SENATOR HUGGINS asked how Alaska communicates the issue to other school systems if that person goes somewhere else to work.

MR. FRY replied he isn't sure but he believes that there's a national clearing house and other states are doing similar background checks on teachers

[8:10:17 AM](#)

CO-CHAIR MEYER asked if he has children in the Juneau school system.

MR. FRY replied he has one who is a sophomore and one who has graduated; both have had all their education in the Juneau public school system.

CO-CHAIR MEYER asked how he feels about the teachers in Juneau.

MR. FRY replied he and his wife never felt that the ethics of a teacher were a problem, but they did feel that a teacher might have used different instructional techniques.

[8:11:47 AM](#)

SENATOR OLSON asked about his thoughts on charter schools and teachers in charter schools.

MR. FRY said as a citizen and a parent he is generally positive about charter schools and Alaska seems to have had better success with them than other states. Charter school teachers are hired by a public school and would therefore be covered by the

Commission. Charter schools aren't hiring teachers that can't be hired elsewhere, he added.

SENATOR OLSON asked if he believes that teachers who are drawn to charter schools sometimes have a different bias.

MR. FRY said he can see that some teachers are drawn to the philosophy of a charter school, but he hasn't thought about it in terms of a bias or something that relates to ethics or teacher quality. He said he doesn't believe that there's a two-quality system and he's never heard of problems with charter school teachers in general.

SENATOR OLSON asked if the commission adjudicates for private school teachers.

MR. FRY said he doesn't believe so because private school teachers don't have to be certified by the state.

[8:16:10 AM](#)

CO-CHAIR THOMAS asked Mr. Husa to tell the committee about himself and why he is seeking the appointment.

MICHAEL HUSA, Appointee, Professional Teaching Practices Commission, said he's a teacher in Bethel and would like to continue to serve on the commission. If teachers are to be recognized as professionals, there has to be some oversight in certification issues and classroom teachers have the best understanding of what it takes. While it's never fun to deal with a teacher who has crossed the line with respect to ethics, it is very important to do so. He offered to answer questions.

CO-CHAIR THOMAS asked the number of adjudication hearings he's been involved in during his time on the Commission.

MR. HUSA said he has sat through numerous rulings and has read many reports, but he's not been involved in any that have gone to court. When the Commission meets they read through the reports and the recommendations that the Commission president has made to ensure that all of the procedures have been followed to protect the rights of teachers and students.

CO-CHAIR THOMAS asked him to give examples, without mentioning names, of the types of things he's heard.

MR. HUSA cited examples of alleged sexual discrimination by an administrator, teachers and administrators that have crossed the

line in their relationship with students, teachers who have mishandled state tests in regard to the SBAs and HSGQE.

CO-CHAIR THOMAS asked if there have been any issues related to teachers claiming free speech and their right to teach certain subject matter or in a particular manner that they believe is correct.

MR. HUSA replied not in the years he's been on the Commission. He added that those issues are often handled by the districts.

8:20:30 AM

SENATOR HUGGINS asked how much time elapses between a complaint being made and the final adjudication.

MR. HUSA explained that an investigation begins immediately after a complaint is made and the Commission usually has a recommendation within three to six months if everyone responds promptly. The teacher may or may not still be in the classroom; the Commission is simply making a decision on the teaching certificate. However, when people aren't cooperative the investigation takes longer and the process can take several years.

8:21:50 AM

SENATOR HUGGINS asked if they rotate the location of their meetings.

MR. HUSA said all of the meetings are held in Anchorage at the state library.

8:22:24 AM

SENATOR OLSON asked for his view of exit exams and the idea that students may be trying to get advance information on it.

MR. HUSA said he isn't opposed to the concept, but he is concerned that it has become so high-stakes that students feel they have to cheat and some teachers tend to provide more help than is ethically allowed. But, he said, the biggest problem he has with the exit exam is that it's locked into three days in a year and that timeframe is absolutely inflexible. He related a situation when two small children fell through the ice and the school closed to search for them. One of the bodies was found and the funeral was on the day of the test and he had to tell the students that they couldn't return after the funeral to finish taking the test.

SENATOR OLSON asked if it was the rules governing the administration of the test that he was bowing to that didn't allow the students to return.

MR. HUSA replied that is correct.

SENATOR OLSON asked where he sees education going in the next few years and the quality of teachers that will be attracted to the more remote areas.

MR. HUSA said he believes that some of the best teachers in the country continue to be drawn both the rural and urban areas of Alaska. The nature of the job brings to Alaska people who are looking for something different. Indigenous people are attracted to teaching more and more and people who grew up in rural settings are choosing to stay. These both add to the quality of Alaska's teachers, he said. He continued to offer his belief that technology will continue to change rapidly and this will change how instruction is delivered.

[8:27:21 AM](#)

CO-CHAIR MEYER noted that Mr. Husa graduated from the University of Nebraska and asked what brought him to Bethel.

[8:27:50 AM](#)

MR. HUSA explained that when he decided to become a teacher the only place he wanted to teach was Alaska even though he'd never been here before. He was fortunate to land a job and he fell in love with the culture and the area and chose to remain.

[8:29:11 AM](#)

JOMO STEWART, Staff to Senator Meyer, informed the committee that Mr. Hebard, the third appointee to the Professional Teaching Practices Commission, was unavailable because he was teaching a class. Mr. Hebard lives in Fairbanks and this would be his third term. Responding to a question from Senator Olson he said he hasn't heard any complaints about Mr. Hebard.

[8:29:50 AM](#)

CO-CHAIR THOMAS announced that without objection the Senate Education Committee recommends forwarding to a joint session of the Legislature the names Eric B. Fry, Jeffrey A. Hebard, and Michael D. Husa for positions on the Alaska Professional Teaching Practices Commission. Signing the form does not reflect any intent by any of the members of this committee to vote for or against the confirmation of the individuals during a further session.

8:30:35 AM

CO-CHAIR THOMAS asked Mr. Richmond to explain what would be covered on Wednesday in the joint meeting with the House Education Committee.

8:31:15 AM

MURRAY RICHMOND, Staff to Senator Thomas, explained that on March 31, 2010 Judge Gleason handed down a third ruling in the Moore case. In this ruling she explicitly said that the Legislature is responsible for the five districts that are under performing. They have arranged a meeting with the plaintiff's attorney, the state's attorney, Legislative Legal attorneys, and the administration to discuss what that means for the state.

8:32:33 AM

There being no further business to come before the committee, Co-Chair Thomas adjourned the Senate Education Standing Committee meeting at 8:32 a.m.