

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

March 16, 2012

8:04 a.m.

MEMBERS PRESENT

Senator Kevin Meyer, Co-Chair
Senator Joe Thomas, Co-Chair
Senator Bettye Davis, Vice Chair
Senator Hollis French

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

CONFIRMATION HEARING-PROFESSIONAL TEACHING PRACTICES COMMISSION

- CONFIRMATIONS ADVANCED

CONFIRMATION HEARING-UA BOARD OF REGENTS

- CONFIRMATION ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JILL M. EXE, Appointee
Teacher Representative
Kaktovik, Alaska

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

LOUIS PONDOLFINO, Appointee
Principal Representative
Anchorage, Alaska

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

MARI FREITAG, Appointee
Fairbanks, Alaska

POSITION STATEMENT: Responded to questions as appointee to the University of Alaska Board of Regents.

ACTION NARRATIVE

[8:04:53 AM](#)

CO-CHAIR JOE THOMAS called the Senate Education Standing Committee meeting to order at 8:04 a.m. Present at the call to order were Senators French, Davis, Co-Chair Meyer and Co-Chair Thomas.

CONFIRMATION HEARING
PROFESSIONAL TEACHING PRACTICES COMMISSION

[8:05:26 AM](#)

CO-CHAIR THOMAS announced the confirmation hearing for Jill Exe from Kaktovik and Lou Pondolino from Anchorage for the Professional Teaching Practices Commission (PTPC). He said the commission is comprised of nine members appointed by the governor. They must be actively engaged in the teaching profession for five years immediately preceding the appointment; there must be five classroom teachers, one principal, one superintendent, one department representative, one higher education representative and all of the appointees must have been selected from respected associations. The term is for three years. The commission develops criteria, professional practices in areas of ethics, performance, professional services and contractual obligations. It holds hearings to judge and sanction educators not meeting standards established by the commission and they suspend and revoke certificates of educators based on reasons set out in AS 14.20.030.

[8:06:19 AM](#)

JILL M. EXE, Teacher Representative, Kaktovik, Alaska, said she was looking forward to being reconfirmed for a second term with the Professional Teaching Practice Commission. She said serving on it had been an incredible experience. She had taught in Alaska for 19 years and has always been interested in advocating for the profession. Everyone wants good teachers in every classroom and good principals at every site; the commission does an "excellent job" of ensuring that due process is followed and that investigations happen appropriately.

Serving on the commission has been a learning experience for her as well, she said. A variety of cases have come forward over the last three years and each one was thoroughly vetted in the interests of better education in the state of Alaska.

8:07:02 AM

SENATOR DAVIS joined the committee.

SENATOR FRENCH asked her to tell them a little more about the commission.

8:08:10 AM

MS. EXE answered that the commission has nine members and they represent teachers, superintendents, principals and higher education. They meet three times a year during the school year in Anchorage; they discuss cases and addressed serious issues like suspending or revoking teachers, certified staff members and certificates. They work hard to ensure that due process is followed in the interests of better education.

8:11:19 AM

SENATOR FRENCH said he was thrilled that she wanted to serve and that it's fantastic someone is there from the northern regions in the state. He asked if some transgressions automatically revoke someone's certificate, for example, conviction of a crime. He also asked if many of the people that come to the commission have already lost their jobs and are waiting to lose their licenses or are they sometimes still working in the classrooms with certificate actions pending against them.

MS. EXE answered that her experience in the last three years has been that people can still be in their position throughout the investigation. Generally there is some kind of district policy such that they may be on administrative leave or something like that. It depends on the actual allegation. It's more of a final step in the process and as such, it's "kind of a formal situation." The director, Patricia Truman, makes sure they have all the necessary documentation and decisions are not made lightly.

In some situations the teacher or administrator has been removed from the position and revoking the certificate is a means of making sure they don't turn around and get into another educational employment situation with the ability to do the same thing again.

8:14:32 AM

SENATOR FRENCH asked if transgressions, like a DWI, require automatic license revocation.

MS. EXE answered yes, but she couldn't speak directly to the DWI.

8:15:05 AM

SENATOR FRENCH asked if their meetings are open to the public or if they are confidential because of the personnel actions.

MS. EXE answered that part of them are open to the public; they go into executive session for personnel reasons. However, the public meeting is taped recorded and members of the public have attended.

She said one issue was brought forth about hiring times and the windows in which a teacher can sign a contract and then choose to renege on by a school district's HR department. The commission changed its brochure a little bit because of that.

8:16:55 AM

CO-CHAIR THOMAS asked for an example of a contractual obligation that the board would deal with.

MS. EXE answered that "it's kind of the dark-side of education." They have dealt with pornography on school computers, for instance or educators being involved with students; it's anything that is not ethically appropriate.

8:18:21 AM

CO-CHAIR THOMAS said he understood the ethical part, but he was curious about what type of contractual relationships they deal with.

MS. EXE answered that anyone affiliated with education - parents, community members - if they feel that a behavior or an action on the part of the educator who has the certificate, they can a complaint to the commission at which time the director would investigate and follow through on it. She said the state of Alaska and the commission have a complaint filing process; the complaints are investigated and, if the situation requires, the person's certification can be revoked.

8:20:07 AM

CO-CHAIR THOMAS asked what the appeal process is.

MS. EXE answered that she had been through the appeal process once and at that time, they used the Professional Teaching Practice Commission's lawyer and there was a hearing. The

teacher attended the commission's meetings and served somewhat like a jury listening to both sides and made a recommendation.

8:21:08 AM

CO-CHAIR THOMAS asked once the commission makes its decision what the next step is if someone disagrees with it.

MS. EXE answered when the commission makes a decision, it goes to the Department of Education and Early Development (DEED) and the certification is revoked. She had not been involved with anything beyond that.

SENATOR FRENCH guessed that every citizen has a right to appeal to Superior Court. He said he would look it up.

CO-CHAIR THOMAS agreed.

8:22:18 AM

CO-CHAIR THOMAS, finding no further questions or objections, announced that the Senate Education Committee would forward Ms. Exe's name onto a joint session of the legislature for consideration adding that this did not reflect any intent by any of the members to vote for or against her confirmation.

CO-CHAIR THOMAS welcomed Mr. Pondolfino to the committee and asked him why he was interested in continuing to serve on the Professional Teaching Practices Commission.

8:23:05 AM

LOUIS PONDOLFINO, Principal, King Career Center, Anchorage, Alaska, said prior to working there, he was principal for seven years at Service High School. Before that, he was an assistant at East High School for two years; prior to that he spent 10 years in the classroom at three different schools. Prior to that he was a blue-collar worker in Nome learning how to build houses and he worked a little bit for the Alaska Gold Company. He also spent four or five memorable months working for Peco Alaska on a project in Prince William Sound.

MR. PONDOLFINO said he moved up from New York in 1982 when he graduated from undergraduate school in West Virginia. He was interested in serving on the commission again, because as a professional it's their obligation and duty to give back to the profession and to oversee their membership to make sure they are performing as professionals and that any ethical lapse of judgment or contractual violation is addressed appropriately. He said it had been a pleasure working with the other eight members

of the commission who are folks across the state, another added benefit, especially working with Patricia Truman, the Executive Director and former Alaska Teacher of the Year. She is a consummate professional and does a thorough job investigating cases before they are brought before the commission.

[8:25:54 AM](#)

CO-CHAIR MEYER said that Service High School missed him and that he appreciated Mr. Pondolfino offering his time and energy for the commission. He was a good example of the right type of person they want on it. He asked if he was filling the role of the principal on the commission.

MR. PONDOLFINO answered that was correct.

CO-CHAIR MEYER noted this was his second term and asked during his first term if any teaching certificates were revoked and why that happened.

[8:27:02 AM](#)

MR. PONDOLFINO answered that he had to recuse himself from his very first meeting on the commission, because there was an assistant principal whose certification was revoked for moral turpitude and criminal activity. He had to deal with theft of district equipment and gambling for which he was arrested and convicted.

He explained there are different levels of sanctions: a reprimand, a one-year suspension, a suspension for life or a revocation. The latter two have the same effect; one is a little bit stronger administrative action. He said suspensions for life are accepted if the teacher or certificated person admits to his/her inability to perform the duties in the profession and hold to its high standards and they have committed a very serious ethical lapse.

He said the criminal case last year in Anchorage involved a teacher who had a sexual relationship with one or more students, who was arrested and convicted and surrendered his certificate for life; they accepted that.

MR. PONDOLFINO said their executive director, Patricia Truman, investigates all the cases and makes recommendations and then brings those before the commission for its consideration. If there is any disagreement either by the certificated member with her decision or by commission members, they would have a hearing

with the one being sanctioned or they could, as a body, overturn her recommendation.

MR. PONDOLFINO said most often they hear breach of contract issues; it happens very frequently, more so in Alaska than in the Lower 48, because young teachers come up here and the remoteness and homesickness gets to them, and they forget that they are under contract or don't hold it to the standards they ought to. Walking away from their contract leads to suspension of their certificate for one year, which goes on a national database. If districts in other states look at it, they will see that the candidate had their license suspended.

[8:30:24 AM](#)

CO-CHAIR MEYER asked if all states participate in the national database. He was concerned that a teacher could have their license revoked in Idaho and then they come up to Alaska and try to get a teaching job. Would we know that?

MR. PONDOLFINO answered yes; before the department grants certification to any candidate, they check the national database.

[8:31:28 AM](#)

CO-CHAIR THOMAS asked if he deals primarily with the individual contracts or issues that arise based on the school district contracts with the Education Association or some other entity that they deal with.

[8:31:55 AM](#)

MR. PONDOLFINO asked if he was talking about breach of contracts.

CO-CHAIR THOMAS answered yes.

MR. PONDOLFINO explained that Alaska statute talks about the contractual obligation of the teacher. In the Anchorage school district, and most others', teachers actually sign yearly contracts. The statute says that a teacher is assumed under contract if they have not been dismissed, laid off or whatever by the end of the school year. The PTPC clarified it to say if a teacher on June 30 has not been released or has not resigned from their contract, they are assumed under contract for the following school year. So, if sometime in July or August a teacher finds an opportunity in some other state, they will be sanctioned, because they are under obligation to the state of Alaska for the following year.

He explained that it seems harsh, but the fact of the matter is that Alaska doesn't have a really highly qualified wait list of teachers waiting in the wings to come up to Alaska. In order to get the best teachers it's important to look for them early before they secure positions elsewhere. That is incidentally, one of the reasons forward funding is so important, he added.

[8:34:39 AM](#)

CO-CHAIR THOMAS asked him to explain the commission's voting process.

[8:35:12 AM](#)

MR. PONDOLFINO answered that the commission uses a roll call for each sanction that involves at least a suspension; it is a majority vote. But they work and deliberate until they can gain consensus for the most part. There may have been one or two 8:1 votes, but mostly they are unanimous decisions after deliberations and discussions.

[8:35:58 AM](#)

CO-CHAIR THOMAS thanked him for his testimony and finding no objection, announced that Mr. Pondolino's name would be forwarded to the joint session of the legislature for confirmation. This did not reflect any intent by any of the members to vote for or against the confirmation of the nominee during any further sessions.

CONFIRMATION HEARING-UA BOARD OF REGENTS

[8:36:41 AM](#)

CO-CHAIR THOMAS invited Mari Freitag from Fairbanks forward to comment on her appointment to the University of Alaska (UA) Board of Regents.

[8:36:49 AM](#)

MARI FREITAG, UA Board of Regents nominee Fairbanks, Alaska, said she was born and raised in Ketchikan and graduated in 2008 from Ketchikan High School. She moved up to Fairbanks and has lived there for four years. She will graduate next spring with a degree in political science with a minor in justice. She plans on going to law school after that and she will return to Alaska.

[8:38:36 AM](#)

MS. FREITAG said she first became involved with student governance in her freshman year when she became a student senator with the Associated Students of the University of Alaska

Fairbanks (UAF). She was a senator for two years and was elected vice president. She was then elected president last spring and is currently serving in that capacity.

She said she was exposed to statewide university student government governance in 2010 through the Coalition of Student Leaders and that is when she started attending Board of Regents meetings. She learned of the opportunity to become to student regent and was elected as one of the two candidates that would be forwarded from UAF to the governor's candidate pool. She was appointed last May.

Since she has been on the Board, she has found it to be incredibly rewarding to be able to represent over 34,000 students, because it is such a diverse population. She has learned a lot about how incredibly complex the university institution is; it is an experience she wouldn't have gotten anywhere else. One of the things she likes about it most is being able to return back to the Coalition of Student Leaders and the ASUAF and talk to them about what is going on within the university and help them better understand how the university works and how they can forward their goals.

[8:39:10 AM](#)

CO-CHAIR THOMAS thanked her and noted that the Board of Regents is comprised of 11 members who each serve an eight-year term; but the student regent serves a two-year term. The board was established by the Alaska Constitution that is responsible for the University of Alaska Policy and Management through the university president. He said it has two staff, one is Tim Lamkin with the Office of Senator Stevens and the other is Joe Hardenbrook with his [Senator Thomas'] office.

[8:39:54 AM](#)

CO-CHAIR MEYER asked if she found that her K-12 education in Alaska, high school in particular, adequately prepared her for college or did she think academic standards needed to be raised.

[8:41:08 AM](#)

MS. FREITAG answered that she felt she was adequately prepared. She took a fairly rigorous class load and quite a few AP advanced placement classes. Her AP English, Composition and Literature classes contributed the most to her preparation for further education. She felt if she hadn't taken those classes and had taken less rigorous classes, things wouldn't have turned out the same.

[8:42:15 AM](#)

CO-CHAIR MEYER said her GPA was over 4.0, but that was probably because of the AP classes. But then he noticed it had gone to 2.9 at UAF, and commented that it must be a whole lot harder at the collegiate level.

MS. FREITAG said she had an explanation for that. She started her degree program with biochemistry and then realized she wanted to be a lawyer. So she changed course and most of the chemistry classes contributed to the 2.9. Her GPA has actually risen about .3 since she has been on the board. She made the Dean's list last spring and the Chancellor's list last fall. She plans on making the Chancellor's list again in the spring.

[8:43:29 AM](#)

CO-CHAIR MEYER asked if she felt that she had received adequate college counseling as far as what classes to take to graduate in four years.

MS. FREITAG answered that she will graduate in five years because she changed majors twice, but she had an excellent advisor since she switched to the Political Science Department. She said it's not the case for every student, because all departments are different. She actually needs 12 more credits for her degree, but she is extending it more so that she can spend two full years on the Board.

She said that she and the Coalition of Student Leaders, along with the president and the Board, have been focused on improving career counseling.

[8:45:29 AM](#)

CO-CHAIR MEYER asked as a Student Regent if she had one burning issue she wanted to bring forward on behalf of the students to the Regents.

MS. FREITAG answered that she is not the type to bring radical change to an institution. She likes to focus on things she knows she can accomplish while on the Board, like increasing tuition issues. She wants to make sure that the changes needed in advising come out of the money that is put into it, because there is a difference between money going into something and really identifying what would make the biggest difference for students.

[8:47:23 AM](#)

SENATOR FRENCH asked what the Board's most difficult issue has been so far.

MS. FREITAG answered that she hadn't encountered anything "super difficult," but she anticipated that the upcoming tuition fight would be the most difficult. Personally, she has had to learn how to survive executive sessions.

[8:48:52 AM](#)

SENATOR FRENCH asked if the board had any votes that were not unanimous.

MS. FREITAG answered yes, a few; one was when they passed their budget request last November. She added that she hadn't gone through an entire meeting yet where every vote was unanimous.

[8:49:31 AM](#)

SENATOR FRENCH asked on the tuition issue if she thought the legislature was doing a sufficient job of helping young Alaskans pay for college.

MS. FREITAG answered that the scholarship programs like the Alaska Performance Scholarship and the Alaska Advantage Grant Programs are very important to students. They help students very directly and need to be continued at whatever capacity possible. She didn't want to pass judgment on how the legislature was doing, but she thought passing something like HB 272 would hugely beneficial to the state as well, as it would encourage students to come back and decrease the "brain drain."

[8:51:02 AM](#)

CO-CHAIR THOMAS said the university budget is closely scrutinized in the legislature and asked if there was anything she could do in her role on the board to convince the legislature that the money is being spent properly or accomplishing its purpose.

MS. FREITAG answered that she thought the greatest way to accomplish that was just through transparency and explaining openly where the money is going and how the program is being implemented, and she is always willing to do that.

[8:51:54 AM](#)

CO-CHAIR THOMAS said usually the criticism surrounds new programs and expanded programs on an annual basis. He asked what she thought about the concept of evolution as they move forward adding new classes and programs and letting others go.

MS. FREITAG answered that the provost looks closely at enrollment and demand, and she knew there would be a lot of "cleaning house" very soon. Ultimately, deletion of programs comes to the Board and if it's something she knows is really important to students, she would say something.

[8:53:34 AM](#)

SENATOR DAVIS thanked her for coming forward saying she was delighted that she would be serving on the Board.

[8:54:06 AM](#)

CO-CHAIR THOMAS thanked her for her willingness to serve and finding no objection, announced that the Senate Education Committee would forward Ms. Freitag's name on to a joint session of the legislature for consideration. This did not reflect any intent by any of the members to vote for or against the confirmation of the nominee during any further sessions.

[8:55:00 AM](#)

There being no further business to come before the committee, Co-Chair Thomas adjourned the Senate Education Committee meeting at 8:55 a.m.