

**ALASKA STATE LEGISLATURE  
HOUSE EDUCATION STANDING COMMITTEE**

March 18, 2015

8:04 a.m.

**MEMBERS PRESENT**

Representative Wes Keller, Chair  
Representative Liz Vazquez, Vice Chair  
Representative Jim Colver  
Representative Paul Seaton  
Representative David Talerico  
Representative Harriet Drummond  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**OTHER MEMBERS PRESENT**

Representative Lora Reinbold

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

Board of Education and Early Development

Esther J. Cox - Anchorage  
Keith J. Hamilton, D.Min. - Palmer

- CONFIRMATION(S) ADVANCED

Professional Teaching Practices Commission

David E. Legg, Ed.D. - Chugiak  
Martin Laster, Ph.D. - Juneau  
Rebecca Himschoot - Sitka

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 107

"An Act relating to the composition of the Board of Regents of the University of Alaska."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 107

SHORT TITLE: BD OF REGENTS REGIONAL RESIDENCY QUALIF.

SPONSOR(s): REPRESENTATIVE(s) GATTIS

02/13/15 (H) READ THE FIRST TIME - REFERRALS  
02/13/15 (H) EDC  
03/18/15 (H) EDC AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

ESTHER J. COX, Appointee  
Board of Education and Early Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Education and Early Development.

HEATHER FUSSELL  
Wasilla, Alaska

**POSITION STATEMENT:** Provided comments during the confirmation hearing of Esther J. Cox to the Board of Education and Early Development.

KEITH J. HAMILTON, Doctor of Ministry (D.Min.), Appointee  
Board of Education and Early Development  
Soldotna, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Education and Early Development.

DAVID E. LEGG, Ed.D., Appointee  
Professional Teaching Practices Commission (PTPC)  
Eagle River, Alaska

**POSITION STATEMENT:** Testified as appointee to the Professional Teaching Practices Commission (PTPC).

MARTIN LASTER, Ph.D., Appointee  
Professional Teaching Practices Commission (PTPC)  
Juneau, Alaska

**POSITION STATEMENT:** Testified as appointee to the Professional Teaching Practices Commission (PTPC).

REBECCA HIMSCHOOT, Appointee  
Professional Teaching Practices Commission (PTPC)  
Sitka, Alaska

**POSITION STATEMENT:** Testified as appointee to the Professional Teaching Practices Commission (PTPC).

ANDREW FORD, Staff  
Representative Lynn Gattis  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 107 on behalf of the sponsor, Representative Gattis.

REPRESENTATIVE LYNN GATTIS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 107.

KIM FORD  
Wasilla, Alaska

**POSITION STATEMENT:** Provided comments during discussion of HB 107.

JOHN DAVIES, Regent  
University of Alaska Board of Regents  
University of Alaska  
Fairbanks, Alaska

**POSITION STATEMENT:** Outlined concerns with HB 107.

MIKE POWERS, Regent and Vice Chair  
University of Alaska Board of Regents  
University of Alaska  
Fairbanks, Alaska

**POSITION STATEMENT:** Provided comments during discussion of HB 107.

JYOTSNA "JO" HECKMAN, Regent and Chair  
University of Alaska Board of Regents  
University of Alaska  
Fairbanks, Alaska

**POSITION STATEMENT:** Expressed concern with HB 107.

RICHARD HELLER  
MatSu Business Alliance, Inc.  
Butte, Alaska

**POSITION STATEMENT:** Indicated support of HB 107.

**ACTION NARRATIVE**

[8:04:47 AM](#)

**CHAIR WES KELLER** called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Seaton, Vazquez, and Talerico were present at the call to order. Representatives Colver, Drummond, and Kreiss-Tomkins arrived as the meeting was in progress. Representative Reinbold was also in attendance.

**CONFIRMATION HEARING(S):**  
**Board of Education and Early Development**

[8:06:51 AM](#)

CHAIR KELLER announced that the first order of business would be consideration of the appointment of Esther J. Cox to the Board of Education and Early Development.

CHAIR KELLER, earlier, reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[8:07:54 AM](#)

ESTHER J. COX, Appointee, Board of Education and Early Development, in response to questions regarding information provided in members' packets, clarified that she is currently seeking reappointment to the Board of Education and Early Education, but at one time had also sought appointment to the University of Alaska Board of Regents. She then provided some personal information, including recounting some of the items listed on her resume, such as serving on the Board of Education and Early Development for the past 12 years, and being involved in the field of education in Alaska since 1965. Over the years, she remarked, many positive changes have occurred with regard to Alaska's education system; the growth of charter schools, the establishment of a statewide correspondence program, and [a returning interest in a] state career and technical education (CTE) plan, for example, have resulted in more education options for Alaska's students. With regard to CTE, she added that she is a proponent of it, believing that its more hands-on approach equates with more student success. Although providing CTE that is current is very expensive, it can keep youngsters in school because of the relevancy of the curricula, and is therefore worth funding.

MS. COX indicated that at its next scheduled meeting, the Board of Education and Early Development would be addressing the issue of how to deliver education in Alaska in light of the state's current fiscal situation. Providing more options to obtain an education, as is the case nowadays, addresses the fact that there are many different styles of learning amongst today's students. During her 12-year tenure on the Board of Education and Early Development, she relayed, the board eliminated the use of "TerraNova" exams, addressed issues related to teacher preparation, made changes regarding the aforementioned statewide correspondence program, addressed the issue of variable-term residential schools, sought waivers of federal law, has seen the school rating system change to what she called "the five-star system," and addressed math credits via regulation. Currently the Board of Education and Early Development is working on teacher evaluations.

[8:25:35 AM](#)

REPRESENTATIVE SEATON questioned how the Board of Education and Early Development views the Alaska Performance Scholarship program.

MS. COX said the Board of Education and Early Development has embraced the Alaska Performance Scholarship program, has helped devise and develop the tenets of the program, and has been working closely with the commissioner [of the Department of Education and Early Development (EED)] on the regulations pertaining to statewide implementation of the program. On the latter point, she added that the Board of Education and Early Development would be addressing the program at its next scheduled meeting, focusing on possible regulations pertaining to the ending of the two-year grace period for students to meet the program's requirements.

MS. COX, in response to further questions, relayed that as a member of the Board of Education and Early Development, she'd been opposed to adopting the "Common Core State Standards" developed by the National Governors Association Center for Best Practices, and the Council of Chief State School Officers, and felt instead that Alaskans themselves should be the ones to develop Alaska's education standards, and that those standards should be much more rigorous than the [national] standards, so that upon graduating from high school, Alaska students could be ready for a career or additional education or training. And regardless that some of Alaska's education standards now resemble those [national] standards - particularly since for

some subjects like mathematics, there are only so many options available in terms of setting standards - nearly half of Alaska's standards are indeed different from those [national] standards.

[8:33:46 AM](#)

HEATHER FUSSELL expressed concern regarding what she referred to as "the discernment level"; shared her belief that there's a lot of confusion regarding Alaska's education standards "nearing" the aforementioned Common Core State Standards; voiced distrust of statements being made regarding the standards; and questioned whether students' personal data is being "pulled" during "testing."

CHAIR KELLER suggested that such issues could be better addressed at some other time, rather than during the confirmation hearing. With regard to the confirmation hearing, he again noted that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[8:35:12 AM](#)

REPRESENTATIVE VAZQUEZ made a motion to advance from committee the nomination of Esther J. Cox to the Board of Education and Early Development.

CHAIR KELLER objected, and again reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

REPRESENTATIVE DRUMMOND expressed concern about proposed budget cuts to state-funded preschools, and asked Ms. Cox to comment on that issue in terms of her reappointment to the Board of Education and Early Development.

MS. COX said that research, as well as her own experience with her children and grandchildren, indicates that it is a major mistake not to take seriously the importance of having children ready for [elementary] school - in other words, the importance of having children attend preschool. Preschool is a pricy idea, but then what in education isn't pricy? So although the state's education budget is being cut, with major cuts being made to preschools, all children [entering elementary] school need to be ready to learn, but not every household in Alaska is capable of

ensuring that that occurs. Therefore, in order for all of Alaska's children to be able to meet their full potential, the State of Alaska may need to provide a helping hand to some via state-funded preschools.

[8:39:05 AM](#)

CHAIR KELLER removed his objection to the motion to advance from committee the nomination of Esther J. Cox to the Board of Education and Early Development, and, after ascertaining that there were no further objections, announced that the confirmation was advanced from the House Education Standing Committee.

[8:39:11 AM](#)

CHAIR KELLER announced that the next order of business would be consideration of the appointment of Keith J. Hamilton, D.Min., to the Board of Education and Early Development.

[8:39:30 AM](#)

KEITH J. HAMILTON, Doctor of Ministry (D.Min.), Appointee, Board of Education and Early Development, mentioned that he was asked to serve on the Board of Education and Early Development a few weeks ago; relayed that he moved to Alaska with his family in order to "plant" the Alaska Christian College in Soldotna; and provided some additional personal information. In response to questions regarding his appointment to the Board of Education and Early Development, he indicated that he was asked by someone in the commissioner's office of the Department of Education and Early Development (EED) to focus on postsecondary-education issues during his term; mentioned that he has very little experience with K-12 education issues; and relayed that he is fiscally conservative.

[8:45:37 AM](#)

REPRESENTATIVE VAZQUEZ made a motion to advance from committee the nomination of Keith J. Hamilton, D.Min., to the Board of Education and Early Development. There being no objection, the confirmation was advanced from the House Education Standing Committee.

**Professional Teaching Practices Commission**

[8:46:26 AM](#)

CHAIR KELLER announced that the next order of business would be consideration of the appointment of David E. Legg, Ed.D., to the Professional Teaching Practices Commission (PTPC).

CHAIR KELLER offered his understanding that the Professional Teaching Practices Commission addresses problems with teachers.

[8:47:01 AM](#)

DAVID E. LEGG, Ed.D., Appointee, Professional Teaching Practices Commission (PTPC), provided some personal information, and relayed that he is currently the principal of Chugiak High School.

REPRESENTATIVE DRUMMOND indicated a belief that Dr. Legg would be a good addition to the Professional Teaching Practices Commission.

[8:50:57 AM](#)

REPRESENTATIVE VAZQUEZ made a motion to advance from committee the nomination of David E. Legg, Ed.D., to the Professional Teaching Practices Commission. There being no objection, the confirmation was advanced from the House Education Standing Committee.

[8:51:49 AM](#)

CHAIR KELLER announced that the next order of business would be consideration of the reappointment of Martin Laster, Ph.D., to the Professional Teaching Practices Commission (PTPC).

[8:52:08 AM](#)

MARTIN LASTER, Ph.D., Appointee, Professional Teaching Practices Commission (PTPC), relayed that he's been serving on the Professional Teaching Practices Committee as the [higher education] representative for [the last] three years. In response to questions regarding serving on the Professional Teaching Practices Commission, he said:

One of the things that I think that I bring to the commission is that I've been a teacher or principal, a superintendent, and I'm now a professor at the University [of Alaska], and I think one of the things that that does is it helps me understand the

perspectives that each of the representative parties brings, and helps facilitate resolution to issues. I've also started a ... [superintendent endorsement] program and invited the executive director [of the Professional Teaching Practices Commission] to talk to aspiring superintendents.

[8:55:20 AM](#)

REPRESENTATIVE VAZQUEZ made a motion to advance from committee the nomination of Martin Laster, Ph.D., to the Professional Teaching Practices Commission. There being no objection, the confirmation was advanced from the House Education Standing Committee.

[8:55:43 AM](#)

CHAIR KELLER announced that the next order of business would be consideration of the appointment of Rebecca Himschoot to the Professional Teaching Practices Commission (PTPC).

[8:55:56 AM](#)

REBECCA HIMSCHOOT, Appointee, Professional Teaching Practices Commission (PTPC), in response to a question, explained that she's been following [the activities of] the Professional Teaching Practices Commission since she became a teacher in Alaska [back in 1994], and thinks the work that it does is valuable. She added:

Policing our own is a huge task in Education - as with any profession - but I can't think of anything more important to protecting both our students and the reputation of the teaching profession than to maintain the highest possible standards, and I think the PTPC plays a vital role in that. So my interest is really two-fold: I want to make sure that students are getting the best education they can from the best educators they can - so I want to make sure that we protect the profession; and at the same time I want to make sure that a teacher brought before the PTPC has due process - has a clear process that is fair.

[8:57:47 AM](#)

REPRESENTATIVE VAZQUEZ made a motion to advance from committee the nomination of Rebecca Himschoot to the Professional Teaching

Practices Commission. There being no objection, the confirmation was advanced from the House Education Standing Committee.

**HB 107 - BD OF REGENTS REGIONAL RESIDENCY QUALIF.**

[8:58:16 AM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 107, "An Act relating to the composition of the Board of Regents of the University of Alaska."

[8:59:17 AM](#)

ANDREW FORD, Staff, Representative Lynn Gattis, Alaska State Legislature, on behalf of the sponsor of HB 107, Representative Gattis, paraphrased from the sponsor statement included in members' packets, and explained that HB 107 is proposing changes to [the statute pertaining to] the makeup of the University of Alaska Board of Regents. The Board of Regents currently consists of eleven members, one of whom must be a student, and under the changes proposed by Section 1 of the bill - repealing and reenacting AS 14.40.130(a) - only four of the other ten regents may serve at large, and there must be one regent each from the Fairbanks North Star Borough, the Municipality of Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula Borough, the City and Borough of Juneau, and a community that is not connected by either road or rail to either Anchorage or Fairbanks. He offered his understanding that both the Matanuska-Susitna (Mat-Su) valley and the Kenai peninsula, for example, have experienced considerable population growth over the last 40 years, but only two regents have ever been from the Kenai peninsula and none have ever been from the Mat-Su valley.

MR. FORD offered his understanding that Section 2 of the bill merely provides conforming language and doesn't change the intent of AS 14.40.130. Section 3 provides transition language pertaining to proposed AS 14.40.130(a)'s new residency requirements; under Section 3, current regents may serve out their term. In response to a question regarding Section 2, he indicated that under it, board membership terminates when a person appointed under Section 1's proposed AS 14.40.130(a)(1)-(6) moves.

CHAIR KELLER questioned whether the number of regents should be reduced.

[9:06:53 AM](#)

REPRESENTATIVE LYNN GATTIS, Alaska State Legislature, sponsor of HB 107, indicated that she would be amenable to such a change. In response to comments and questions regarding a memorandum from Legislative Legal and Research Services dated September 10, 2014, in members' packets, she acknowledged that it is not yet known whether the changes proposed by the bill would be found by the court to be unconstitutional, and shared her belief that all areas of the state should be represented on the Board of Regents but that thus far the Matanuska-Susitna Borough has not been.

[9:10:26 AM](#)

KIM FORD, mentioning that she once chaired an "economic development advisory council," indicated that she shared the sponsor's belief that the Matanuska-Susitna Borough has not been represented on the University of Alaska Board of Regents. Ms. Ford opined that such representation is important for the economic development of the Matanuska-Susitna Borough because back in 2009, people hired to research certain issues recommended that a "university medical district" be developed, but a workgroup further researching that issue claimed that such could never happen until someone from the Matanuska-Susitna Borough was appointed to serve on the Board of Regents. She proffered that the first step, therefore, would be to ensure that the Matanuska-Susitna Borough is represented on the Board of Regents, and opined that it should be, because of the area's [population] growth. She also offered her belief that a lack of such representation on the Board of Regents is preventing the Matanuska-Susitna College from offering any four-year degree programs. In response to a question, she indicated that she supports HB 107.

[9:15:33 AM](#)

JOHN DAVIES, Regent, University of Alaska Board of Regents, University of Alaska - noting that he was recently appointed to the Board of Regents in February, and acknowledging the interest being expressed in having certain areas of the state specifically represented on the Board of Regents - relayed that he nonetheless has concerns with HB 107, concerns that he believes the entire Board of Regents shares, as evidenced by the letter in members' packets from the chair of the Board of Regents [dated February 24, 2015]. One of the things to consider is that appointments to the Board of Regents are for eight years with the expectation that since students are

generally entering four-, five-, and six-year programs, that the policies that get developed will be long-term, will be developed in a thoughtful way, will be implemented over a long period of time, and any changes to them will occur in a slow and deliberative manner. That's not to say the Board of Regents shouldn't be responsive to new programs, but regents must be careful to consider possible changes from a complete statewide perspective, particularly given current budget shortfalls.

MR. DAVIS said that over the past 15 years or so, the Board of Regents has worked very hard to reduce the focus on regionalism and to work much more strongly as a board that represents the entire state. This is why there are concerns with any bill that would explicitly regionalize the appointment process. Furthermore, the administration at the university has developed mechanisms in order to function much more as a single system rather than as several different systems. Passage of HB 107 could have the unintended consequence of moving backward in terms of ensuring that the Board of Regents represents the entire state. He then referred to the language in Section 2 that says board membership terminates if a regent ceases to meet the residency requirements, and opined that that language flies in the face of the intent of having eight-year appointments, because there could be much more turnover on the Board of Regents - something he said he doesn't think would be a good thing in terms of ensuring the board's ability to develop long-term, consistent policy.

[9:19:25 AM](#)

MIKE POWERS, Regent and Vice Chair, University of Alaska Board of Regents, University of Alaska - mentioning that he has thus far served four years of his eight-year term - relayed that upon joining the Board of Regents, he was struck by the regents' collegiality and their statewide perspective - not regional perspective. He, too, acknowledged the interest being expressed in having certain areas of the state specifically represented on the Board of Regents, but surmised that everyone also has an interest in ensuring that the Board of Regents makes the best use of precious resources operating the state's three separately-accredited universities and associated community campuses. The current fiscal situation is requiring that the Board of Regents therefore prioritize the academic programs being offered at the state's various universities/campuses, and discontinue certain programs, and this in turn requires that regents maintain a statewide perspective, rather than the

regional perspective that would result from the passage of HB 107.

[9:23:43 AM](#)

JYOTSNA "JO" HECKMAN, Regent and Chair, University of Alaska Board of Regents, University of Alaska - mentioning that she, too, has thus far served four years of her eight-year term - referred to the aforementioned letter she'd provided to the committee, and to a letter provided by regent Mary K. Hughes [dated March 14, 2015,] also expressing concerns with HB 107. Ms. Heckman said that although the regents can understand and appreciate the reasoning behind HB 107 - that of having the Matanuska-Susitna Borough specifically represented on the Board of Regents - creating geographical constituencies and promoting an atmosphere of regionalism by instituting regional residency requirements, as would occur under the bill, is of concern, particularly given the university's current budgetary constraints, because it would impede the Board of Regents' ability to make difficult decisions and take prompt action. Under the bill, any time a regent moves, actions and decisions by the Board of Regents would have to be delayed until a new regent is appointed, confirmed, and brought up to speed, and all regents must be able to make decisions involving the welfare of the university as a whole and all of its students across the state, but the bill could result in the formation of regional factions within the Board of Regents, thereby further delaying decisions and actions. Furthermore, passage of the bill could result in constitutional issues arising, issues that would have to be dealt with by the court, and this, too, could result in delays on the part of the Board of Regents.

[9:29:46 AM](#)

RICHARD HELLER, MatSu Business Alliance, Inc., provided some information about himself, the campus at the Matanuska-Susitna College, and the Matanuska-Susitna Borough; offered his understanding that only one regent has ever been from the Matanuska-Susitna Borough; and indicated that his organization is in complete support of HB 107, believing that its passage will address certain issues at the campus and will help the Matanuska-Susitna Borough continue to grow.

REPRESENTATIVE SEATON referred to the term "residency" as used in the bill, and asked to be provided with a definition.

REPRESENTATIVE GATTIS, in response to a question, indicated that some believe the area's population growth warrants requiring the Board of Regents to have a regent from the Matanuska-Susitna Borough.

REPRESENTATIVE VAZQUEZ read items from a table entitled, "Break Down of the University's Board of Regents 1917-2015" produced by Representative Gattis's Office and provided in members' packets, and said it appears that there is a wide, dramatic inequity in terms of regional representation on the Board of Regents. She suggested that the committee conduct more research on the issue.

CHAIR KELLER referred to some of the other items in members' packets, and reminded members that the committee would soon be considering the governor's recent appointments to the University Of Alaska Board Of Regents.

REPRESENTATIVE DRUMMOND asked whether a resolution has ever been passed recommending that the governor consider geographic [representation], and, if not, why that approach wasn't taken this time, particularly in light of the potential for the bill to be subject to a legal challenge.

REPRESENTATIVE GATTIS indicated that the thought was that addressing the issue [of geographic representation on the Board of Regents] via a resolution would not accomplish the goal.

CHAIR KELLER closed public testimony on HB 107, and indicated that HB 107 would be held over.

[9:39:31 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:39 a.m.