

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

March 3, 2016

3:32 p.m.

MEMBERS PRESENT

Senator Mike Dunleavy, Chair
Senator Cathy Giessel
Senator Berta Gardner
Senator Charlie Huggins, Vice Chair

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

SENATE BILL NO. 191

"An Act relating to disciplinary sanctions imposed by the State Medical Board; restricting employees and representatives of abortion services providers, and affiliates of abortion services providers, from delivering instruction or distributing materials in public schools and providing civil penalties for violations; relating to revocation or suspension of teacher certificates; relating to the receipt of state funds by teachers and school board members; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 84

"An Act relating to language immersion charter schools; relating to teacher certification; and relating to standards-based assessments in language immersion charter schools and language immersion programs."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 107(EDC) AM

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

- MOVED CSHB 107(EDC) AM OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 84

SHORT TITLE: LANG. IMMERSION SCHOOLS/TEACHER CERTS.

SPONSOR(s): SENATOR(s) OLSON

03/20/15 (S) READ THE FIRST TIME - REFERRALS
03/20/15 (S) EDC, FIN
04/14/15 (S) EDC AT 3:30 PM BUTROVICH 205
04/14/15 (S) Heard & Held
04/14/15 (S) MINUTE(EDC)
03/03/16 (S) EDC AT 3:30 PM BUTROVICH 205

BILL: SB 191

SHORT TITLE: LIMIT ABORTION SERV. PROVIDERS IN SCHOOLS

SPONSOR(s): SENATOR(s) DUNLEAVY

02/22/16 (S) READ THE FIRST TIME - REFERRALS
02/22/16 (S) EDC, JUD
03/01/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/01/16 (S) <Above Item Removed from Agenda>
03/01/16 (S) MINUTE(EDC)
03/03/16 (S) EDC AT 3:30 PM BUTROVICH 205

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
03/18/15 (H) Heard & Held
03/18/15 (H) MINUTE(EDC)
03/27/15 (H) EDC AT 8:00 AM CAPITOL 106
03/27/15 (H) Moved CSHB 107(EDC) Out of Committee
03/27/15 (H) MINUTE(EDC)
03/30/15 (H) EDC RPT CS (EDC) NT 5DP 1DNP 1NR
03/30/15 (H) DP: COLVER, DRUMMOND, TALERICO,
VAZQUEZ, KELLER
03/30/15 (H) DNP: SEATON
03/30/15 (H) NR: KREISS-TOMKINS
04/14/15 (H) TRANSMITTED TO (S)
04/14/15 (H) VERSION: CSHB 107(EDC) AM
04/15/15 (S) READ THE FIRST TIME - REFERRALS
04/15/15 (S) EDC
03/01/16 (S) EDC AT 3:30 PM BUTROVICH 205
03/01/16 (S) Heard & Held
03/01/16 (S) MINUTE(EDC)
03/03/16 (S) EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CHRISTA MCDONALD, Staff
Senator Mike Dunleavy
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Introduced SB 191.

SENATOR DONALD OLSON
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 84.

CORDELIA KELLIE, Staff
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented information on SB 84 on behalf of the sponsor.

KATHLEEN YARR, representing herself
Ketchikan, Alaska
POSITION STATEMENT: Testified during the discussion of SB 84.

DEENA PARAMO, Superintendent
Mat-Su Borough School District
Palmer, Alaska
POSITION STATEMENT: Testified in support of SB 84.

KATE GLOVER, Attorney, Legal and Research Services Division
Legislative Affairs Agency
Juneau, Alaska
POSITION STATEMENT: Answered questions related to SB 84.

SENATOR LYNN GATTIS
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 107.

ACTION NARRATIVE

[3:32:41 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Education Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Gardner, Giessel, and Chair Dunleavy. He

noted four bills were before the committee: SB 191, SB 84, and HB 107.

SB 191-LIMIT ABORTION SERV. PROVIDERS IN SCHOOLS

[3:34:09 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 191.

CHRISTA MCDONALD, Staff, Senator Mike Dunleavy, Alaska State Legislature, introduced SB 191, limiting abortion providers in schools. She explained the sections of the bill:

Section 1 authorize the State Medical Board to impose a sanction on an abortion services provider or an affiliate who has violated AS 14.03.092.

Section 2 states that the State Medical board shall suspend or revoke a licensee's license to practice if the licensee has violated AS 14.03.092.

Section 3 prohibits an employee or representative of an abortion services provider or an employee or representative of an affiliate of an abortion services provider from presenting or delivering any instruction or program on any topic to students at a public school, distributing or displaying materials at a public school, or providing materials that are intended for display or distribution at a public school. It prohibits teachers from authorizing or allowing instruction or distribution of materials by an employee or representative of an abortion services provider or affiliate. It establishes civil damages for violations of the section. It prohibits a teacher or school board member who violates AS 14.03.092(b) from receiving any state funds. It provides a definition for an abortion services provider and an affiliate of an abortion services provider.

Section 4 authorizes the Professional Teaching Practices Commission to revoke or suspend a teacher certificate if the teacher violates AS 14.03.092.

Section 5 provides that a teacher, including a teacher with tenure rights, may be dismissed for violating AS 14.03.092.

Section 6 provides that a teacher with tenure rights is subject to non-retention for a violation of AS 14.03.092.

Section 7 provides that if any provision of the Act is held invalid, the remainder of the Act is not affected.

Section 8 provides an immediate effective date.

CHAIR DUNLEAVY read the sponsor statement:

The purpose of Senate Bill 191 is to restrict the access of abortion services providers and their affiliates to public schools.

Public education is constitutionally mandated by the State of Alaska. Many parents believe the roll of public schools should be to provide: skills, knowledge, complex instruction, and a forum for students to better understand their role in society. However, few believe schools should create a captive audience of children for indoctrination by an outside group. At times, these presentations contain lessons which are at odds with the values of the children and their families.

Many have become so alarmed at what is occurring within the public school system that parents are withdrawing their children from neighborhood schools in record numbers. These students are placed in alternative settings (homeschools, charter schools and private schools) where the values of the family can be protected from outside special interest groups with an agenda. We simply cannot and should not ignore this trend. It is critical that we reexamine the practice of allowing special interest groups into the classroom.

What Senate Bill 191 Does:

Prohibits all distribution and display of materials, presentations, and instruction by an abortion services provider, affiliate, or representative in public schools

Establishes penalties, imposed by the State Medical Board, on abortion services providers, affiliates,

employees, or representatives of an abortion services provider, teachers, or school board members who knowingly violate the prohibitions

What Senate Bill 191 Doesn't Do:

Does nothing to hinder school teachers from providing district approved sex education to students in a classroom

Will not prevent abortion service providers or affiliates from providing information and education outside of the public school setting

By prohibiting abortion services providers access to public schools, our schools can focus on what is important and leave private, sensitive matters where they belong: in the hands of parents. I respectfully request your support for SB 191.

[3:38:07 PM](#)

SENATOR GARDNER asked if there is any data regarding indoctrination by any outside group, Planned Parenthood or others, in schools.

CHAIR DUNLEAVY said he did not have any data today but would provide some.

SENATOR GARDNER referred to Section 1, issues for which a State Medical Board "may" provide a sanction, and she noted that in Section 2, the board "shall" revoke or suspend a licensee's license to practice. She asked if there are any other licenses that must be revoked or suspended. She further clarified that Section 1 itemizes 13 causes when the State Medical Board "may" impose a sanction. Section 2 says a violation of AS 14.03.092 requires the State Medical Board "shall" suspend or revoke the licensee's license to practice. She said her questions are whether there are any other instances where the State Medical Board "shall" revoke a license to practice and what other sanctions for any misbehavior are available to the Board, other than suspension and revocation.

SENATOR GARDNER referred to Section 4, page 5, lines 3 and 4, where it says "the commissioner or the Professional Teaching Practices Commission may revoke or suspend a certificate only for the following reasons," and it adds a violation of AS 14.03.092 to the list. She pointed out that in Section 5 it says "a teacher may be dismissed at any time." She said in Section 4

the consequences for teachers are to suspend or revoke their certificate and she concluded that the consequences for physicians are harsher than for a teacher. She asked if that was the intention of the bill and, if so, why.

SENATOR GARDNER turned to Section 6 where a teacher who has acquired tenure rights is subject to non-retention and asked if that is "may" or "shall" be subject to non-retention.

[3:42:12 PM](#)

CHAIR DUNLEAVY requested a copy of those questions in writing.

CHAIR DUNLEAVY held SB 191 in committee.

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[3:42:43 PM](#)

At ease

SB 84-LANG. IMMERSION SCHOOLS/TEACHER CERTS.

[3:43:50 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 84.

SENATOR DONALD OLSON, Alaska State Legislature, sponsor of SB 84, introduced his staff.

CORDELIA KELLIE, Staff, Senator Donny Olson, Alaska State Legislature, presented information on SB 84 on behalf of the sponsor. She welcomed the committee in the Yupik language and then read from the following statement:

Before you is SB 84. The goal of the bill is to provide a more efficient route towards teacher certification than the current framework by making it easier for language immersion charter schools to exist in Alaska.

Immersion schools are proven to be the most successful model for second language acquisition, teaching not just the language, but teaching content through the language. The benefits of attaining a second language are widely researched and are found to be cerebrally additive, with language immersion not displacing ability in English development and studies, but providing many cognitive and scholastic benefits that allow students to often perform at higher levels than their monolingual peers.

Alaska is home to several successful language schools and programs, such as Rilka Schula, a German immersion school in Anchorage, Fronteras, a Spanish immersion school in Wasilla, and Ayaprun, a Yupik immersion school in Bethel. SB 84 contains provisions that would make it more effectual for existing language immersion schools and programs like these to operate by providing pathways nontraditional teachers to come into the classroom, who have the necessary language skills and abilities, but may not have a baccalaureate degree attained through traditional means.

Last year, Alaska received national press when studies showed our largest city, housing nearly half the state population, was home to the top three most diverse high schools in the nation. Alaska is leading America as a hub of culture and language; the Anchorage School District is responding, for example, by expanding its World Languages program to include Japanese and Chinese. SB 84 provides the necessary avenues and regulatory framework to be thusly responsive, growing and supporting our communities statewide as a place of culture and languages, both indigenous and introduced.

This bill accomplishes this through the following provisions: It creates a new designation for language immersion charter school respond to the robust demand for more immersion teachers, schools, and program growth. These language immersion schools will have high statutory standards for both the teachers and the school structure. This bill would also allow people who are proficient in the language to be part of the academic policy committee; in current statute, only school employees, teachers, and parents can.

It allows a pathway for a greater number of teachers to get into the classroom through the following means: Any traditionally certified teacher who happens to be or becomes a speaker of a language and wishes to teach in that language can now do so by this bill's creation of a language immersion endorsement. An endorsement helps the teacher learn how to teach in an immersion environment. This is one avenue of getting more teachers into the immersion classroom.

Currently, limited teaching certificates - Type M in regulation - are good for vocational training, Alaska Native language and culture, and military science; this bill removes the language component and puts it in its own limited teaching certificate category. This bill also expands this new limited teaching certificate to include world languages, not just Alaska Native language.

Limited language certificates are similar to the current "Type M" certificates, but will be specifically for languages and issued by the tribe that the state can choose to recognize. A tribe has the local knowledge regarding who is fluent and has the ability to teach in that language. Other states such as Arizona, Wisconsin and California have already passed legislation to get tribes more involved with education, realizing the importance of preserving local languages.

As we continue to work on and develop this bill, your feedback and questions are greatly appreciated in shaping legislation to nourish this very exciting time in our state. Thank you very much for hearing the bill.

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CHAIR DUNLEAVY requested a sectional analysis of the bill.

MS. KELLIE read:

Section 1 requires the charter contract between a school board and a language immersion charter school to contain provisions requiring compliance with Section 2.

Section 2 creates a subcategory of charter schools called language immersion charter schools applying all the same rules as existing charter schools, the same procedure for applying, and the same funding formula. It requires the charter school to spend 50 percent of its instruction hours in a language other than English. It holds these schools to a higher bar than currently exists. It requires immersion teachers to have mastery in the target language and have had some training in immersion education. It requires immersion teachers to also have cultural knowledge and allows them to serve on the academic policy committee of the charter school in addition to parents and school employees. It would require the academic policy committee

to work with Department of Education and Early Development (DEED) to develop a plan for reaching the 50 percent benchmark, should it not be in place. Section 2 also requires immersion teachers to have additional immersion-specific training, but exempts teachers teaching classes in the non-immersion target language from the requirement to hold a language immersion endorsement.

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Section 3 creates a language immersion endorsement.

Section 4 deals with the limited teacher certificate program (Type M). The section removes Alaska Native languages from the list of subjects certificate holders are eligible to teach, expands that list to all languages, and can be used in all school districts, not just in immersion schools. It requires the language immersion teacher to know the language and have immersion training. The language immersion certificate requests are made at the request of the academic policy committees at schools.

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Section 5 further amends the existing limited teacher certificate program by making newly issued certificates valid for only one year. Upon verification by the school board or academic policy committee that the teacher has demonstrated skills in classroom instruction, curriculum development, and student assessment, the certificate can be extended and renewed in accordance with regulation. It prohibits the school board from requiring additional academic training as a condition of certificate renewal.

Section 6 creates a new limited language certificate for teachers instructing in a language other than English. A certificate can be issued if there are an insufficient number of certified teachers in the state capable of teaching in a language. Subsection (a) states that a limited certificate can be issued if a school board or the academic policy committee of a language immersion charter school requests it. It is valid only in the school district that requested it. The certificate is valid for teaching languages at any level and for teaching other subjects in grades pre-K through 8, if the language of instruction is a foreign or indigenous language. A person teaching a subject other than that language, must have completed a course in language immersion education and demonstrates subject matter expertise. Subsection (b) says that DEED may issue a limited certificate if the certified applicant

demonstrates instructional skills sufficient to assure the public that the person is competent as a teacher as defined by regulation, the applicant demonstrates subject matter expertise, and the applicant has the language proficiency sufficient to teach classroom activities wholly in the language. Subsection (c) states that the newly issued certificates are valid for only one year. Upon certification by the entity that requested the limited certificate, that the holder has demonstrated skills in the classroom instruction, curriculum development, and student assessment, the certificate can be extended and renewed in accordance with regulations. Subsection (d) prohibits the board from requiring additional academic training as a condition of certificate renewal.

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Section 7 relates to teacher certificates issued by an Alaska Native tribe. They are limited certificates and apply only to classes taught in an Alaska Native language in a language immersion charter school.

Section 8 gives the commissioner of DEED or the Professional Teaching Practice Commission the authority to prohibit a teacher certified by a tribe from teaching in a public school for the same reasons that any teacher could have on their teaching certificate - suspended or revoked under AS 14.20.032.

Section 9 describes the administrative review procedures available to tribes and teachers certified in the case that the department or Professional Teaching Practices Commission prohibits the use of a tribal certificate in public schools.

Section 10 provides for a transition period from the current limited teacher certificate status to the new limited teacher certificate status. This section is only relevant to limited certificates for teaching Alaska Native languages.

[3:56:38 PM](#)

SENATOR GARDNER asked why, if a limited certificate can be extended after a year if the school board requests it and the sponsoring charter school requests it, the school board cannot request that the person have additional training. The bill allows non-credentialed teachers to teach as language specialists. She said she could imagine an instance where that teacher might lack classroom skills and could use help with that. She asked why the board can't require further training.

[3:58:03 PM](#)

MS. KELLIE gave an example a person having expertise in a language.

SENATOR OLSON asked whether the question is why the board can't request a language teacher to improve on their lack of classroom instruction expertise.

MS. KELLIE explained that the limited certificate was designed for substitute teachers or those working with prepared curriculum with support of existing certified teachers. She concluded that the network would help support those teachers.

SENATOR GARDNER gave an example of a person who has mastery of the content and has a support system to help them. However, if it is not working out and they don't have the necessary skills she questioned why not have the language teacher take courses in order to renew their certificate.

MS. KELLIE replied that it could be a costly burden to them or a time issue.

[4:01:56 PM](#)

SENATOR OLSON said he did not have the answer, but would look into it.

CHAIR DUNLEAVY opened public testimony.

[4:03:09 PM](#)

KATHLEEN YARR, representing herself, testified during the discussion of SB 84. She provided an example of a Japanese language specialist whose program was in danger of being cut. She asked if SB 84 would require the district to employ this teacher, comparable to a Type A teacher.

SENATOR OLSON said that is not intent of the bill.

[4:05:55 PM](#)

DEENA PARAMO, Superintendent, Mat-Su Borough School District, testified in support of SB 84. She noted that the Mat-Su District highly values choice in educational programs and delivery. The district has a Russian language neighborhood school and a Spanish language charter school. She spoke of the uniqueness of immersion schools and the flexibility they provide for hiring non-traditional teachers and for retaining staff in times of shortage. She expressed support for a deeper look into the certification process for language immersion teachers. She

concluded that the effective date would allow ample time to communicate certificate requirements to employees.

[4:09:02 PM](#)

SENATOR GIESSEL was surprised that the statutes regarding language immersion charter schools don't already exist. She referred to new Subsection 2.

DR. PARAMO said they were able to have language immersion charter schools previously; the bill addresses teacher certification.

[4:10:17 PM](#)

KATE GLOVER, Attorney, Legislative Legal, Legislative Affairs Agency, answered questions related to SB 84.

SENATOR GIESSEL referred to Section 2 and asked whether language immersion charter school statutes were already in place.

MS. GLOVER said they are in place under AS 14.03.250, and SB 84 bill adds additional requirements for language immersion charter schools.

[4:11:21 PM](#)

At ease

[4:11:38 PM](#)

SENATOR GIESSEL moved to adopt the CS for SB 84, labeled 29-LS0746\E, as the working document before the committee.

CHAIR DUNLEAVY objected. He asked if there was additional discussion and then removed his objection.

CHAIR DUNLEAVY held SB 84 in committee.

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[4:12:24 PM](#)

At ease

HB 107-BD OF REGENTS REGIONAL RESIDENCY QUALIF.

[4:15:55 PM](#)

CHAIR DUNLEAVY announced that the final order of business would be HB 107.

CHAIR DUNLEAVY welcomed Senator Huggins to the meeting. He noted HB 107 was previously heard on March 7, 2016, and has a zero fiscal note. He said public testimony was open.

SENATOR LYNN GATTIS, Alaska State Legislature, sponsor of HB 107. She addressed Senator Gardner's previous question about how many people applied for the Board of Regents in 2014 and 2015. She reported that 29 applied in 2014 and 37 applied in 2015. The Governor's Office explained that when there is an opening, an advertisement is posted on the State of Alaska's website for two weeks. She opined that the news of an opening also reached people by word of mouth and she was surprised at the high number of applicants.

SENATOR GARDNER inquired, for purposes of the bill's provisions, where the applicants were from.

SENATOR GATTIS said she attempted to find out where the applicants were from, but received no information.

SENATOR GARDNER said she would try to have that information when the bill comes to the Senate Floor because she thought the terms of the bill might be impossible to fill.

[4:19:41 PM](#)

CHAIR DUNLEAVY closed public testimony.

[4:19:50 PM](#)

SENATOR GIESSEL moved to report CSHB 107(EDC)am from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

[4:20:09 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Standing Committee at 4:20 p.m.