

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 1, 2017
8:07 a.m.

MEMBERS PRESENT

Representative Harriet Drummond, Chair
Representative Justin Parish, Vice Chair
Representative Zach Fansler
Representative Ivy Spohnholz
Representative Jennifer Johnston
Representative Chuck Kopp
Representative David Talerico

MEMBERS ABSENT

Representative Lora Reinbold (Alternate)
Representative Geran Tarr (Alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 102

"An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

- HEARD & HELD

HOUSE BILL NO. 86

"An Act relating to nonrenewal of occupational licenses for default on a student loan."

- MOVED HB 86 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 102

SHORT TITLE: LIMITED TEACHER CERTIFICATES; LANGUAGES

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

02/03/17	(H)	READ THE FIRST TIME - REFERRALS
02/03/17	(H)	EDC
03/01/17	(H)	EDC AT 8:00 AM CAPITOL 106

BILL: HB 86

SHORT TITLE: STUDENT LOAN DEFAULT/OCC. LICENSE RENEWAL

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

01/27/17 (H) READ THE FIRST TIME - REFERRALS
01/27/17 (H) EDC, L&C
03/01/17 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE JONATHAN KREISS-TOMKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 102.

REID MAGDANZ, Staff
Representative Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Responded to questions on HB 102, on behalf of Representative Kreiss-Tomkins, prime sponsor.

SONDRA MEREDITH, Administrator
Teacher Education and Certification
Teaching and Learning Support
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 102.

BOB WILLIAMS, Director
Division of School Finance and Facilities
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Outlined official concerns and responded to questions during the hearing on HB 102.

JENNIFER HUTCHINS, Principal
Fronteras Spanish Immersion Charter School
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 102.

BRANDON LOCKE, Director
World Languages
Anchorage School District (ASD)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 102.

REPRESENTATIVE MATT CLAMAN
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 86.

OWEN PHILLIPS, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 86, on behalf of Representative Claman, prime sponsor.

STEPHANIE BUTLER, Executive Director
Postsecondary Education Commission
Department of Education and Early Development (EED)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 86.

ACTION NARRATIVE

[8:07:45 AM](#)

CHAIR HARRIET DRUMMOND called the House Education Standing Committee meeting to order at 8:07 a.m. Representatives Parish, Spohnholz, Fansler, Johnston, and Drummond were present at the call to order. Representatives Kopp and Talerico arrived as the meeting was in progress.

HB 102-LIMITED TEACHER CERTIFICATES; LANGUAGES

[8:08:27 AM](#)

CHAIR DRUMMOND announced that the first order of business would be HOUSE BILL NO. 102, "An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

[8:08:48 AM](#)

REPRESENTATIVE JONATHAN KREISS-TOMKINS, Alaska State Legislature, as prime sponsor, introduced HB 102. He explained that the intent of HB 102 is to create fewer bureaucratic pathways for hiring teachers with specific subject knowledge. Language education is a major aspect to be considered, particularly due to the language immersion schools that exist in Alaska, where urban immersion schools primarily focus on foreign languages, while rural schools seek a means to remain connected to the Native tongues of Alaska. Requiring a fluent speaker to

be certified can present a major stumbling block in the effort to bring unique, specific knowledge into the classroom.

[8:10:48 AM](#)

REID MAGDANZ, Staff, Representative Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 102, described the immersion system as an approach widely used around the world that employs a model requiring at least 50 percent of the instructional time, including content areas, be presented in the target language, which in America would be any other than English. Four of these programs operate within Alaska's public school districts located in the Matanuska-Susitna, Anchorage, and Bethel areas. One of the primary challenges is to locate and staff qualified teachers, for continuance of the programs. The proposed bill amends the scope of teaching certificates. Under current regulation, limited "Type I" and "Type M" certificates can be issued to a person with expertise in specialty areas for vocational and technical training. The proposed bill adds language to expand the scope of coverage and provides districts and charter schools the flexibility to hire on a case-by-case basis for instructors in the areas of Alaska Native Culture; military science; vocational or technical education; or any subject if the language of instruction is not English. The State Board of Education is empowered to pass regulations ensuring that anyone issued a certificate will possess instructional skills and expertise sufficient to be competent as a teacher. The commissioner has the discretion whether or not to issue the certificate, the school district has the authority to request it be issued, and the certificate is only valid in the district of request. He noted that in addition to local school boards, HB 102 also empowers the academic policy committees of charter schools to make certification requests.

[8:15:58 AM](#)

CHAIR DRUMMOND asked how HB 102 alters the status quo of the Type I and M certificates.

[8:16:10 AM](#)

SONDRA MEREDITH, Administrator, Teacher Education and Certification, Teaching and Learning Support, Department of Education and Early Development (EED), replied that the proposed bill allows an individual to be certified in areas outside of their cultural and language expertise, as recommendation by the

district requiring no other evidence of their abilities to assume a teaching position. For example, a community member who is fluent/expert in Tlingit language/culture would be allowed to teach mathematics. The department would be unable to test someone's expertise on subject content unless the exam was proctored in the target language.

8:17:32 AM

BOB WILLIAMS, Director, Division of School Finance and Facilities, Department of Education and Early Development (EED), interjected that the point of concern lay in the added verbiage: "(4) any subject if the language of instruction is not English." The agency focuses on three educational kingpins of quality, capacity, and trust. The bill seeks to increase the capacity and means for people to become certified. The department holds a concern for ensuring a quality education, and if someone isn't required to demonstrate expertise in the subject matter being taught, the delivered content may be compromised.

8:20:38 AM

CHAIR DRUMMOND referred to the bill page 1, line 6, and pointed out the use of "may" versus "shall" and the resulting zero fiscal note. She asked if there is a means to estimate "how much it would cost to certify beyond the language."

MR. WILLIAMS said it would be difficult to estimate the cost; however, creating valid tests in languages other than English could prove to be expensive.

8:21:47 AM

REPRESENTATIVE JOHNSTON asked how student testing will be handled in the third through eighth grades, in accordance with the ESSA requirements, specifically whether statewide proctoring will occur.

MS. MEREDITH replied that the grade school testing will be continued, along with one grade in high school, as required by ESSA.

REPRESENTATIVE JOHNSTON noted the department's interest in a local control policy while ensuring a level of excellence in learning and maintaining public trust. She asked how the parents of a classroom of elementary students, being taught mathematics by a Tlingit speaker who hasn't been state certified

to teach math, could be ensured that the class is receiving what is expected; could access to specific testing show appropriate academic performance.

MS. MEREDITH answered that the first statewide assessments available for that type of review are initially proctored in the third grade; however, many districts use other interim assessments at earlier grades.

REPRESENTATIVE JOHNSTON clarified that the agency's concern is to have some means to establish confidence that any teacher conducting a class in a target language holds the appropriate academic skills to impart the subject content.

MS. MEREDITH agreed.

REPRESENTATIVE JOHNSTON asked, "If this bill withdrew the language aspect of the testing for the teacher, would the state be more comfortable?"

MS. MEREDITH responded, "I believe we would."

[8:24:33 AM](#)

REPRESENTATIVE PARISH queried how the bill addresses the responsibility to provide students with a quality education, as legally required. He theorized and asked, "If there were an emersion school in which none of the teachers ... were required to demonstrate competency in a subject unless that test were given in the language of instruction - would that interfere with the ability of the department to assure a quality education for the students."

MR. WILLIAMS responded that the Type I certification provides a mechanism for bi-lingual education in Native languages that can probably attain the majority of the goals set out in HB 102. The difference is opening inclusion of the wording: "any subject if the language of instruction is not English." The department lacks a mechanism to test the proficiency of the depth of knowledge of the content area, the teacher is instructing. These two items present unknowns that are crucial to ensuring quality instruction and academic achievement. It would require an expensive fiscal note to develop a means to assuage these two points of concern.

[8:27:11 AM](#)

REPRESENTATIVE FANSLER asked how a Type I certificate contrasts with a Type M, what each covers, and what is entailed in receiving one.

MS. MEREDITH said the Type I certificate allows a paraprofessional to instruct a class, under the oversight of a certified teacher, while pursuing a Bachelor of Arts degree and attending a teacher preparation program; not unlike a student teacher position. It is understood that a competency test will be part of the process. The Type M certificate is similar and reviewed annually to ensure progress by the individual towards receiving a teaching certificate.

REPRESENTATIVE FANSLER asked about the existing immersion schools, such as in Bethel, and how its quality of education is being monitored.

MS. MEREDITH replied that the department relies heavily on the district to vet the individuals involved and to keep a check on the curriculum. She reported that there is regular collaboration between the fully certified teachers and the Type I certified instructors, at the existing immersion facilities.

REPRESENTATIVE FANSLER noted the two causes for concern held by EED: vetting of the content and quality of the curriculum being taught in the target language. He asked how these concerns are currently being allied in the existing immersion programs and whether the department is vetting and approving the instructors.

MS. MEREDITH answered the vetting and approving is being handled at the district level, and the department does not examine the curriculum as offered in the target language. However, the department has mechanisms in place to evaluate the teacher's competency level over the subject matter.

REPRESENTATIVE FANSLER surmised that the hesitation of the department is due to the schools making decisions that EED has historically made.

[8:32:42 AM](#)

MR. WILLIAMS interjected that allowing a charter school to initialize a request for, or renewal of, an instructor's certification, is a departure from the current practice of the district making the request. The proposed action changes the balance of influences and allows the school versus the district champion the confidence in an individual's abilities.

MS. MEREDITH added, "The change that the bill allows is the actual endorsement in math and science on a Type M certificate in the language of instruction that hasn't been there before." The bill will remove restrictions regarding content areas that can be taught by the Type M certified teachers.

REPRESENTATIVE FANSLER pointed out math is being taught in Yupik language in Bethel and asked how the teachers/programs are being vetted.

MR. WILLIAMS said the goals of the bill and those of the department are similar, as both want to support revitalization of languages and to maintain strong immersion programs. If a district has a bi-lingual program and has instituted means for checks and balances by utilizing the approved Type I certification, EED can trust the established mechanisms. However, when a school makes the request, EED does not have a means to test the content and whether the teacher understands the subject matter.

REPRESENTATIVE FANSLER reviewed the major concern held by EED for passage of HB 102, stating, "This allows, in an extreme situation, schools within a district to go rogue and start to authorize anybody teaching anything because they can teach in a different language."

MR. WILLIAMS clarified that the agency understands the bill to be an effort for increasing teacher capacity. The department maintains a concern for ensuring that quality is not being lost in the process. The bill poses an additional challenge by shifting authority to a school facility versus the existing district purview.

[8:37:39 AM](#)

REPRESENTATIVE SPOHNHOLZ asked about the characteristics of a Type M certificate.

MS. MEREDITH explained that a Type M certification allows an individual, with a specific expertise, to instruct in one of three areas: Alaska Native culture/language, military science, and vocational/technical education (CTE).

[8:39:08 AM](#)

CHAIR DRUMMOND recalled that the Type I and M certificates are held in statute.

MS. MEREDITH said the certificates were adopted into statute, and the State Board of Education promulgated regulation and to refine the use and add competency requirements.

CHAIR DRUMMOND pondered whether it would be possible to revise the regulations associated with these certificates versus changing statute to accomplish the same intent.

MS. MEREDITH said current statute doesn't allow the issuance of a Type M certificate for world languages. The quality checks could be included in regulation, she opined.

CHAIR DRUMMOND noted that the Anchorage School District (ASD) hosts several immersion programs and asked about the qualifications/certification of the teachers at those facilities.

MS. MEREDITH responded that the teachers at the charter schools and public facilities are state certified and competency has been tested appropriately for quality assurance.

MR. WILLIAMS reiterated that the majority of the goals presented in the bill can be achieved through the use of the Type I certification. However, not being able to proctor a competency test, or having to develop new tests is what presents a challenge to the department.

[8:44:10 AM](#)

REPRESENTATIVE KOPP opined that the bill is responsive to parental interests, many of whom may be the best judge of the quality of any program, being the first to be aware of the end result [via their child]. Instruction in a target language is different than an immersion program, he observed, and said the door should be open to accommodate this type of emphasis and the districts given free rein.

[8:47:56 AM](#)

JENNIFER HUTCHINS, Principal, Fronteras Spanish Immersion Charter School, stated support for HB 102 and said the public K-8 immersion program at Fronteras is growing due to the benefits that are understood from having bi-lingual skills. Immersion constitutes teaching academic content in a target language, not

instructing the language per se. The enrollment has climbed in six years from 207, in 2011, to the current 289, with a projected fall enrollment of 312; close to maximum capacity. The wide spread support in the Matanuska-Susitna area is testament to the parental interest for the program and manifested in various ways including the construction of the new building which houses the facility. Culture is not taught separately; it is woven into the subject matter of every lesson.

MS. HUTCHINS described the situation of two specific teachers at the facility, one from Columbia and one from Puerto Rico. Although their English is limited, they are fully qualified teachers from the countries of their origin. Under the current state requirements, one is paid the same as a substitute teacher, \$16.00 versus \$21.00 per hour. The other was receiving a teacher's salary while working towards receiving her highly qualified status and certification with the state. However, due to the difficulty of the process, the second teacher suffered a wage reduction from \$5,100.00 per month \$2,600.00. The hurdles for a non-English speaker taking a state certification test can prove to be insurmountable. The test is proctored in English, meaning that these individuals, with minimal English skills, must first translate the directions and questions into Spanish to formulate an answer, and then translate the answer into English, while finishing the test within the time constraints. The proctored test is expected to take four hours and a fifty-minute extension can be requested. She said achieving a state certificate in this manner is not beneficial.

MS. HUTCHINS opined that requiring a teacher who does not teach content in other than his/her native tongue to take a test proctored in English to prove that he/she can teach the subject makes no sense, prohibits excellent teachers from being hired, and causes challenges for immersion schools to maintain qualified staff. The mission of Fronteras, to provide an authentic immersion academic experience, is being hampered by these unnecessary requirements. She urged passage of HB 102.

[8:54:05 AM](#)

CHAIR DRUMMOND clarified that the exam is a national test and proctored only in English. She asked whether translators are allowed.

MS. HUTCHINS answered no.

CHAIR DRUMMOND asked if the principal is familiar with the "alternative route practice."

MS. HUTCHINS replied no.

[8:55:07 AM](#)

REPRESENTATIVE JOHNSTON queried whether access to an electronic device to assist in the translation process, is allowed during the test.

MS. HUTCHINS answered no.

[8:55:32 AM](#)

REPRESENTATIVE PARISH asked if immersion teachers generally hold certificates from their country of origin, as prerequisite to hire.

MS. HUTCHINS explained that Fronteras primarily hires individuals who hold a teaching certificate from their home country, as it can help to expedite the process of being certified by the state. However, an individual identified in a community as an excellent instructor would require a minimum of four years to achieve a state certification.

[8:57:01 AM](#)

BRANDON LOCKE, Director, World Languages, Anchorage School District (ASD), stated support for HB 102 and outlined the immersion and traditional foreign language programs offered by ASD, that serve 8,000, K-12 students of which 2,500 are enrolled in immersion programs offered in Japanese, Russian, Spanish, Mandarin Chinese, and German. Also, a charter facility provides an Alaska Native Yupik program, and a wide variety of language offerings are administered in American Sign Language (ASL). The immersion programs have been very successful and popular, with lengthy wait lists. Parents find that a bi-lingual ability is important in today's society and to meet work force needs. Requests are continually being received for the district to expand into other languages. The bill does not specify immersion only programs and should prove helpful to other language needs, he said and provided an anecdote of a recent situation that occurred when two language teachers were on lengthy, unrelated but simultaneous medical leave. The district managed to find a person in the community, with an engineering degree from her home country, to take the class, paid as a

substitute at \$100.00 per day, for the entire year despite completing all the lesson plans and performing other duties associated with a lead teacher. Another situation arose from a new hire declining the post at the last minute. The director covered the class, and finally located a community member holding a teaching certificate from her home country; however, she was not able to pass the test proctored in English to obtain the state certificate. She substituted for the entire year, also. Thus, despite qualifications and abilities the district is not necessarily able to appropriately hire available candidates. He said the bill does not preclude the district from vetting candidates and ensuring abilities. He clarified that the ASD offers partial immersion programs, with 50 percent of the day in the target language and 50 percent in English. Furthermore, an agency known as Language Proficiency International (LPI) is available, offering proficiency tests in hundreds of languages, and has long been used nationally to test teachers, diplomats, and others that require a vetting process to ensure skill levels. He stressed the challenges of filling foreign language teacher positions and helping candidates secure a state certificate.

[9:06:14 AM](#)

CHAIR DRUMMOND asked for confirmation of her understanding, stating, "So my concern that an academic policy committee would override the local control of the school district, is not a factor."

MR. LOCKE said correct, all of the teachers hired in the ADS go through the same vetting and human resources process.

CHAIR DRUMMOND clarified, "The language of the bill, as it is before [the committee] - the Anchorage School District would override that, by your policies that are currently in place."

MR. LOCKE assured that district channels are followed for all employees, save the hiring of principals, to allow fluidity in staff transfer opportunities. The bill provides a one-year renewable certificate, which is an excellent timeframe to work within.

CHAIR DRUMMOND referred to the Praxis® Subject Assessments and said that several states, including Maryland, New Jersey, Mississippi, and New Hampshire, have alternative route Praxis exams. She asked if the alternative route exams have been considered.

MR. LOCKE said he would look into the possibility.

9:10:08 AM

REPRESENTATIVE FANSLER asked about practices of other districts and whether they are similar to what ASD does to maintain quality control.

MR. LOCKE said, "I'm not aware of that, no."

9:11:19 AM

REPRESENTATIVE KREISS-TOMKINS said every school district was been visited, during the crafting of the bill.

9:12:24 AM

MR. MAGDANZ pointed out that quality schools and instructors are important and local districts are relied on to a degree to ensure vetting and quality control, which is currently practiced under the existing certificates. A school would find it difficult to go rogue, as was suggested, he opined. Addressing another voiced concern, he said the bi-lingual programs, referred to by EED, are aimed at improving English skills and are not designed to improve world language skills. He said the sponsor is not expecting, nor asking, the department to craft competency exams in foreign languages, but rather to seek out and accept creative means to ensure a teacher's abilities, such as letters of recommendation and competency statements, versus taking an exam proctored in English.

9:16:34 AM

REPRESENTATIVE TALERICO suggested that the conversation is bogging down the intent of the bill, which isn't being introduced to fill the staffing needs of a school, but rather to allow the opportunity to hire where and when necessary to address a vacancy and take advantage of local talent to benefit the students.

REPRESENTATIVE KREISS-TOMKINS agreed and said the problem to be solved by this legislation is to address situations in which educators who are deemed a good fit can be appropriately hired using local discretion. The ability to have a one-year certificate issued would be adequate and allow schools the

flexibility to provide high quality educational experiences for students.

[9:20:54 AM](#)

CHAIR DRUMMOND announced HB 102 was held over.

HB 86-STUDENT LOAN DEFAULT/OCC. LICENSE RENEWAL

[9:21:28 AM](#)

CHAIR DRUMMOND announced that the final order of business would be HOUSE BILL NO. 86, "An Act relating to nonrenewal of occupational licenses for default on a student loan."

[9:21:54 AM](#)

REPRESENTATIVE MATT CLAMAN, Alaska State Legislature, as prime sponsor, introduced HB 86, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Thomas Jefferson said, "That government is best which governs least ...". Our goal in bringing forward House Bill 86 is to revoke the Alaska Commission on Postsecondary Education's authority to use nonrenewal of occupational licenses as an incentive to ensure repayment of student loans in the instance of default. As the consequences of defaulting are already severe, and the commission has not exercised this authority since 2010, it makes sense to repeal these statutes.

[9:22:48 AM](#)

OWEN PHILLIPS, Staff, Representative Matt Claman, Alaska State Legislature, presented HB 86, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

House Bill 86 repeals current statutes that allow the Alaska Commission on Postsecondary Education (ACPE) to threaten nonrenewal of occupational licenses for individuals who have defaulted on their student loans. Repealing this authority will allow licensed individuals to continue their work in order to earn an income and pay back their defaulted loans without fear of losing their license.

There are already many difficulties that one faces if they default on their student loans, not limited to late fees, court costs, liens on property, and adverse reports to consumer reporting agencies.

The current statute states that the commission has the authority to provide notice to a licensing authority for nonrenewal of a license upon default. If the ACPE posts such notice, the licensing entity may not renew said license during the next renewal cycle. Many of these laws were passed in the 1990s and early 2000s, when student aid was often provided by states. Now, however, most loans are federal. In addition, this authority has not been used since 2010 - prior to which it was utilized in 155 instances.

Last year, Montana became the first state to repeal similar statutes and now only 21 states remain. This bill allows us to follow Montana's example and reduce that number to 20 states and protect our licensed nurses, pharmacists, social workers, teachers, correctional officers, and many others.

I'll now provide a brief sectional analysis of the bill.

Section One deletes language that is no longer necessary after the repeals mentioned in section two.

Section Two repeals: the following statutes: AS 14.43.145(a)(4) which gives authority to the commission to provide notice of default to a licensing entity for nonrenewal of a license.

AS 14.43.148 which indicates that a licensing entity may not renew a license if they have received notice from the commission that the licensee has defaulted on a loan issued by the commission.

AS 21.27.390(d) which references temporary licenses.

[9:26:39 AM](#)

REPRESENTATIVE FANSLER asked whether there are any concerns that removing the provision will result in a rise of default loans.

MR. PHILLIPS pointed to the fiscal note, included in the committee packet, which shows no plans to re-implement the practice. He deferred further comment.

[9:27:57 AM](#)

STEPHANIE BUTLER, Executive Director, Postsecondary Education Commission, Department of Education and Early Development (EED), replied that the commission holds no concerns for a rise in default rates, should the bill become law. Further, a suite of authorities exists to address students who have difficulty repaying loans, she said.

[9:29:23 AM](#)

CHAIR DRUMMOND closed public testimony on HB 86.

[9:29:38 AM](#)

REPRESENTATIVE TALERICO stated support for HB 86 and said the prospect of seizing someone's license to cover a debt is counter-productive.

[9:30:25 AM](#)

REPRESENTATIVE PARISH moved to report HB 86 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 86 was reported from the House Education Standing Committee.

[9:31:01 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:31 a.m.