

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

April 9, 2019

9:00 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Shelley Hughes, Vice Chair
Senator Chris Birch
Senator Mia Costello
Senator Tom Begich

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Professional Teaching Practices Commission

Todd Smoldon - Willow

Tammy Van Wyhe - Glenallen

Janine Todd - Delta Junction

- CONFIRMATION(S) ADVANCED

SENATE BILL NO. 56

"An Act relating to health education and physical activity requirements for students in grades kindergarten through eight; and establishing the Thursday in February immediately following Presidents' Day as PLAAY Day."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JANINE TODD, Appointee
Professional Teaching Practices Commission
Delta Junction, Alaska

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

TAMARA VAN WYHE, Appointee
Professional Teaching Practices Commission
Juneau, Alaska

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

TODD SMOLDON, Appointee
Professional Teaching Practices Commission
Willow, Alaska

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

PATRICK MAYER, President
Alaska Superintendents Association
Alaska Council of School Administrators;
Superintendent
Yakutat School District
Yakutat, Alaska

POSITION STATEMENT: Supported confirmation of Chris Reitan and Tamara Van Wyhe to the Professional Teaching Practices Commission.

MATT EISENHOWER, President
Ketchikan School Board
Ketchikan, Alaska

POSITION STATEMENT: Shared his district's experience on the Professional Teaching Practices Commission's role in Alaska.

BRITTANY HARTMANN, Legislative Liaison
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Answered question about the Professional Teaching Practices Commission budget.

ACTION NARRATIVE

[9:00:31 AM](#)

CHAIR GARY STEVENS called the Senate Education Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Costello, Birch, Hughes, Begich, and Chair Stevens.

CONFIRMATION HEARING(S): **Professional Teaching Practices Commission**

9:00:46 AM

CHAIR STEVENS announced the consideration of the governor's appointees to the Professional Teaching Practices Commission (PTPC). He asked Janine Todd to speak to the strengths she brings to the commission, why she is interested in serving, and any goals she may have.

9:01:47 AM

JANINE TODD, Appointee, Professional Teaching Practices Commission, Delta Junction, provided her background, including that next month she will have completed her 33rd year of teaching. She said that she has spent the past 28 years with the Delta Greely School District. She offered her belief that she brings discernment to the commission. While it is heartbreaking to think of teachers losing their certifications, it is critical for teachers' actions to follow the code of ethics. She offered her belief that she has the ability to analyze the facts presented in cases and to make the hard decisions necessary to protect students, staff, and the profession.

She was appointed in June to fill a teacher's position on the commission. Along with Melody Mann, the PTPC's executive director, she attended a conference in Portland, Maine, of the National Association of State Directors of Teacher Education and Certification (NASDTEC), which is a clearing house for checking on teacher backgrounds. She learned a significant amount about professional teaching practices from legal and teaching professionals. She also heard from victims about their traumatic experiences and recovery processes.

MS. TODD said that it has been a privilege to serve on the PTPC for the past seven months. It has given her the opportunity to give back to her profession. She offered her sense that the PTPC often has been viewed negatively since it is the body that imposes sanctions and revokes certificates of teachers who engage in illegal and unethical conduct. However, the commission helps to safeguard students and staff, she said. This commission ensures that the best possible educators are providing the best education to their students. The PTPC also provides input on the teacher preparation program, the certification process, and the application for teacher certification. For example, the PTPC changed the teacher application forms to make it easier for Ms. Mann to identify people who should not seek teacher positions based on their history. The PTPC also offers professional development to districts on the PTPC's role and function and on the code of ethics. From her perspective, the PTPC works very

well. She said that issues are reported, investigations are conducted, and decisions are made. The commission has made positive strides in improving its reputation throughout the state. She highlighted her goal to increase awareness, so teachers know about the PTPC and the commission's role. Second, she would like to change attitudes, so when the PTPC was mentioned, rather than being viewed as "police" that the word "advocate" would come to mind.

CHAIR STEVENS said the committee lacks knowledge about the commission's function and role. He asked whether the PTPC has revoked any teacher certificates during her short time serving on the commission.

MS. TODD explained the PTPC's process. When cases are first reported to the PTPC, the executive director, investigates and make recommendations to the commission. The commission would review the evidence and confirm the director's decision or reject it and propose its own decision. She said that thus far she has only been involved in one-year suspensions. She said she initially thought that most cases relate to teacher or staff offenses against children or immoral behavior, but most relate to breaking contracts.

CHAIR STEVENS said that all teachers are aware of the commission, but often outsiders are not. He remarked that it would be good for people to know the commission exists.

[9:08:57 AM](#)

SENATOR BIRCH pointed out Ms. Todd's affiliation with the National Education Association (NEA), the union representing many of the teachers. He asked about the interplay between the commission, school districts, e.g., the employees, and the union. He said he assumed inappropriate behavior would first be reported to the employer. He asked how the commission and the employee's union representative would become involved.

MS. TODD related her understanding that anyone, including an administrator, could report a complaint directly to the PTPC. She explained that the PTPC can be used in many ways, such as determining whether a teacher has any violations that were investigated by the PTPC. She has been a [NEA] union member her whole career. She viewed participation in a professional organization, such as the NEA, as important. Staff members can bring issues to the [NEA] to seek help. However, the union does not supersede any code of ethics. Any violation of the code of ethics would be reported to the PTPC for investigation. In fact,

the union would not intervene or interfere in a PTPC investigation, she said. The [NEA's] role is to enforce contract issues, not code of ethics issues.

SENATOR BIRCH said he found that helpful. The committee has previously heard that many first-time teachers come from out of state because the state cannot produce enough teachers within Alaska. He asked whether the PTPC would retrieve information outside of Alaska on teaching practices for prospective employees.

MS. TODD answered that the commission conducts background checks. She highlighted that the PTPC uses the National Association of State Directors of Teacher Education and Certification (NASDTEC), which is a national clearinghouse and repository for actions taken against educator licenses or certificates. The districts and the PTPC can use the PTPC to check potential employees since the teachers with any disciplinary actions are flagged.

SENATOR BIRCH asked if the NASDTEC was primarily a clearinghouse for educators.

MS. TODD responded that NASDTEC pertains to teacher education and certification. She said she did not believe NASDTEC included classified employees, such as teacher aides.

[9:13:11 AM](#)

CHAIR STEVENS asked what time commitment members make when serving on the PTPC.

MS. TODD replied that she has not yet attended a commission hearing. The hearing would be more like a court case, she said. Typically, the PTPC holds three scheduled meetings during the school year that span one or two days, depending on the number of cases on the agenda, she said. Prior to the meeting members receive a packet of information in preparation for the meeting. This information must be destroyed after members read the packets, due to confidential information, she said.

SENATOR BEGICH asked what the phrase "breaking contract" means.

MS. TODD replied it pertained to teachers who signed their contract and then did not fulfill their commitment.

SENATOR BEGICH asked what "advocate" means to her.

MS. TODD said that the PTPC tends to be viewed as a disciplinary agency. She suggested the PTPC might need to provide outreach and staff development on the code of ethics and the PTPC's function. She offered her belief that teachers throw out the PTPC's periodic newsletter that reports case outcomes and any updates of the code of ethics, in part, because of a lack of understanding about the PTPC's function and purpose. As an advocate, she would like teachers to view the PTPC as a resource rather than to only call the commission when problems arise.

SENATOR BEGICH said he thought it was a good goal. He recalled she mentioned that she had not reviewed any cases based on immoral or unethical conduct yet. He asked her to describe what would constitute immoral or unethical.

MS. TODD replied that immoral conduct would be teachers having inappropriate relationships with students. Although she has not dealt with that type of case, she was aware of previous cases in which high school teachers were dating students. She characterized immoral or unethical behavior as "crossing the line."

[9:17:32 AM](#)

SENATOR BEGICH agreed that [sexual] relationships between teachers and students were clearly immoral, illegal, and unethical because of the authority teachers have over students. He asked whether how teachers comport themselves in their private lives would have an impact on any decisions she might make.

MS. TODD responded that she was unsure if the commission would even know about teachers' personal lives. She was unsure how relationships such as adulterous relationships would be reported.

SENATOR BEGICH asked if it were, how she would react.

MS. TODD replied that she would review the teacher's code of ethics for guidance on whether it speaks to that and if any consequences were given. She was unsure of what the repercussions would be, such as losing teacher certification.

SENATOR BEGICH remarked that he thought that was a good answer. She has been a member of the NEA union. He asked how her personal beliefs would affect this job or if she could set them aside and focus on the case in front of her.

MS. TODD said that she could be impartial. She characterized her NEA participation as a completely different part of her life. She is a strong member of her union because she believes in local support of staff and the protection of their rights, but those rights do not include violations of the code of ethics.

9:20:38 AM

SENATOR HUGHES asked how many cases the PTPC handles a year and if some cases never rise to that level because the districts, a superintendent, or principal had handled the matter without going to the PTPC.

MS. TODD replied that she is not sure how many cases Ms. Mann reviews in a month or in a year. During the investigation process some matters are handled in-house by the district. The PTPC would not review or be aware of cases that the executive administrator determined was more appropriate for the district to handle.

SENATOR HUGHES asked whether a certificate would be removed automatically in case of illegal activity or if a complaint must be filed.

MS. TODD responded that she wished that she was more knowledgeable about that process. She previously mentioned the districts' investigative and disciplinary processes. In cases with illegal or criminal activity, the first step would be to put the teacher on leave, then the districts would conduct an investigation and refer it to the PTPC, if appropriate. She said she was unsure, but she thought automatic revocation would occur, depending on the severity of the case.

SENATOR HUGHES expressed concerned that teachers who committed illegal acts would still maintain their teaching certificates even if these teachers had served time. She said it would allow those teachers to leave the state and teach some place outside Alaska.

MS. TODD pointed out that every employment application contains a question that asks whether the applicant has ever been convicted or accused of any crime. Any applicants who check this box would be investigated, and if an applicant was accused but found innocent, the applicant could provide an explanation. She characterized this as the first level of flagging, which would be information captured by the clearinghouse. She reiterated that all applicants who check this box would be investigated.

SENATOR HUGHES asked whether teachers undergo background checks as part of the certification process.

MS. TODD answered yes, plus applicants also are fingerprinted. She said she hoped that districts would carefully review teacher applications.

CHAIR STEVENS remarked that the legislature has a Legislative Ethics Commission. The legislature and commission are also very careful about legal issues. He asked whether the PTPC receives advice from the Department of Law.

MS. TODD agreed the PTPC has an attorney available to assist it.

SENATOR BEGICH said the statute requires recommendations for positions be submitted to the Professional Teaching Practices Commission (PTPC) for consideration. He related his understanding that she would fill the teacher representative position. He asked whether her name was submitted by a recognized professional organization.

MS. TODD answered that her name was submitted by NEA-Alaska.

[9:28:42 AM](#)

TAMARA VAN WYHE, Appointee, Professional Teaching Practices Commission, Juneau, said she is the representative for the Department of Education and Early Development (DEED) on the PTPC. Nearly her entire adult life has been dedicated to the field of education. In 1995, she and her husband moved from Minnesota to Alaska with their three small children. Over the last 24 years she has served in the Mat-Su, Anchorage, and Copper River School Districts in a multitude of positions in the classroom, school administration, and district offices. In 2004, she earned her certification from the National Board for Professional Teaching Standards. During her years at the district office, she led online and blended learning initiatives and coordinated the district's digital teaching initiative project. In 2015, she was recognized as the technology leadership award winner by the Alaska Society for Technology in Education (ASTE). In 2019, she left the superintendency of the Copper River School District to join DEED as the Division Director for Educator and School Excellence. She said her husband works as a farmer in the Copper River basin, her two sons work in education in Alaska, and her daughter is a graduate student at the University of Alaska Fairbanks.

MS. VAN WYHE offered her belief that she brings a deep understanding and commitment to the code of ethics to the PTPC. Educators must hold themselves to a higher standard at all times because teachers serve as role models for children. As a school administrator she became familiar with the PTPC's investigatory process when concerns arose about staff conduct and PTPC reports were either considered or required. She expressed gratitude that the PTPC exists. According to their mission statement, the PTPC serves as a preventive and positive force in helping to enhance the professional performance of all educators so that the public's right to the best education possible for all of Alaska's students is adequately protected.

MS. VAN WYHE said she is pleased to serve as DEED's representative because the PTPC's activities align with teacher quality, which falls within the Educator and School Excellence division. She said that she is passionate about educator quality. The PTPC plays an important role in ensuring that the educators who interact with Alaska students and stakeholders on a daily basis are committed to ethical behavior. The PTPC embodies a clear path for investigation and consequences when ethical lines are crossed, and contractual agreements have been broken.

MS. VAN WYHE offered several suggestions. First, the PTPC's handbook for educators and other materials available to educators to inform schools about the PTPC and its role and processes should be updated. The handbook was last updated in 2011, and it needs to be refreshed even though it has not significantly changed. Second, communications and interactions have changed dramatically due to mobile devices and social media, so the PTPC could inform Alaska educators of ethical standards using social media. This tool could simultaneously caution the educators of their accountability as public authority figures since educators are teaching youth.

9:34:00 AM

SENATOR COSTELLO remarked that she formerly was a classroom teacher who taught in three school districts in Alaska. She said she was impressed with Ms. Van Wyhe's resume. She asked whether Ms. Van Wyhe could provide the committee with information about the digital teaching initiative grant that she designed, authored and managed. She also expressed an interest in Ms. Van Wyhe's article, "When the Impossible Happens," and on the digital learning programs she also designed for the Copper River School District.

SENATOR BEGICH noted that she spoke about illegal and unethical conduct. He asked her what immoral means to her.

MS. VAN WYHE replied that individuals define immoral differently based on their personal beliefs and experiences. In terms of immoral behavior in education, she thought everyone could agree on certain things such as the focus always being on children's safety. It would be difficult to singularly define immoral because it is rooted in personal beliefs. She offered her belief that the PTPC could use it as an opportunity to provide various interpretations of immoral behavior to be considered by the commission and situations as a group. The PTPC was not a single stakeholder or individual making a decision related to immorality. Instead, the PTPC works collectively to make decisions, she said.

SENATOR BEGICH reiterated that she said immorality was rooted in personal belief and that matters to him. He asked how it would affect her if a teacher's lifestyle outside of the classroom was one that did not match her personal beliefs.

MS. VAN WYHE acknowledged that when she worked in the district office that many situations arose where an individual's lifestyle outside of school was troubling. Sometimes it pertained to personal relationships or substance use. The district would consider situations brought up by concerned parents or administrators or coworkers and determine whether something was "not okay" by whether it affected an individual's performance in the classroom. Although she might not always agree with an individual's lifestyle choice, the district had to determine whether the person's choice adversely influenced students in a classroom, and whether it affected the educator's ability to teach or fulfill a leadership role. If it had no bearing on the job, then the district would not take any action, she said.

SENATOR BEGICH remarked that she made a nice connection between the two.

9:40:10 AM

SENATOR BIRCH recalled earlier testimony about the NASDTEC clearinghouse as a means of assessing prospective education employees. He asked whether the commission used a rating for educators currently employed and if the PTPC was involved in staff reductions.

MS. VAN WYHE replied that the PTPC does not have a role in staffing schools or reducing staff in cases of budget shortfalls. Those decisions fall completely outside the purview of the PTPC, she said.

CHAIR STEVENS recalled earlier testimony that the PTPC did not want to be viewed as police and that the commission only dealt with reported activity from a parent or administrator. He asked her to expand on that process.

MS. VAN WYHE responded that anyone could submit a report to the PTPC, but typically investigations begin at the school and district level. In fact, the vast majority of reports are made to principals, superintendents, or school boards, she said. Investigations are conducted at those levels before being referred to the PTPC. However, during the time she was a district administrator, some private individuals made reports directly to the PTPC. The commission's executive director would inform the school district that an investigation was being conducted based on a complaint. She clarified that the commission's role was not to seek out problems, but instead to address reported issues with the districts to seek resolution.

SENATOR BEGICH noted that under AS 14.20.470, one power of the commission was to make recommendations to the board or to the school boards for improvements in the teaching profession. He said that was the positive, non-policing role of the commission that Ms. Todd and Ms. Van Wyhe mentioned. He remarked that it was nice to see the commission move to that next level.

CHAIR STEVENS asked Todd Smoldon to introduce himself and highlight the strengths he would bring to the commission, relate his interest in serving, and any goals for the commission.

[9:45:36 AM](#)

TODD SMOLDON, Appointee, Professional Teaching Practices Commission, Willow, briefly described his work history saying that he has been a teacher for 21 years, and has taught online courses for 14 years. He has taught Japanese, economics, and history at East High School in Anchorage for 17 years. He has been teaching at North Star Behavioral Hospital for the last four years. He holds an economics degree and a Master of Arts in Teaching from the University of Alaska Anchorage. He offered his belief that he brings an understanding of diverse student populations to the commission. East High School is the most diverse school in the country, he said. He has also worked in special schools with at-risk students struggling with mental

health issues. During this time, he has gained a wide perspective on how all students learn differently, which presents challenges for teachers, he said.

MR. SMOLDON expressed an interest in serving on the PTPC because it is important for professional educators to maintain professionalism. Further, a significant portion of the state's budget is spent on K-12 education, and the public must have trust in educators. Any issues with professionals working in the education system can be addressed, he said. He was encouraged to hear his fellow commissioner appointees discuss the advocacy and professional development role of the commission. As educators, commission members must act as police and enforce and investigate complaints. However, the commission seeks to maintain the professionalism of educators, he said. The commission also wants to bolster teachers and provide expectations, and a method for educators to grow.

He echoed Ms. Todd's goal to make the commission more visible to professionals, and to assist teachers in professional development, ethics and professional practices. He said he hoped the commission would have more visibility in the communities, so parents become more aware of the PTPC's function. This could encourage parents to report unprofessional conduct to principals and school districts.

CHAIR STEVENS said he favors public outreach to ensure that parents and others know to report complaints on conduct to the commission.

SENATOR BEGICH said he liked the idea of advocacy. He asked Mr. Smoldon how he would define immoral behavior as a member of the commission.

MR. SMOLDON answered that his personal definition was not important in terms of the commission's function and role since a written code of ethics for professional educators exists. The investigation process uses the written code of ethics. The only time that PTPC would make a determination would be in instances in which an educator's personal life spilled into the classroom.

[9:53:25 AM](#)

SENATOR BEGICH said that anyone can look up the definitions for illegal, immoral, or unethical in the statutes. He asked if parents were to bring a complaint to the commission about an educator's lifestyle that the parents disagreed with, what his reaction would be and how that would affect his decision.

MR. SMOLDON reiterated the investigative process the previous appointees outlined. When a parent or anyone files an ethics complaint, the principal and local school district would make a determination based on the code of ethics. If it advanced to the PTPC, the executive director would investigate and determine whether the commission should consider some kind of sanction. There are many disciplinary levels that could be used, from warnings to license suspension or revocation. He related his understanding that the offense would need to be an egregious offense, with agreement by many people before the PTPC's commissioners review the case using the code of ethics to determine whether it has a negative impact on the classroom. He did not believe a commissioner's personal moral views determined the outcome since the outcome was the function of the many people involved in process.

SENATOR BEGICH said he appreciated the answer. He asked whether a professional teacher organization had submitted his name as the classroom teacher representative to serve on the PTPC.

MR. SMOLDON replied that his name was submitted through an alternative process, by gathering signatures of 25 or more teachers who agreed to him being considered for the position.

CHAIR STEVENS highlighted that Mr. Smoldon currently serves as the director of Governor Dunleavy's Mat-Su Valley office.

MR. SMOLDON agreed. He related his understanding that the [Department of Law] and the PTPC's attorney agreed that he was eligible to serve on the PTPC.

SENATOR BEGICH asked whether he was currently teaching.

MR. SMOLDON answered that he is on a leave of absence, so technically he is still considered a classroom teacher.

SENATOR BEGICH asked whether the director's job was a fulltime position.

MR. SMOLDON answered yes.

[9:58:21 AM](#)

SENATOR BEGICH expressed an interest in reviewing the legal opinion that found a full-time director position was considered a classroom teacher's job. He said he was confused by that statement.

MR. SMOLDON explained that since he was on a leave of absence from teaching, he was technically still considered a classroom teacher.

SENATOR BEGICH said he would ask Legislative Legal to provide an opinion on the matter. The point of having an active classroom teacher serve on the PTPC is to provide the perspective of the teacher's direct experience.

CHAIR STEVENS asked Mr. Smoldon if he saw any conflict by serving as director of the governor's office in Mat-Su.

MR. SMOLDON answered that the two positions were completely separate. As director of the Mat-Su office he serves as the liaison between local governments, constituents, nonprofits and business organizations in the Mat-Su Valley. As a member of the PTPC he would determine whether someone met the professional and ethical practices for being an educator. Based on his 20 years of classroom experience, he said he was confident that he could do so.

[10:00:49 AM](#)

SENATOR COSTELLO requested an updated resume to show all his employment history, including his position as director.

SENATOR HUGHES asked whether he was appointed to serve on the PTPC before he became director of the governor's Mat-Su office. She further asked if the legal opinion was issued after that time.

MR. SMOLDON said he was appointed to the commission in December 2018 to serve on the PTPC. He was hired to serve in the director's position in March 2019, which is why his resume was not current. He said he certainly understood the committee's concerns and would send an updated resume.

CHAIR STEVENS announced that he would reschedule the confirmation hearing for Chris Reitan, Craig, appointee, PTPC since he was unavailable today.

[10:03:09 AM](#)

SENATOR HUGHES asked Mr. Smoldon for the time limit of his leave of absence.

MR. SMOLDON answered that his current leave of absence was through this school year. He would decide whether to apply for another year of leave of absence at that time.

SENATOR HUGHES asked if the Anchorage School District has any time restriction for a leave of absence.

MR. SMOLDON replied that an additional year for a leave of absence is the most that he could take.

SENATOR BEGICH said that the PTPC appointment is for a three-year term. As a point of information and consideration, he offered his belief that Mr. Smoldon could not be absent from the classroom for that period of time since he serves in a qualified position.

SENATOR HUGHES asked if he planned to return to teach the third year.

MR. SMOLDON replied that he has not yet decided.

[10:05:43 AM](#)

CHAIR STEVENS opened public testimony on the confirmation hearings.

[10:05:59 AM](#)

PATRICK MAYER, President, Alaska Superintendents Association, Alaska Council of School Administrators, Superintendent, Yakutat School District, Yakutat, expressed support for superintendent Chris Reitan as the PTPC representative for the Alaska Superintendents Association. He has 21 years of experience in Alaska and worked through numerous due process scenarios during his career. He served as superintendent in Galena and now in Craig. He offered his belief that Mr. Reitan would bring a strong rural perspective to the commission, and that he received unanimous support from the association. He related Mr. Reitan has exhibited the highest ethical standards and will serve the mission of the PTPC in an exemplary manner. Ms. Van Wyhe, a former member of the Alaska Superintendents Association and the former superintendent of the Copper River School District, will also serve with distinction, he said.

CHAIR STEVENS said the committee would remember his testimony when the committee takes up Chris Reitan's confirmation hearing.

[10:07:57 AM](#)

MATT EISENHOWER, President, Ketchikan School Board, Ketchikan, said that last year one of Ketchikan's teachers was arrested and prosecuted for a sexual assault case and pled guilty. When the KSB reviewed this case, it looked at three levels. Law enforcement handled the police investigation, the school handled the district's policy and procedures in-house, but the third piece related to violations of ethical standards the PTPC could have enforced if the commission had been informed.

He explained one standard in 20 AAC 10.900 defined sexual conduct, which includes explicit sexual jokes, stories and flirtatious or sexual comments. The school district found those behaviors present during its investigation. He offered his belief that the school district did not believe it had an obligation to report to the PTPC those obvious ethical standard failures. However, if the PTPC is not aware of ethical violations, it cannot take action. Principals would hold information [confidentially] similar to how human resources personnel handle personal information. He offered his belief that if more people had been made aware of some of the offender's early behaviors described by as "creepy," the district and PTPC could have acted earlier. One consequence of "creepy behavior" not being reported to the PTPC is that an educator could move to another school district. In this way, the "creepy" behavior would not be tracked, and more students would be put at risk, he said. He expressed gratitude to the districts for an awareness of the importance of the PTPC, particularly as it relates to student safety and protection.

CHAIR STEVENS thanked him for sharing that school districts did not have any obligation to report the behavior. He asked if he had any suggestions on how to resolve these issues.

MR. EISENHOWER answered that the districts and PTPC were addressing the issue. Unfortunately, the pain his community and district experienced would lead these conversations. As a lay person, he will listen to advice from the experts and the executive director. He serves as the board president and hospital administrator. He heard all three candidates indicate communication between the districts and the PTPC needed to be addressed.

[10:12:01 AM](#)

SENATOR BEGICH asked whether he had any prior awareness of the Professional Teaching Practices Commission (PTPC) being in Ketchikan.

MR. EISENHOWER related his understanding that the commission has not had a presence in Ketchikan, although Ms. Mann spoke with him after the fact. He has been focused on what should have taken place before the incidents. The district has since changed some procedures to make teachers and staff aware of the policy, but professional standards go beyond that. He was not sure who would be in charge of that outside of the PTPC.

SENATOR BEGICH said that he and Senator Stevens both serve on the Senate Finance Education Subcommittee. He was fairly sure that the PTPC budget was not cut. All three prospective appointees have indicated an interest in making recommendations to school boards. However, he suggested perhaps a more aggressive role that includes visiting communities as outreach might be needed, but he was unsure how the budget would affect travel. Discussing how to be more proactive is a great charge for the commission, he said. He pointed out that all three appointees have expressed an interest in it.

SENATOR HUGHES recalled that Mr. Eisenhower highlighted the problem that the inappropriate behaviors were kept confidential. He also mentioned the importance of making policy and procedure changes. She asked whether districts should have a policy about taking certain matters to the PTPC. She said she typically advocates for local control. She asked whether a state policy was needed so that when students report this type of inappropriate behavior, the allegations would go to the PTPC as well as to law enforcement.

[10:16:07 AM](#)

MR. EISENHOWER replied that his district standpoint has changed local policy. He characterized the education culture of typically allowing principals to handle these issues. However, he believes that is a flawed approach. He advocated for the PTPC to serve as a de facto human resources department, especially as it relates to the teachers' professional code of ethics. He was unsure what needed to be done to implement that change.

It might simply require a cultural change for the PTPC to serve in that capacity. He acknowledged that teachers were employees of local districts. However, the majority of school funding is provided by the state. He suggested that the PTPC could figure out a better way to require school districts to report misconduct. He might not be aware of statutes that might address this, but that is not in practice, he said.

SENATOR HUGHES characterized it is as a "fuzzy or gray area." While flirtatious remarks or jokes do not indicate a crime has been committed, the inappropriate behavior certainly would raise a red flag.

CHAIR STEVENS asked whether he served as the president of the Ketchikan School Board during the time of the sexual assault case.

MR. EISENHOWER answered that he served as a school board member at the time.

10:19:14 AM

SENATOR BIRCH expressed frustration about the separation of authority, such as districts' labor contracts that the state funded yet cannot participate in.

He expressed concern about how the state would transfer information about "creepy" behavior from school districts to the commission. He pointed out that many people are socially inept, so one person's "creepy" behavior might be another's "inappropriate" comment. From his experience in managing a human resources office, he learned the need to respect the relationship between the employer and the employee. He expressed concern how a school board could share such comments to the commission without harming the employee, and yet still protect the public interest. He acknowledged that his expertise was in engineering since he is a professional engineer, not a human resources professional. He suggested that Mr. Eisenhower as a hospital administrator may also have encountered these issues.

MR. EISENHOWER replied that hindsight is 20/20. He recalled some early student reports in the Ketchikan sexual assault case related to touches and hugs that seemed inappropriate and "creepy" to some students. He now realizes that the perpetrator was "conditioning" some of his students, he said. The challenge was knowing when to intervene. He related his view that the code of ethics was very clear, such that anyone observing inappropriate behavior has an obligation to report it to the commission. The PTPC staff in conjunction with the district would subsequently conduct an investigation. He related his understanding that some people believe some of this behavior is viewed culturally. He advocated the need to teach professionals to report what the teacher sees, but not to take ownership, judge, or investigate. The ethical standards for teachers are very high and these standard professionals should be held to those standards. He acknowledged that if the KSB had done

something differently early on, the outcomes would not have been the same.

SENATOR BEGICH noted that Ms. Van Wyhe said it becomes an issue when the behavior influences or affects classroom behavior. In this case, students reporting inappropriate behavior affected classroom behavior. He said that influencing classroom behavior was not in statute, but maybe the committee may wish to explore that some more.

[10:23:24 AM](#)

CHAIR STEVENS thanked Mr. Eisenhower for coming forward. He said that the committee appreciated the difficulties the KSB president has experienced. He asked Ms. Hartmann to explain the funding for the PTPC.

BRITTANY HARTMANN, Legislative Liaison, Department of Education and Early Development (DEED), Juneau, said the only funding for the PTPC was for the executive director's salary. She related that the budget included a 50 percent travel reduction, but that reduction was not included in the House version.

SENATOR BEGICH said the proposed travel budget had a 50 percent cut, but that was not in the House version of the budget.

[10:24:21 AM](#)

MS. HARTMANN agreed.

CHAIR STEVENS asked Ms. Hartmann to relay to the commissioner the committee's desire for the PTPC to have more presence in the districts and communities.

MS. HARTMANN agreed to do so.

SENATOR HUGHES asked if the PTPC provides training that districts can use for in-services or annual ethics training similar to the training that legislators receive.

MS. HARTMANN replied that she was not certain, but she would check and report back to the committee.

CHAIR STEVENS said he would like some information about in-service training regarding the PTPC.

SENATOR BEGICH said that Ms. Van Wyhe was still online and may know whether the PTPC has training curriculum about ethics.

[10:26:56 AM](#)

CHAIR STEVENS asked whether teacher in-service training included information about the PTPC.

MS. VAN WYHE said some resources were available on the PTPC website. As she mentioned during her testimony, a handbook for educators has not been updated since 2012. The PTPC presents basic materials in the fall, including the code of ethics. This was typically part of professional development and teacher evaluation activity throughout the year. She doesn't know that it is required, but it is a best practice that would be occurring in most districts across the state.

CHAIR STEVENS asked her to report back to the committee about updating and refreshing the handbook and whether information about the PTPC is required in-service training.

[10:28:42 AM](#)

CHAIR STEVENS closed public testimony and solicited a motion.

[10:28:51 AM](#)

SENATOR HUGHES stated that in accordance with AS 39.05.080, the Senate Education Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Professional Teaching Practices Commission

Todd Smoldon - Willow

Tammy Van Wyhe - Glenallen

Janine Todd - Delta Junction

[10:29:08 AM](#)

CHAIR STEVENS found no objection and the motion passed.

[10:29:16 AM](#)

At ease.

[10:29:20 AM](#)

CHAIR STEVENS reconvened the meeting.

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

[10:31:12 AM](#)

There being no further business to come before the committee, Chair Stevens adjourned the Senate Education Standing Committee at 10:31 a.m.