

HB

85

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS HB85 (FIN) AM

Revision Date/Time (Note if correction) _____ Dept. Affected Education & Early Dev.
 Title Teachers' Licenses, Discipline & Ethics BRU Commissions and Boards
 Component Professional Teaching Practices
 Sponsor: Rules Committee at Request of Governor Commission
 Requester Senate HESS Component No. 190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Any fees collected from imposed fines will be deposited into the General Fund.

Prepared by: Sanna Green, Executive Director *BK* Phone 269-6579
 Division Professional Teaching Practices Commission Date/Time _____
 Approved by Commissioner Richard S. Cross Date 2/2/00
 Agency Education & Early Development

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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Work Session
February 2, 2000
1:35 p.m.

MEMBERS PRESENT

Senator Gary Wilken
Senator Kim Elton

MEMBERS ABSENT

Senator Mike Miller, Chairman
Senator Pete Kelly, Vice-Chairman
Senator Drue Pearce

DRAFT

COMMITTEE CALENDAR

SENATE BILL NO. 204

"An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date."

-HEARD AND HELD

CS FOR HOUSE BILL NO. 85(FIN) am

"An Act relating to licensure and professional discipline of members of the teaching profession and providing for related penalties; relating to grounds for dismissal of a teacher; relating to the Professional Teaching Practices Commission; relating to limited immunity for procedures under the Educator Ethics Act; making conforming amendments; and providing for an effective date."

-HEARD AND HELD

Presentation by the State Independent Living Council (SILC)

PREVIOUS SENATE COMMITTEE ACTION

SB 204 - No previous committee action.

HB 85 - No previous committee action.

WITNESS REGISTER

Margaret Evans
1615 Birchwood St.
Anchorage, AK 99508

POSITION STATEMENT: Discussed SILC's PSA program

Linda Bjorge

P.O. Box 756
Wrangell, AK 99925
POSITION STATEMENT: Commented on Assisted Living Home Rates

Jerie Best
P.O. Box 426
Soldotna, AK 99669
POSITION STATEMENT: Discussed Transportation Needs of the Disabled

Patrick Reinhart
Director, State Independent Living Council
1016 W. 6th Ave. #205
Anchorage, AK 99501
POSITION STATEMENT: Presented John Woodward, SILC Chairman

David Jacobson
Executive Director of the State Independent Living Council
4214 Mathison Court
Fairbanks, AK
POSITION STATEMENT: Discussed Housing Needs of the Disabled

Ruth L'Hommedieu
3282 Adams Drive
Fairbanks, AK
POSITION STATEMENT: Discussed Employment Needs of the Disabled

Sanna Green, Executive Director
Professional Teachers Practices Commission
344 3rd St. #127
Anchorage, AK 99508
POSITION STATEMENT: Presented HB 85

Jane Demmert
Executive Director, Older Alaskans Commission
PO Box 110209
Juneau, AK 99811-0209
POSITION STATEMENT: Presented SB 204

Beth Lape, Special Assistant
Department of Education
801 W 10th St. Ste 200
Juneau, AK 99801-1894
POSITION STATEMENT: Supports SB 204

ACTION NARRATIVE

TAPE 00-03, SIDE A

Number 001

SENATOR WILKEN called the the work session of the Senate Health, Education and Social Services (HESS) Committee to order at 1:35 p.m. Senator Wilken announced that Chairman Miller was ill, Senator Pearce was on business in Washington, D.C., and Senator Pete Kelly was on business in McGrath. The first order of business to come before the committee was a presentation by the State Independent Living Council.

MR. PATRICK REINHART, Director of the State Independent Living Council (SILC), noted that John Woodward would begin the presentation. MR. REINHART informed committee members that copies of the SILC annual report were provided to the committee.

Number 248

MR. JOHN WOODWARD, Chairman of SILC, stated that SILC is a governor-appointed group of people with disabilities. Mr. Woodward said the State is heading in the right direction regarding independent living services for Alaskans with disabilities which is apparent in SILC's annual report. The amount invested in independent living services by the Legislature last year was the largest ever and that investment has paid big dividends. SILC's five centers for independent living helped 18 Alaskans leave institutional care and begin a life in a community of their choice. SILC helped another 165 individuals receive services that prevented them from having to enter a nursing home or hospital. Most of these clients are on Medicaid therefore SILC's services saved the State more than \$13 million.

Number 428

MS. RUTH L'HOMMEDIEU, liaison to the Governor for SILC, said employment issues among disabled people is her main focus. President Clinton recently signed into law the "Ticket to Work and Work Incentive Improvement Act of 1999," a law that will go a long way to remove outdated Medicaid and Medicare coverage rules that created barriers for people with disabilities who want to work. The Act allows individuals on Medicaid to buy into the program when they are employed so that they will not lose their Medicaid health coverage. As a result, SILC anticipates more Medicaid dollars coming into Alaska which will allow the State to expand its Medicaid program. Alaska was one of the first states to pass legislation allowing for the Medicaid buy-in; it has been acknowledged as a forerunner in this area. Approximately 70 percent of disabled Alaskans are unemployed. People with disabilities want the opportunity to find a job and live independently in their own communities. Ms. L'Hommedieu personally thanked Senator Elton for intervening on behalf of a Juneau client with a kidney dialysis need.

MR. DAVID JACOBSON, Executive Director of Access Alaska, reported that SILC's mission is to help persons with disabilities live and work in the community of their choice - one activity that makes that goal possible is making homes accessible. People with disabilities typically do not have the financial resources available to make necessary modifications. Access Alaska helps to make those homes accessible throughout the State. Last year over 340 homes were made accessible for persons with disabilities to enable people to live safely, comfortably and independently. Mr. Jacobson asked the committee to continue to support those types of services. The Alaska Housing Finance Corporation (AHFC) has requested \$250,000 for a special needs program to help make homes accessible for people with disabilities. SILC actively seeks

multiple funding resources; it works in partnership with many different programs to help find funding and equipment.

SENATOR WILKEN asked if Access Alaska gets State money through AHFC and federal money as a match or a grant.

MR. JACOBSON said that the federal dollars go directly to a broad array of services targeted at independent living services. AHFC funds are used for specialized housing needs.

SENATOR WILKEN asked if the \$250,000 is an ongoing appropriation.

MR. JACOBSON said the amount was larger in the previous year. He added, "They did get a match with the Mental Health Trust, so it is that match that the \$250,000 AHFC plus about \$150,000 from the Trust, so they are combined."

SENATOR ELTON asked if AHFC money can be used for people who already own homes not financed by AHFC.

MR. JACOBSON said that is correct, it is for anyone who has the need for home modifications.

Number 995

MS. LINDA BJORGE, a board member of SILC from Wrangell, informed committee members she is a licensed practical nurse. She currently runs an assisted living home in Wrangell. When she opened her assisted living home, there were not a lot of programs or funds available, now AHFC offers loans for assisted living homes. She asked committee members to support Senator Miller's bill that increases the rate paid by the state for clients at assisted living

homes from \$37.50 to \$75 per day. Disabled people are better off staying within their own communities, to be near family and friends, but at \$37.50 per day, most family members cannot afford to stay home to care for a relative with a disability.

SENATOR WILKEN said one thing that became evident from testimony heard by members of the Long Term Care Task Force was that people need to remain in some sort of home base whenever possible, which is the intention of Senator Miller's bill.

SENATOR ELTON commended Senators Wilken and Miller for being instrumental on addressing some of the issues discussed today.

MS. BJORGE stated that ideally, the ability of people to stay in their homes should not change because of a disability.

Number 1224

MS. MARGARET EVANS, a resident of Fairbanks, informed committee members that she uses personal assistance services on a daily basis and that, without that service, she would be unable to complete daily tasks, work, and attend school. SILC is creating a new self directed care model for the Personal Care Attendants Program. The new model will enable the clients who use personal care attendants to direct their own care by hiring and firing their own personal care attendants. SILC is also trying to get more personal care attendants involved in the program and to get salary increases for longevity in the program. The program is funded by Medicaid. She asked for legislators' continued support of the Medicaid program. A website, named PCA.infoinsights.com, contains more information about that program.

SENATOR WILKEN asked if the self-directed PCA program is funded with a federal grant from Senator Stevens, and whether that program will be available throughout the state in a few years.

MS. EVANS said SILC hopes to get the program up and running later this year.

SENATOR WILKEN noted the career ladder for PCAs is limited at this time. He has been working with the University of Alaska to provide PCAs with a stepped RN program that will take two or four years. In addition, the Alaska Vocational Technical Center (AVTEC) is very interested in offering a two year program for PCA's.

Number 1418

MS. JERIE BEST introduced SILC's new board member, Peter McDowell.

MS. BEST informed committee members she focuses on transportation issues for SILC. Funding for capital expenses, such as buying vans and equipment, is surprisingly easy to find. SILC has received money from the Department of Agriculture, the Department of Transportation, and the Alaska Mental Health Trust Authority (AMHTA), so purchasing equipment to transport people is fairly easy. Finding funding for operations is not easy. Existing transit systems cannot buy fuel, pay drivers or buy tires. Kodiak's transit system recently shut down, and Mat-Su's is currently in a holding pattern. New transit systems need time to

establish a large enough clientele to operate on their own. Lack of transportation is a big issue for people with disabilities who are trying to live independently. SILC coordinates and pairs its transit systems with those used by senior citizens.

MS. BEST asked that highway funds be earmarked for transit systems, especially for the smaller, rural areas. Fairbanks, Anchorage, and Juneau can get federal funds because of their sizes. She also suggested using one percent of the proposed fuel tax for SILC's transit system. The opportunity to buy bulk fuel and other items, such as tires or insurance, by coordinating with state or municipal agencies, would reduce operating costs.

The Native villages' priorities need to be dealt with and they need help making appropriate choices when purchasing community vehicles. For example, a village may choose to buy an ambulance as the community vehicle but ambulances only carry a driver, passenger, and patient, and they are too high off of the ground for elderly people to get into.

MS. BEST explained that SILC gets "5311" federal money for areas with large populations and for communities that are close to each other. That program works for communities like Kenai and Soldotna, but it does not work for the Mat-Su Valley because transit between Wasilla and Palmer is too far and operational costs are too high.

SENATOR WILKEN asked if, when federal money is granted, a slice automatically goes toward disabled transportation.

MS. BEST replied that federal requirements mandate that any city that gets federal funds for a transit system must make that system accessible to the disabled.

SENATOR WILKEN asked how a system is judged to be accessible.

MS. BEST replied the system must be accessible to wheelchair users. In addition, specific federal regulations require that additional service be provided outside of the transportation corridor in certain instances. The service must be equal and the fare for disabled riders cannot be higher than the regular fare. Anyone who has an I.D. card for the disabled transit system can ride anywhere within the United States; that benefit is very popular.

SENATOR WILKEN thanked the participants and announced the next order of business to come before the committee was SB 204.

#SB 204

SB 204-EXTEND ALASKA COMMISSION ON AGING

MS. JANE DEMMERT, Executive Director of the Older Alaskans Commission (OAC), said the OAC is very involved in bringing together the interests of many organizations that represent seniors across the State. The State demographer recently projected a population of 80,000 elderly people within the next 15-18 years in Alaska.

Over 180 communities in Alaska are affected by the funding given to local non-profit organizations by OAC that provide direct services to older Alaskans. OAC programs are available to all people age 60 and over, with the exception of the Senior Employment Program which is available to people aged 55 and older. OAC administers four grant programs.

OAC will be working with organizations to provide community support in whatever area is necessary. The only increase in funding that

OAC has received over the past few years is through the Alaska Mental Health Trust Authority (AMHTA). State agencies have coordinated services to meet the needs of both seniors and people of all ages who are disabled, transportation being a prime example.

OAC works in partnership with the AMHTA and AHFC to meet the transportation and housing needs of seniors and disabled people. Anything legislators can do to help AHFC maintain its capacity to meet seniors' needs in a consistent manner is very important to prevent a crisis 15 years from now.

MS. DEMMERT commented that the Long Term Care Task Force has been very instrumental in moving forward much needed legislation, and it has also provided an opportunity for agencies to come together and see how many issues are integrated. She thanked task force members for their efforts and noted that people were most appreciative at the Common Ground Conference.

MS. DEMMERT said she provided an update to the committee on the work the OAC has done since last session in regard to the long-term care ombudsman position. The OAC has restructured its by-laws and its committees to accommodate the steps necessary to enable the ombudsman function to be robustly supported within the OAC. The OAC is about to begin recruitment for a new long term care ombudsman. Ms. Demmert thanked the Legislature for all the support it has given to the OAC.

Number 2316

SENATOR WILKEN noted that one recommendation in the Legislative Budget and Audit (LBA) report is to separate the long term care ombudsman position from the Department of Administration. He asked

if that is being done.

MS. DEMMERT said that as the OAC went through this process, it drew material from four entities that fit the criteria: the Alaska Legal Services and the Disability Law Center, and the State ombudsman's office and the AMHTA. The OAC concluded that the long term care ombudsman position should be retained within a State agency. The OAC felt that having the ombudsman function in a legal setting would not be as conducive to the progress that needs to be made, and that placing it within government would have more impact than placing it in a non-profit setting.

The OAC had extensive discussions with the state ombudsman and the AMHTA. The state ombudsman did a review of options and concluded that key points of divergence between the state ombudsman and long term care ombudsman offices would make those offices incompatible and that combining the two would not be beneficial to either function. The AMHTA remains interested, but it is premature for them to make a decision. AMHTA is promulgating regulations to create a redress mechanism for beneficiaries of the trust. AMHTA has acknowledged that the work of the trust and the work of the long term care ombudsman are quite compatible so it is open to discussion about a future relationship. Two representatives of the AMHTA have agreed to be on the search committee for the long term care ombudsman. A new OAC standing committee will have oversight of that position and the committee will report to the full OAC.

SENATOR WILKEN asked if the committee will establish the "arms-length" relationship that LBA thought was missing.

MS. DEMMERT replied that is correct.

SENATOR WILKEN asked about the other LBA recommendations.

MS. DEMMERT said some of the accounting recommendations were addressed when OAC made new grant awards. The new awards provide for some of the notification that had been omitted in the past. Second, OAC sped up its process of notifying grantees of the proportion or amount of grantee funds that are federal so that they will be notified on a timely basis if they come under federal audit requirements. A third recommendation regarding a cost allocation plan issue is in the process of being finalized by OAC.

Number 2245

SENATOR WILKEN noted the LBA recommended that the OAC be extended to 2004. He also noted the committee is awaiting a fiscal note. MS. DEMMERT affirmed that the fiscal note was delivered.

SENATOR ELTON thanked Ms. Demmert for her discussion about the long term care ombudsman, and pointed out that one can make an argument that the long term care ombudsman is an advocate as well as an ombudsman so it differs from the state ombudsman.

SENATOR WILKEN asked whether anyone is opposed to the extension of the OAC.

MS. DEMMERT said she is not aware of any opposition.

MARIE DARLIN, representing the Capital City Task Force of AARP, made the following comments. AARP supports the extension of the OAC because it is vital to the concerns of AARP members. AARP will be watching long term care issues this year, particularly the assisted living home issue.

There being no further testimony on SB 204, SENATOR WILKEN announced it will be held until the next meeting.

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#HB 85

HB 85-TEACHERS' LICENSES, DISCIPLINE & ETHICS

SANNA GREEN, Executive Director of the Professional Teaching Practices Commission (PTPC), explained that the PTPC is an ethics board whose major function is discipline. HB 85 pulls many provisions related to ethics and licensing into one section of statute. Very few changes have been made to the licensure provisions. One proposed change is replacing the word "certificate" with "license" to follow a national trend. A license indicates a level-entry qualification while the word "certificate" is used to denote a higher level of recognition. This name change makes no changes to the licensing qualifications.

SENATOR WILKEN asked if the PTPC will require teacher's licenses rather than certificates.

MS. GREEN said that is correct.

SENATOR WILKEN asked how other states compare.

MS. GREEN was not sure of the number, but repeated it is a national trend.

Number 2039

SENATOR WILKEN asked the reason for the change.

MS. GREEN stated that a license is generally recognized as an entry level credential while a certificate is recognized as requiring a more stringent process. She noted that most states that attended the Western States conference are changing the word to "license."

SENATOR WILKEN asked if the fact that Alaska gives a teacher's exam has anything to do with the name change.

MS. GREEN said it does not.

SENATOR WILKEN pointed out that a criminal history background check has been added to page 1, line 13.

MS. GREEN replied the background check is not being added, it is already required. Many of the provisions related to teaching practices are being incorporated into one place in the statutes.

SENATOR ELTON indicated that he is waiting for a response from the Department of Education regarding the ability to waive licensure, a matter he has discussed with Ms. Green.

MS. GREEN noted that PTPA's main concern is the safety of children in classrooms and, because schools are a victim-rich environment, PTPA must continually be on the alert for sexual abuse by educators. Alaska must be cognizant of the fact that it is viewed as quite remote but it has effective ways to deal with the problem. A national network has been created; that network registers educators who have been disciplined. Those records can be checked when teachers apply for positions in Alaska, however not all states report. She fears that offenders from states that do not participate in the registry look to Alaska as the farthest place they can go where their reputations will not follow them. She

repeated that PTPC has been very careful in that regard.

MS. GREEN referred to the sponsor statement and reviewed the new provisions contained in HB 85. First, a new section includes a compilation of the grounds for denial of application. The PTPC currently recommends application denials to the certification office in the Department of Education (DOE) but the reasons for denial are not contained in statute. Second, the bill allows reciprocal discipline of an educator who was disciplined in another jurisdiction. At present, if another state has revoked a license from a teacher who is also licensed in Alaska, Alaska must hold a due process hearing before it can revoke the license.

SENATOR ELTON questioned how many teachers have licenses in multiple states.

MS. GREEN said many. She noted that Alaska has about 8,000 teachers in the State but it has jurisdiction over 25,000 certificates. She pointed out that two teachers with Alaska teaching certificates had their licenses revoked by the State of Florida after which the PTPC revoked the Alaska licenses.

MS. GREEN explained that the bill expands the waiting period for license reinstatement from one year to five years.

SENATOR WILKEN asked how that compares to the rest of the nation.

MS. GREEN replied that some states can revoke a license for life, Alaska cannot. She said five years is average.

SENATOR WILKEN asked how the phrase, "resided out of state" on page 2, line 23, is defined.

MS. GREEN explained that a teacher does not have to apply for a renewal unless that teacher's license has expired, regardless of whether the teacher is residing in state or not. A renewal application will require a criminal history check and applies when a teacher has not been residing in Alaska and requests a renewal. Alaska will have no record of what that teacher has been doing while residing out-of-state.

SENATOR ELTON asked what the PTPC currently does when a person applies for reinstatement after one year of being disciplined.

MS. GREEN said the PTPC reviews the entire record and any material presented by the applicant.

SENATOR ELTON asked if a small community was comfortable rehiring a teacher who was disciplined after one year whether the new provision would prevent the community from doing so.

MS. GREEN said that is correct but added that licenses are not revoked unless the offense is very serious.

MS. GREEN continued to explain the new provisions in HB 85. A misrepresentation of a material fact on an employment application can be considered as a ground for discipline. Currently, the PTPC can only consider that as a ground for discipline if the misrepresentation is made on the certification application, not on applications for employment with school districts. Such an offense would not result in license revocation. In addition, HB 85 allows PTPC to put conditions on a teaching license. PTPC has taken that liberty already but the Department of Law advised that authorizing language be put in statute.

The next provision gives the PTPC the authority to impose civil fines against teachers who are regulated by state law but do not hold licenses. That group includes teachers in higher education, private school educators, unlicensed administrators, and others. Although that group falls under the jurisdiction of the PTPC, the PTPC has no way to discipline that group.

SENATOR ELTON asked what kind of authority the PTPC exercises over private school educators and why some administrators do not have to be licensed.

MS. GREEN said most administrators do have to be licensed, but legislation has been proposed that would allow superintendents to be unlicensed. She noted some personnel directors are not licensed teachers. Most private school educators have certificates but some do not. Most private school contracts require those educators to obey the code of ethics which falls under the jurisdiction of PTPC.

SENATOR ELTON asked if the PTPC only has jurisdiction over those educators who have signed contracts that refer to the code of ethics.

MS. GREEN said that is correct and, as far as she knows, the PTPC has no jurisdiction if the contract does not mention the code.

SENATOR ELTON asked if the PTPC gets a fee from private schools for doing that kind of work.

MS. GREEN said it does not get a fee.

MS. GREEN indicated the next new provision would preclude a person, whose license is suspended or revoked from employment as a member

of the teaching profession, even if the position does not require a license. She explained that PTPC had a case against a superintendent at Adak for gross fiscal mismanagement. PTPC's only jurisdiction was over the superintendent's certificate, which it revoked. The superintendent was then hired at Chevak as an uncertificated, paid consultant. After rigorous objection, the district backed down because, under those circumstances, a certificate would have had no meaning. This provision does not allow a person to be reemployed as an educator immediately after his license has been revoked.

SENATOR ELTON asked if this provision would give the PTPC the authority to prevent a school district from hiring a teacher with a revoked license as a lobbyist.

MS. GREEN said she was not sure how far that provision would extend, but the intent was to prevent the teacher from working in the central office as a consultant.

SENATOR ELTON expressed concern that, by extending PTPC's authority to preclude employment by contract, PTPC is setting up two classes because a person whose license was revoked in another state would not be precluded from taking that job. He expressed interest in continuing the dialog on how far PTPC's authorities extend over contract employees at another time.

MS. GREEN agreed to discuss that question with the Department of Law and expressed concern that the PTPC does not want to hamstring villages from hiring for the services they need.

SENATOR ELTON pointed out he believes a school district would be foolish to hire a person whose license was revoked but he does not

want to create a two class system.

MS. GREEN added that licenses are revoked in very severe cases only. For other cases, licenses are suspended or conditions are applied.

SENATOR WILKEN asked Ms. Green to respond to Senator Elton's concern when the bill is scheduled for another hearing.

MS. GREEN explained that a provision was included to protect the confidentiality of minors and of investigatory files. Although initials are used to protect confidentiality, initials are recognizable in smaller villages therefore a different notation needs to be used. PTPC does not share any information from its files from cases in which the charges were not proven or found to be frivolous, to prevent a person's reputation from being ruined.

SENATOR ELTON asked whether an investigatory file is considered an open file once the PTPC has decided to revoke a license.

MS. GREEN replied that only evidence which the PTPC provides at the hearing.

SENATOR ELTON asked if only that information used to make the decision is available.

MS. GREEN said yes and noted that hearings are public so that information would be available at the hearing.

The last new provision allows immunity from liability for persons who participate in good faith in investigations and proceedings of the PTPC.

MS. GREEN noted the PTPC would like to change its name to the Educator Ethics Commission which clarifies the Commission's mission. In law, her position is referred to as "executive secretary." She has adopted the title of "executive director." She asked that the title be changed in statute.

Number 785

SENATOR WILKEN asked whether the entire Commission supports HB 85.

MS. GREEN said yes and that members went through the legislation line-by-line.

SENATOR WILKEN asked about the Department of Education's position.

BETH LAPE, Special Assistant, Department of Education, stated that DOE supports the legislation.

MS. GREEN clarified that she and her assistant attorney general instigated this legislation.

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There being no further business to come before the committee, SENATOR WILKEN adjourned the meeting at 3:04 p.m.

STATE OF ALASKA

DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

*Professional Teaching
Practices Commission*

Tony Knowles, Governor

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HOUSEBILL 85 SPONSOR'S STATEMENT

This bill enhances the state's ability to protect students by strengthening and streamlining licensure and discipline provisions for members of the teaching profession.

The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute, and all of the regulatory and statutory grounds for discipline would be consolidated into a single statutory provision.

New sections include:

A compilation of the grounds for denial of application

Allow reciprocal discipline of an educator who was disciplined in another jurisdiction

Expand from one year to five years the waiting period for reinstatement

Adds misrepresentation of a material fact on an employment application as a ground for discipline

Authority to put conditions on a teaching license

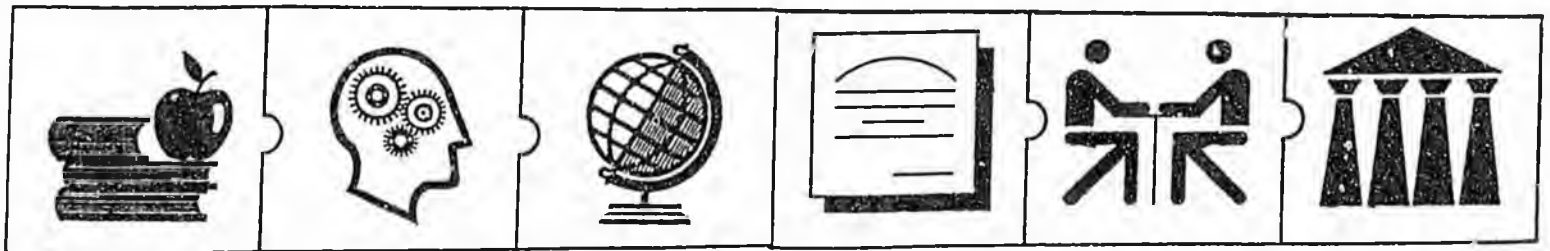
Authority to impose a civil fine against a person, who is regulated by state law, but does not hold a license. This would include teachers in higher education, some educators in private schools, some unlicensed administrators, and possibly others.

Provisions that would preclude a person, whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

Provisions to protect the confidentiality of minors and of investigatory files

A provision to provide immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education

Sanna Green
Executive Director



PROFESSIONAL TEACHING PRACTICES COMMISSION
Promoting ethics in the profession
Fall '99 Newsletter

The Professional Teaching Practices Commission Statement on Contractual Issues

The Professional Teaching Practices Commission is specifically cited in statute to investigate allegations of contract violations. This does not include negotiated agreements, only the breach of contract by unilateral termination. The PTPC revised the statement of procedures with regard to contract violations at the general meeting October 21. All educators should be aware of possible sanctions against their certificate as described in the new statement.

I. PROCEDURES OF PTPC ON BREACH OF CONTRACT DUE TO UNILATERAL TERMINATION BY AN EMPLOYEE

- A. An educator under contract with a school district who fails to give written notice of intent to terminate the contract, or who leaves the position following such notice without having the written assent of the employer, shall be deemed to have breached the contract and may be subject to disciplinary action including possible revocation of certificates by the PTPC.
- B. If the unilateral termination of the educator occurs more than 30 days prior to the educator's first duty day, and there are insufficient mitigating circumstances, the PTPC will issue a warning to the educator that the action is unprofessional and is on record with the PTPC.
- C. If the unilateral termination by the educator occurs 30 days prior to the educator's first day of work, or any time thereafter, the PTPC has adjudged that such a violation is serious enough that a sanction against the certificate will be considered.

The following mitigating circumstances will be taken into account when determining a sanction:

- 1. Extenuating circumstances that gave rise to the resignation request, such as family or health consideration.
- 2. Attempts to reach an accommodation with the employer or otherwise ameliorate the plight of the employer.
- 3. A misrepresentation of the conditions of employment or working conditions by the employer.

II. PTPC RECOMMENDATIONS TO SCHOOL BOARDS

The Professional Teaching Practices Commission would recommend that each school district develop a policy, which addresses:

- A. What the school district will do in the event an educator requests to resign from contract or leaves a position with notice, and;
- B. What procedures the school district will follow when recruiting an educator currently under contract with another school district, including an educator who has not obtained a written release from that employer.

PROPOSED CODE OF ETHIC CHANGES

At the general meeting on October 21, the Professional Teaching Practices Commission voted to promulgate changes in the Code of Ethics. The changes as follows are being circulated for comments from the education public. After a period of public comment the Commission may adopt these changes, which will then be in Alaska State regulations. All members of the public are invited to send comments to PTPC, 344 West 3rd Avenue, Suite 127, Anchorage, 99501.

20 AAC 10.020 (b)(1) currently reads: *may not restrain a student from independent action in the student's pursuit of learning or deny the student access to varying points of view without reasonable cause;* (b)(2) currently reads: *may not deliberately suppress or distort subject matter relevant to a student's progress;*

(b)(1) and (b)(2) will be replaced with a new (b)(1) *may not deliberately distort or suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the license holder.* Provisions (c)(1), (3), (d), (8), (9) and (14) will be deleted and replaced by (d)(1).

(c)(1) Currently reads: *may not misrepresent an institution or organization with which the educator is affiliated;*
(c)(3) Currently reads: *may not knowingly distort or misrepresent facts concerning educational matters;*
(d)(8) Currently reads: *may not submit fraudulent information on any document in connections with professional activities;*
(d)(9) Currently reads: *may not knowingly distort an evaluation of the educator's or another's professional performance;*
(d)(14) Currently reads: *may not knowingly withhold or distort information regarding a position from an applicant or misrepresent an assignment or conditions of employment;*

The replacement will be: (d)(1) shall *not falsify any document, or make a misrepresentation on any matter related to licensure, employment, evaluation, test results, or professional duties;*

The category of age will be added to the classes protected from discrimination in 20 AAC 10.020 (d)(1).

The complete text of proposed changes will be mailed out for public comment or is available by contacting the PTPC office.

LOOKING FOR A QUICK FIX

A new Louisiana law will require children to address their teachers, and other adult school employees as "ma'am" or "sir" and to use Mr., Mrs., or Miss when calling them by name. State Senator Don Cravins, a Democrat, drafted the bill in an attempt to teach children civility and respect, and to put an end to school violence.

NEW MEMBERS ON THE COMMISSION

Bob Christal, superintendent of the Anchorage School District, is the new superintendent's representative on PTPC. He has been with the Anchorage District since 1970 when he taught at Ptarmigan Elementary School. He was also an elementary school principal, Elementary Supervisor, and Assistant Superintendent. He has been active with the Boy Scouts, the Boys and Girls Club of Alaska, and Anchorage Chamber of Commerce, and served on the Board of Directors of the Alaska Association of School Administrators. He replaces Bruce Johnson who left the Commission when he became Deputy Commissioner of Education.

Pat Truman has been appointed by the governor as teachers' representative on the Commission, to complete the term of Pat Chitty, who retired from education. Born and raised in Montana, Truman came to Alaska in 1978 to teach at Fort Yukon. She has also taught in Fairbanks and Mat-SU in the gifted and talented program and as reading specialist. She currently teaches Language Arts at Palmer Junior Middle School, and is a state consultant for quality schools. Recognized as Mat-Su teacher of the Year in 1996, she was runner up for Alaska teacher of the year. In 1997 she traveled to Japan as a Fulbright recipient. This October she traveled to Washington D.C. to receive her National Board Certification.

PTPC MEETINGS

The Professional Teaching Practices Commission will meet in general session January 26, and 27, 2000, and April 18 and 19, 2000 in the conference room of the Alaska State Library of Talking Books at 344 W 3rd Avenue, in Anchorage. The meetings are open to the public.

PTPC DISCIPLINARY ACTION

At the May 22, 1999 Meeting the PTPC:

- ◆ Revoked the certificate of Mark Leary for sexual misconduct with a student.
- ◆ Revoked the certificate of Greg Baldrige for contract violation.
- ◆ Suspended the certificate of Gary Anderson for endangering the safety of students.
- ◆ Suspended the certificate of Loree Howard for two years for contract violation.
- ◆ Suspended the certificate of Kristin Wilkening for 6 months for contract violation.

IN OTHER ACTION THE PTPC:

- Revised the statement on procedures for handling contract violation cases.
- Proposed changes in the Code of Ethics to be promulgated.
- Developed a statement on the ethical obligations of educators with regard to testing.
- Made a procedural change, which will require five affirmative votes for any action, not just a majority of those present.
- Made a procedural change, which provides that members may not abstain from voting on an issue but must cast a vote, unless recused for cause.

TEACHER STUDENT BOUNDARIES

The largest number of hearings conducted by the PTPC is the result of allegations of misconduct with students. Many of these cases are the result of overt sexual relationships. However, some of them are unprofessional relationships that do not reach the level of sexual contact. Educators must be very careful about developing a relationship with a student, which is based on the educator's emotional need.

Friendly behaviors are those that create a safe environment for students to grow and learn, to seek help in solving problems and to develop socially through activities. Overly friendly behaviors can cross the boundaries separating student from teacher and create a personal relationship that puts the student and teacher at risk.

PTPC offers the following guidelines for educators in evaluating their own conduct.

STAYING WITHIN BOUNDARIES

1. State the limits of the relationship.
2. Reaffirm the helping nature of the relationship.
3. Suggest a specific plan for addressing the students' needs.

EFFECTIVE ADVISORS:

1. *Understand their own emotional needs*
Teacher/advisors who are in emotional need are most vulnerable to the seductive dependency of an unprofessional relationship.
2. *Understand propriety issues related to helping relationships*
Professional and personal boundaries become blurred when teachers take students to lunch, write and receive personal notes or make physical contact.
3. *Understand the emotional and physical development of students*
Students who believe no one listens to them often transfer feelings of affection to the teacher/advisor.

TESTING STUDENTS

Incoming 10th graders across Alaska will be the first students required to pass the state's new high school graduation qualifying examination.

The test is designed to evaluate the skills of graduating seniors. Educators don't expect to see a large number of sophomore's pass. Those who do, though, won't have to worry about taking the test again.

The graduation exam measures a student's skills in the three basic subject areas: reading, writing, and mathematics. Students are required to demonstrate proficiency and achieve a passing score in each section.

The Alaska High School Graduation Qualifying Examination may be taken more than once. Beginning the school year of 2000/2001, a student may take it twice as a sophomore, twice as a junior, and beginning in 2002, twice as a senior.

Once a student passes the exam, he or she does not have to take it again. A student, who passes one or two parts of the test, only has to retake the part that was failed.

An individual who completes high school requirements without passing the test still has the option of taking it twice a year for three more years after leaving high school.

COMMISSION MEMBERS

Linda Connelly.....Chair/Principal Rep
Mary Lou Madden.....Vice-Chair/Higher Ed
Chris Miller-Dart.....Secretary/Teacher Rep
Bob Christa.....Superintendent Rep
Judith Entwife.....Dept of Education Rep
Pat Truman.....Teacher Representative
Sue Cast.....Teacher Representative
Steve Beardsley.....Teacher Representative
Vickie McCubbin.....Teacher Representative
Sanna Green.....Exec Director/Editor

WHAT COLLEGES REALLY LOOK FOR

Here's the most-wanted list.

1. **A challenging high school curriculum.** That means honors or advanced placement classes.
2. **Grades.** A good GPA goes a long way toward opening doors, but colleges would prefer to see slightly lower grades in a rigorous program over straight A's in less challenging classes.
3. **Solid scores on standardized tests.** SAT and ACT scores should at least match with national performance.
4. **Involvement in activities.** The graduate doesn't have to participate in five extracurricular activities. Colleges are looking for depth of involvement, not breadth. And those activities should demonstrate leadership and initiative.
5. **Community service.** This signals concern for other people, as well as a global view.
6. **Work or out-of-school experience.** These activities should illustrate responsibility, education, and development of areas of interest, as well as meaningful use of time.
7. **Well-written essay.** The personal essay should provide insight into his or her personality, values, and goals.
8. **Letters of recommendation.** These can come from teachers, administrators, coaches, and after-school or summertime bosses.
9. **Standouts.** Anything that makes the applicant stand out from the crowd. It could be special honors, unusual talent of activities, or awards.

ALASKA ADVANCED CERTIFICATION

Alaska has an advanced certificate for educators who have passed the national board certification. The certificate is good for the life of the national certification, which is currently 10 years. There are seven Alaska educators holding the advanced certificate. They are: Linda Fry and Lauren Leonard in the Fairbanks School District; Jo Ellen Solmonson and Chana Boyko in the Anchorage School District; Cynthia Curran and Patricia Truman in the Mat-Su School District; and Karen Stapf-Harris in the Denali School District.



TEACHERS' LITERACY SKILLS AKIN TO OTHER PROFESSIONALS

New research shows that by one measure, teachers hold their own against people in other lines of work.

The Princeton NJ based Educational Testing Service carried out the analysis for the study. Based on results from more than 26,000 individuals, the ETS report defines three areas of ability: "prose literacy", the ability to use and understand information from texts, such as news stories and fiction; "document literacy", the ability to locate and use information in everyday materials; and "quantitative literacy", proficiency in mathematics.

About half the teachers scored at least at the fourth-highest level, out of five, in all three areas, compared with about 20 percent for adults nationwide.

The analysis also found teachers, on average, performing about the same as lawyers, marketing professionals, and social workers in prose literacy, and at least as well in document literacy as other professionals, with the exception of electrical engineers. And, though outperformed by auditors and computer-systems analysts in quantitative literacy, teachers scored about as well as other managers and professionals in that category.

The report also shows teachers earning significantly less than other professionals who possess the same level of skills.

AND THESE GUYS GET PAID MORE THAN TEACHERS

The following ACTUAL questions from lawyers, taken directly from court records, come from the 24th issue of "The Milwaukee Badge."

1. Was that the same nose you broke as a child?

2. Now, doctor, isn't it true that when a person dies in his sleep, in most cases he just passes quietly away and doesn't know anything about it until the next morning?
3. Q. What happened then?
A. He told me, he says, "I have to kill you because you can identify me."
Q. Did he kill you?
4. Was it you or your brother that was killed in the war?
5. Were you alone or by yourself?
6. Do you have any children or anything of that kind?
7. Q. I show you exhibit 3 and ask if you recognize that picture.
A. That's me.
Q. Were you present when that picture was taken?
8. Q. Do you know how far pregnant you are?
A. I'll be 3 months on November 8th
Q. Apparently, then the date of conception was August 8th?
A. Yes
Q. What were you doing at the time?
9. So you were gone until you returned?
10. Q. She had 3 children, right?
A. Yes
Q. How many were boys?
A. None
Q. Were there girls?
11. A Texas attorney, realizing he was on the verge of unleashing a stupid question, interrupted himself and said, "Your Honor, I'd like to strike the next question."
12. Q. Do you recall approximately the time that you examined the body of Mr. Edington at the Rose Chapel?
A. It was in the evening. The autopsy started about 8:30 p.m.
Q. And Mr. Edington was dead at the time is that correct?

PROFESSIONAL ETHICS DISTRICT AND STATE TESTING

PROFESSIONAL TEACHING PRACTICES COMMISSION STATEMENT REGARDING ETHICAL CONDUCT OF EDUCATORS WITH REGARD TO TESTING.

The purpose of this document is to give Alaska school personnel guidelines for appropriate ethical conduct in the administration and management of district and state testing programs.

It is not intended to apply to assessments given by teachers for classroom use.

TEST SECURITY

It is essential that all test materials remain secure. All administrators, teachers, support staff, students, and parents are responsible for test security. This includes storage, distribution, administration, and collection of tests.

In addition personnel at the building site have a responsibility to do the following:

- Ensure that students use only those reference materials allowed by the testing procedures
- Ensure that students do not receive copies of the test ahead of time
- Ensure that students do not learn of specific test items prior to the test
- Ensure that answer documents are not altered after testing

PRE-TEST ACTIVITIES

Teachers may give students practice with various item formats of assessments they will be taking, but not on the actual activities in the test.

Reasonable notice of upcoming assessments should be provided to all concerned, including teachers, students, and parents. However, using this notice to discourage any students from participating is unethical behavior.

Test administrators must study the appropriate administrative manual prior to administering the test.

TESTING

To ensure that all students have the opportunity to succeed, test administrators must remain in the room, and appropriately monitor the testing session.

Test administrators and proctors should take reasonable steps to ensure that all students:

- Follow instructions
- Respond in the appropriate places in answer documents
- Do not interfere with or distract others
- Use only permitted materials and devices

Professional Teaching Practices
Commission (PTPC)
344 West Third Avenue, Suite 127
Anchorage, AK 99501

TONY KNOWLES
GOVERNOR



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February 8, 1999

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Brian
Dear Speaker Porter:

Quality education for all Alaska children remains a focus and ongoing effort of my Administration. This bill I transmit today enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The name of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's numerous provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

The Honorable Brian Porter

February 8, 1999

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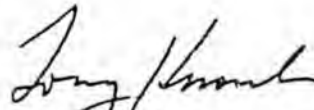
The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation of a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement.

Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

This bill represents a thorough effort on the part of the Department of Education and Professional Teaching Practices Commission to ensure Alaska educators are of high quality and integrity. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles
Governor