

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON EDUCATION

March 23, 2004

11:01 a.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative Paul Seaton, Vice Chair
Representative Dan Ogg
Representative Peggy Wilson
Representative Kelly Wolf
Representative Mary Kapsner

MEMBERS ABSENT

Representative Les Gara

COMMITTEE CALENDAR

SB 179 SENATE BILL NO. 179

"An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

- MOVED CSSB 179(FIN) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 179

SHORT TITLE: CRIMINAL BACKGROUND CHECKS/TEACHERS

SPONSOR(S): SENATOR(S) THERRIAULT

04/08/03	(S)	READ THE FIRST TIME - REFERRALS
04/08/03	(S)	HES, FIN
04/16/03	(S)	HES AT 1:30 PM BUTROVICH 205
04/16/03	(S)	Moved CSSB 179(HES) Out of Committee
04/16/03	(S)	MINUTE(HES)
05/10/03	(S)	HES RPT CS 2DP 1NR NEW TITLE
05/10/03	(S)	DP: DYSON, WILKEN; NR: DAVIS
05/13/03	(H)	FIN AT 8:00 AM SENATE FINANCE 532
05/13/03	(S)	<Above Item Removed from Agenda>
05/13/03	(S)	MINUTE(FIN)
03/08/04	(S)	FIN RPT CS 5DP 2NR NEW TITLE
03/08/04	(S)	DP: GREEN, WILKEN, DYSON, BUNDE,
03/08/04	(S)	STEVENS B; NR: HOFFMAN, OLSON
03/08/04	(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/08/04	(S)	Moved CSSB 179(FIN) Out of Committee

03/08/04 (S) MINUTE(FIN)
03/15/04 (S) TRANSMITTED TO (H)
03/15/04 (S) VERSION: CSSB 179(FIN)
03/16/04 (H) READ THE FIRST TIME - REFERRALS
03/16/04 (H) EDU, HES, JUD
03/23/04 (H) EDU AT 11:00 AM CAPITOL 124

WITNESS REGISTER

ZACK WARWICK, Staff
to Senator Gene Therriault
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of Senator Therriault,
sponsor of SB 179 and answered questions from the members.

KATHRYN MONFREDA, Chief
Criminal Records and Identification Bureau
Division of Statewide Service
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Testified on SB 179 and answered questions
from the members.

CYNTHIA CURRAN, Administrator
Teacher Education and Certification
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Testified on SB 179 and answered questions
from the members.

ACTION NARRATIVE

TAPE 04-17, SIDE A

Number 0001

CHAIR CARL GATTO called the House Special Committee on Education meeting to order at 11:01 a.m. Representatives Gatto, Seaton, Wilson, and Wolf were present at the call to order. Representatives Ogg and Kapsner arrived as the meeting was in progress.

SB 179-CRIMINAL BACKGROUND CHECKS/TEACHERS

Number 0050

CHAIR GATTO announced that the only order of business would be SENATE BILL NO. 179, "An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

NUMBER 0080

ZACK WARWICK, Staff to Senator Gene Therriault, Alaska State Legislature, testified on behalf of Senator Therriault, sponsor of SB 179 and answered questions from the members. He told the members that SB 179 addresses a problem with fingerprint checks. One problem is that those in the teaching field have [the ridges in on their fingertips] wear out to the point that fingerprints are not readable and which makes background checks virtually impossible to get. Mr. Warwick explained that this bill creates an alternative process. He commented that the staff from the Department of Education could speak to that point. Some of the teachers are getting reprinted every three months, receiving a yellow card, and authorization to teach for another three months because their prints are not readable, he said. As a result of this problem the school districts were not receiving a full background check, he summarized.

MR. WARWICK explained that this legislation would change that process. After fingerprints were rolled twice and rejected, the Department of Public Safety (DPS) would make a determination that the fingerprints were not rejected because the person rolling the prints was incompetent, but that the prints were unreadable.

Number 0264

MR. WARWICK commented that during the Senate Health, Education and Social Services meeting it was discovered that DPS has a long list of occupations where background checks are required at the federal level. For example, some occupations such as members of the Alaska Bar Association or liquor license holders are required to be fingerprinted. The legislature was given broad based authority in statute to get background checks, but it did not say fingerprint background checks, just background checks, he said. The U.S. Department of Justice reviewed the State of Alaska's statutes and found that the state is close to falling out of compliance with federal laws. It was suggested that there be corrective changes to statute. Those suggested changes were made in the Senate Health, Education and Social Services Standing Committee and clarified in the Senate Finance Committee.

Number 0321

REPRESENTATIVE GATTO noted the bill has grown.

MR. WARWICK agreed with Representative Gatto's comment. He explained that the reason it has grown is that for every section of statute where authority was created to do background checks it was necessary to cross-reference and state that these were fingerprint-based background checks. It was also necessary to include the fee section, he added. Mr. Warwick told the members that it was during this process that Chairman Gatto also brought to the Senator Therriault's attention a problem that exists in the Matanuska-Susitna Borough School District. Teachers were not getting their fingerprint background checks back within the three-month period. When language was inserted into the bill to address this problem there was concern that it violated the single subject rule so the language was changed by Legislative Legal and Research Services to ensure this change is compatible with that rule, he explained.

MR. WARWICK told the members that this bill would authorize the Department of Education and Early Development to extend the time period for teacher's temporary certificate from a three-month period to a five-month period. This change would relieve teachers from having to resubmit paperwork every three months while waiting for the fingerprint background checks to come back to the department. He emphasized that this extension is only applicable when the background checks do not come back within three months through no fault of the teacher applicant. He commented that post 9/11 [the terrorist attacks of September 11, 2001] the Department of Justice had a tremendous backlog in fingerprint checks.

Number 0479

CHAIR GATTO asked what has changed about unreadable fingerprint checks.

MR. WARWICK responded that there will be an alternate system put in place if a teacher applicant submits fingerprints twice and the Department of Public Safety (DPS) makes the determination that the fingerprints are not readable. At that point the DPS would do a name-based background check.

REPRESENTATIVE WOLF asked for clarification on the statement that fingerprints of teachers wear off. He commented that he

can understand welders burning thumbs, but sees little way a teacher's fingerprints could wear off.

MR. WARWICK responded that teachers and nurses have the highest incidence of [ridges in thumbprints] wearing out. He offered that teachers and nurses are required to have fingerprints done, but welders generally are not.

REPRESENTATIVE WOLF disagreed with Mr. Warwick on that point. There are welders that work in secure areas around the country that are required to be fingerprinted.

Number 0652

CHAIR GATTO announced for the record that Representatives Wolf and Kapsner have joined the meeting.

Number 0676

REPRESENTATIVE WILSON asked how many [teachers] in the state have unreadable fingerprints.

MR. WARWICK referred the members to a list highlighting fingerprint submissions over a 9-month period in 2003 [memorandum dated March 13, 2003, Linda Judd, Supervisor, Teacher Certification, Department of Education and Early Development]. That memorandum states that of the 1,567 teacher applicants, 42 applicants resubmitted their fingerprints at least two times. He pointed out that during that 9-month period these teacher applicants had three sets of prints rolled.

CHAIR GATTO asked if these prints are reviewed electronically.

MR. WARWICK replied that he is not an expert on fingerprint technology.

CHAIR GATTO commented that DPS could likely respond to that question.

Number 0740

REPRESENTATIVE KAPSNER asked if school bus drivers are required to be fingerprinted.

MR. WARWICK responded that school bus drivers are required to be fingerprinted, and pointed to Section 17 of the bill [page 10, lines 9 through 12].

Number 0777

REPRESENTATIVE SEATON inquired about the new technology now being used at airports where green light scans fingerprints. He questioned whether this method might be more effective than ink and paper.

MR. WARWICK replied that he has never seen print scanners in airports so he cannot comment on its effectiveness.

Number 0886

KATHRYN MONFREDA, Chief, Criminal Records and Identification Bureau, Division of Statewide Service, Department of Public Safety, testified on SB 179 and answered questions from the members.

CHAIR GATTO asked for Ms. Monfreda to comment on the issue of fingerprints wearing out.

MS. MONFREDA explained that fingerprints do wear out. She commented that mechanics and bricklayers have a high incidence of that. She explained that there are problems with teachers' fingerprints also. In particular, women's fingers are more delicate than men's fingers and the ridges seem to be finer. It is easier to work them down to the point that they are unidentifiable, she said. She commented that Representative Wolf was correct that it can be any occupation that could experience this effect. For example, fishermen are susceptible with drying and cracking of the hands. Ms. Monfreda told the members that people who deal with a lot of paper can also wear out the ridges of their fingertips.

Number 1040

REPRESENTATIVE SEATON inquired about the electronic technology that is currently being used and asked if it could address some of these problems.

MS. MONFREDA commented that there are misconceptions about live scan machines. She agreed that generally better fingerprints can be obtained from a live scan machine versus rolling in ink. However, she shared that several of the teachers in the Anchorage area have come into the office for live scan fingerprints and it was found that the ink actually looked better.

CHAIR GATTO asked if it is possible to determine if a person has filed his/her fingerprints down to deliberately defeat the system.

MS. MONFREDA replied that it is not possible to tell if it is done totally intentionally unless the fingertips have been sliced with razors or something of that nature. She pointed out that if the fingertips are filed down, the ridges will grow back, and that is why the Federal Bureau of Investigation requires multiple submissions.

Number 1155

CHAIR GATTO pointed out that if a person were going in for fingerprints at 2 p.m. then he/she could file them down at noon.

MS. MONFREDA agreed with Chair Gatto. She suggested that there needs to be some leeway for individuals whose ridges will not grow back. Ms. Monfreda commented that she and her staff are pretty adept at determining if fingerprints ridges will grow back.

REPRESENTATIVE WOLF asked who takes the fingerprints of teacher applicants and are these individuals trained and experienced in this process.

MS. MONFREDA replied that she hopes these people are trained and have experience. There is nothing in statute that says any certification is required to do fingerprinting. The DPS provides training to anyone who requests it. Between 8 percent and 10 percent of the fingerprint cards that DPS receives for applicant purposes are rejected for poor quality, she added.

REPRESENTATIVE WOLF commented that the justice system bases entire cases on fingerprints at a crime scene. He asked if there is different technology used between background checks for teacher applicants and that used in crime labs for crime investigations.

Number 1348

MS. MONFREDA replied that there is a difference. She explained that a latent fingerprint which has been lifted from a crime scene is run blindly through the FBI's 14,000,000 or more pool of fingerprints. Fingerprints which are rolled are run through

a smaller pool of fingerprints and are examined by an operator who looks at all ten fingers of the hand.

CHAIR WILSON asked what the procedure is in collecting fingerprints for teacher applicants. She commented that in [Wrangell] she assumes teachers go to the police station to get fingerprinted.

Number 1458

MS. MONFREDA commented that she believes that the Department of Education and Early Development (DEED) contracts with companies to run the prints.

Number 1496

CYNTHIA CURRAN, Administrator, Teacher Education and Certification, Department of Education and Early Development, testified on SB 179 and answered questions from the members. She told the members that DEED does not contract with anyone to do fingerprinting. The department's policy is that teacher applicants go to a certified fingerprint roller. Applicants might go to the Department of Public Safety from the state where the applicant lives or he/she might go to someone who is licensed and bonded to do fingerprints, she added.

CHAIR GATTO explained that the Human Resources Department in the Matanuska-Susitna Borough School District have been doing fingerprint checks as part of its overall hiring policy for the past eight years. He said that when the borough has completed its evaluation and has hired individuals, there has not been one time in those eight years that a fingerprint has come back which would have nullified the district's decision to hire the teacher applicant. Chair Gatto asked if DEED has had the same results.

MS. CURRAN responded that DEED does background clearances as a statutory requirement for teacher certification, so in order to have the teacher certificate it would be necessary for him/her to be fingerprinted and complete a background clearance before Matanuska-Susitna Borough School District would have been able to hire the teacher. She reiterated that these teachers have already gone through a background clearance if the teacher is an initial applicant.

Number 1599

CHAIR GATTO commented that the bill really deals with the authorization of the DEED to extend the time [a teacher may continue to teach] if the delay in returning the fingerprint is no fault of the applicant.

Number 1635

REPRESENTATIVE WILSON commented that she knows there is a backlog problem. She asked what number of teacher applicants' fingerprint background check are backlogged.

MS. CURRAN replied that there are 12 people who have done the fingerprint submissions numerous times. She explained that last year the DEED tried to address this issue through regulation. The department believed that two submissions were enough, but there was concern that an applicant might go to someone who may be less than reputable and the department would not know. It is for that reason that DEED requires that an applicant would have to get documentation from a doctor which states that an individual could not get readable fingerprints due to medical conditions such as chemotherapy, amputation, or arthritis.

MS. CURRAN explained to the members that when an applicant applies for a teaching certificate and his/her paperwork is processed and a yellow postcard is sent to the applicant. That postcard is proof to school districts that the teacher has applied for certification and that the applicant's fingerprints and paperwork is in the process. Ms. Curran pointed out that a school district would know that it could hire the applicant and that the only thing that would hold up hiring the person is the background check. She explained that in the state of Alaska it is not possible to get the background check back in two weeks. Ms. Curran complimented the Department of Public Safety because in 2001 there was a huge backlog and now the background checks move much more smoothly. She emphasized that backlogs are no longer the problem; the main issue is for those who cannot get fingerprints. When an individual gets rejected by the FBI or the Alaska Department of Public Safety upon the advise of the Department of Law, DEED issues a conditional certificate. That certificate would allow the person to teach for another four months while efforts are made to clear the fingerprints again. She emphasized that it does not solve the problem of the lack of ridges on the applicant's fingertips, but DEED needs another submission in order to issue a conditional certificate so the applicant is still in the process.

Number 1827

REPRESENTATIVE WILSON asked who pays for the repeated submission of fingerprints.

Number 1907

MS. CURRAN replied that the teacher applicant has to pay the fingerprint roller for the additional fingerprints. She suggested that Kathryn Monfreda in the DPS would have more details on how the fingerprints checks are done. The DEED pays for the background checks, she added.

REPRESENTATIVE WILSON asked Ms. Curran how many individuals have had the background check and it has been found that the applicant cannot teach [due to some criminal history].

MS. CURRAN explained that when a person applies there is a box on the application that must be checked as to whether the applicant has ever committed a felony or been arrested. She added that [DUI] (driving under the influence) must also be included. Ms. Curran said that if those boxes are checked then the application is sent to the Professional Teaching Practices Commission and an investigation is done to determine if the person could teach in Alaska. She commented that the fingerprints are still going through the process. There is a national clearinghouse that the state belongs to which tracks teachers who have had his/her [teaching] license revoked in another state for criminal activity. The department can check that database to ensure the applicant is not listed there. However, if something is found, that information is also forwarded to the Professional Teacher Practices Commission. Ms. Curran clarified that DEED does not have the power to revoke a teaching certificate. The Professional Teacher Practices Commission has that power.

Number 1887

REPRESENTATIVE WILSON asked how many times applicants have been refused or rejected.

MS. CURRAN replied that DEED has not had any applicants that it could not issue a certificate. There have been cases where applicants do not self-report, then there is a hit from the DPS or the FBI. At that point the applicant's paper work is sent to the Professional Teacher's Practices Commission. After the commission's review of the application it will contact the applicant and advise him/her that while his/her certification

will not be denied there is notification that in the future it is essential that reporting whatever the hit was on must be reported on renewal applications.

Number 1993

REPRESENTATIVE KAPSNER asked what other states are doing. She commented that she is sure other states are facing the same dilemma.

MS. CURRAN replied that other states have a different approach. For instance, Florida has very expensive technology thanks to Lockheed Martin [Corporation] where the state is able to get fingerprints done virtually over night, she said. Other states do not allow teachers to apply for certification until he/she has had a background check. She explained that the background check never comes to these states' departments of education, but the results do. In these cases the teacher would have to deal with the department of public safety. Once the background check has been completed the teacher could at that time apply for certification, she added.

REPRESENTATIVE KAPSNER said that Ms. Curran's answer gives her reason for concern. She commented that Alaska is much more lenient. Some would say that Alaska is viewed as an end-of-the-road state. Representative Kapsner said she is concerned that Alaska is getting teachers who are not self-reporting and are allowed to teach for months on end. She said she understands the administrative problem that this presents, but as a parent of small children she is very concerned. Representative Kapsner stated that one teacher could do a lot of damage in a community.

MS. CURRAN agreed with Representative Kapsner and that is the reason for DEED's concern regarding the additional 60 days that are allowed in the bill. She commented that there are a lot of people who know how to play the system, and no system is ever foolproof. She told the members that there is another problem DEED experiences where a teacher has been in a classroom for two months and waits until the last minute to apply for certification. Ms. Curran emphasized that statute says teachers are required to have a teaching certificate before teaching.

Number 2145

CHAIR GATTO asked for clarification that the additional 60 days is discretionary.

MS. CURRAN that is correct.

Number 2149

REPRESENTATIVE KAPSNER asked who bears the final responsibility if there have been extensions to a teacher who really should not be in the classroom.

MS. CURRAN replied that the ultimate responsibility for hiring decisions in a district rests with the superintendent. She noted that superintendents are using the statutes dealing with teacher certification when making hiring decisions.

Number 2185

REPRESENTATIVE SEATON commented that most of the teachers have been working in other states. Since the department has the applicant's name and social security number, is a background check run on that data while waiting for the fingerprint check to return, he asked.

MS. CURRAN replied that the background clearance is based on the fingerprint check at this point. The only time a name check is allowed by the FBI is when it has been determined that fingerprint cards are unreadable, she explained. She emphasized that unreadable fingerprint determinations cannot be based on a technical error, [but a for a medical reason]. After two tries the FBI will do a name check. Ms. Curran further explained that other jurisdictions do not share the results of background checks. She pointed out that Montana does not even do background checks.

REPRESENTATIVE SEATON asked for further clarification on the database or clearinghouse Ms. Curran mentioned earlier.

Number 2322

MS. CURRAN replied that Representative Seaton is referring to the National Association of State Directors of Teachers Education and Certification (NASDTEC). She explained that when a teacher has a license revoked or suspended the teacher's name and a code is placed into that database. While the state cannot see the details about the suspension or revocation it does show that there was a reason for this action. In Alaska a teacher's suspension or revocation may not be enough of a reason to deny a

teacher applicant a certificate. This is another reason for the background, she commented.

Number 2355

CHAIR GATTO asked Ms. Curran if it is an invasion of privacy for someone in Montana to relay results of a background check.

MS. CURRAN responded that she is not sure, but knows that information is not shared. One example where fingerprint background checks are not shared in Alaska is when a teacher has had to get fingerprint [background check] done to get certified, but is then required to be fingerprinted again as a condition of employment by a district. The DEED cannot share its results with the district, she emphasized.

Number 2390

REPRESENTATIVE WOLF said that he is very concerned with the thought of a pedophile working within a school district. He said he surmises that no one really knows the number of applicants nationwide or statewide who have been rejected. Representative Wolf stated he would like to know if this is a chronic problem.

MS. CURRAN agreed with Representative Wolf's concern. She stated that in her perfect world no one would hire a teacher unless that teacher held a valid Alaskan teaching certificate. Then everyone would know that the teacher had no criminal history, Ms. Curran said. Ms. Curran confirmed that DEED does not have information on how many people are rejected. She emphasized that many of the people who are being rejected now are older women, in their 60s and 70s, who lack the ridges in their fingers because of all the paper they have handled.

Number 2530

REPRESENTATIVE WOLF shared that his 74-year-old mother-in-law has taught school for 37 years in Los Angeles and has never had a problem with her fingerprints.

REPRESENTATIVE WILSON commented that she has a problem with this bill. She asked if the 12 teachers who have not completed their background checks are actually teaching.

MS. CURRAN responded that maybe 3 or 4 of them are teaching. Many of them are retired teachers who have never before been

fingerprinted in the state of Alaska and in order to get the retirement certificate, must now be fingerprinted.

Number 2608

REPRESENTATIVE WILSON commented that she sees the value in having an alternative for those individuals who cannot be fingerprinted for some reason. She said that she does not like the idea that teachers can be in the classroom until it is decided that they absolutely should not be there. Representative Wilson shared that for a number of years she lived in Tok and worked at the clinic there. It is amazing how many people come that far and would then just disappear into the wilderness for whatever reason, she said. It is important to be very careful in Alaska. Even though 99.9 percent of the people that come up here are not hiding anything, if one person [who shouldn't be there] slips through a child could be affected, she cautioned. Representative Wilson reiterated that she does not like the idea of a provisional certificate being given to a teacher so he/she can go into a school before a background check is complete. She asked for the other members' view on this portion of the bill.

Number 2709

CHAIR GATTO reminded the members that this bill simply allows for more time to get the fingerprint check back. He pointed out that there are teachers in the Anchorage School District who have been convicted of possessing illegal substances that are still in the classroom. This bill is not really intended to address that issue. What this bill says is that for perfectly legitimate reasons a person could not get a fingerprint check. Alaska has a problem getting teachers, he commented.

CHAIR GATTO shared that in Matanuska-Susitna Borough School District if a teacher passes the district's background check there has been instance where the fingerprint check has come back with a hit. He commented that the Matanuska-Susitna Borough School District's background check is so thorough that DEED's is almost unnecessary. He asked Ms. Curran how many hits there have been on teacher applicants. He said that this bill really deals with good people who cannot get their background checks completed because of poor fingerprints. If an individual is capable of getting through the system, he said he is not sure this committee is capable of dealing with that.

MS. CURRAN asked if he is referring to people with a criminal history.

Number 2813

CHAIR GATTO confirmed that he is asking how many people were missed in a background check, but identified in a fingerprint check.

MS. CURRAN replied that [DEED views] the fingerprint check as the background check.

CHAIR GATTO commented that Matanuska-Susitna Borough School District does more than that. Phone calls are made, he added.

MS. CURRAN asked if he is referring to people who already hold Alaska teaching certificates.

CHAIR GATTO clarified that he is referring to people who have taught in other states; who go to the job fair; and then call to say that they are interested in a job in Alaska. The human resources department will accept the individual's application, proceed with a background check including fingerprinting, hire them, and have him/her in the classroom teaching while waiting for the results of the fingerprint background check. Chair Gatto pointed out that the results of the background check could kick the teacher right out of the classroom, but that has not happened.

MS. CURRAN responded that in order to be teaching in classrooms in Alaska a teacher must have an Alaskan teaching certificate. The fact that a teacher possesses a certificate from another state does not automatically qualify an applicant. An application must be made to the state of Alaska for a teaching certificate, she added. Ms. Curran commented that she may be misunderstanding what Chair Gatto is saying.

CHAIR GATTO asked if any state offers reciprocity on teaching certificates.

MS. CURRAN responded that Alaska is probably the most reciprocal state in the union at this point. Alaska will grant a teacher who passes the criminal background check a type Q teaching certificate. She explained that it is a preliminary certificate which is valid for one year and is based on endorsements from out of state. The one-year certification is good while the teacher takes the Praxis I which is a statutory requirement, and

when DEED receives [passing] test scores the certificate is extended for two more years. Ms. Curran clarified that the certificate is good for three full years if the teacher passes the basic competency test. She emphasized that many states do not accept endorsements and an applicant would have to meet that state's standards as soon as possible. Alaska's requirements include Alaska studies, multi-cultural classes, and the basic competency test, she explained.

Number 2940

REPRESENTATIVE KAPSNER commented that she is okay with this bill going out today because she understands that this is an administrative issue. She said, however, that whatever the cost is to obtain the technology used in Florida it sounds like it would be worthwhile to protect Alaska's children.

TAPE 04-17, SIDE B

Number 2943

REPRESENTATIVE KAPSNER commented that she is aware of the teacher shortage in Alaska and does not want to impose any hardships on that system. She emphasized that she is still not comfortable with the legislation, but understands the dilemma.

REPRESENTATIVE WILSON asked if she understands correctly that a teacher can come to Alaska from another state, provide [an application and] fingerprints, and then receive a one-year temporary teaching certificate. If the teacher is hired by a school he/she can go into the classroom while the background check is being done.

Number 2886

MS. CURRAN replied that in her perfect world the teacher would have done all of that prior to being hired by the school district. Ideally the results of the background check would already be done and the district could be assured that it was hiring someone who has a spotless record. Unfortunately, many times [applying for the teaching certificate and getting the fingerprint background check] is the last thing the teacher does.

REPRESENTATIVE WILSON asked why a school would hire someone when the background check is not complete.

MS. CURRAN responded that the district believes the candidate is right person for the job. The district probably has looked at the credentials and made sure that the person meets the criteria in what is needed. She explained that the background check for many districts is a formality.

Number 2827

CHAIR GATTO commented that not every person that fails the background check is a pedophile. He said that there may be people who had serious problems while going through a divorce and did not pay [alimony]. In a case like that the person could still be a perfectly capable classroom teacher. He asked Ms. Curran if the background check focuses on whether the individual has done something to harm children or if he/she has been convicted of doing illegal things.

MS. CURRAN replied that the background check looks for criminal activity.

CHAIR GATTO commented that the background check could trigger on many things, but it does not mean the individual is an incapable teacher.

MS. CURRAN agreed with Chair Gatto assessment.

CHAIR GATTO said he may know teachers who have done things in their past and who freely admit it, but the individual is watched closely, does well, and is well thought of.

MS. CURRAN replied that is the reason the Professional Teachers Practices Commission reviews applications of those who self-report or when a background check comes back which reflects criminal activity. An investigation can be done and a determination can be made as to whether a teaching certificate should be revoked or denied.

REPRESENTATIVE WILSON asked if anyone is at the meeting representing the Professional Teachers Practices Commission.

MS. CURRAN replied that she is on the board.

Number 2737

REPRESENTATIVE WILSON asked Ms. Curran if she would provide instances of criminal activity and the subsequent determination as to whether an individual could teach school. For example, if

a person were convicted of drunk driving would he/she be able to teach school.

Number 2715

MS. CURRAN responded that when Teacher Education and Certification gets a hit or a self-report then that applicant's name and paperwork goes to the executive director of the Professional Teacher's Practices Commission. She is empowered by the commission to do an investigation which may include calling another state's equivalent commission to find out more information. She explained that when an applicant self-reports the individual needs to attach supporting documentation regarding the offense so that a determination can be made as to whether it rises to the level that requires commission review. Ms. Curran commented that 98.6 percent of the time the offense does not rise to the level of seriousness that would require commission review. The executive director does advise the commission of her findings and recommendation that it would not merit denying a certificate.

MS. CURRAN explained that the commission hears the serious cases where action needs to be taken against a teacher. For example, child molestation, possession of drugs, or moral turpitude are causes for revocation. She pointed out that contract violations may be cause for suspension. Ms. Curran went on to say that due process goes forward with an investigation, finding, hearing, and the commission makes a determination.

REPRESENTATIVE WILSON asked Ms. Curran how long she has been on the commission.

MS. CURRAN replied that she has been on the commission since March 2001 and is on her second term. In response to Representative Wilson question, Ms. Curran said that the commission has revoked four teacher certificates in that time period. She emphasized that some teachers voluntarily give up their certificates because they are aware that they have committed a crime where the certificate will be revoked.

REPRESENTATIVE WILSON asked how many were given up voluntarily. How many were taken away; and of those, how many were in the classroom teaching at the time of revocation.

Number 2515

MS. CURRAN responded that all of the teachers whose certificates were revoked were at one point teaching in the classroom. In some instances the individual school districts may have removed the teacher from the classroom and put him/her on administrative leave so that the teacher would not be in the classroom once the crime had been committed, she explained. Then the commission takes the action against the certificate. Ms. Curran emphasized that districts have the power to remove a teacher from the classroom. Of the eight that committed crimes the district removed the teachers from the classroom and the case was brought to the Professional Teacher's Practices Commission.

CHAIR GATTO pointed out that the next committee of referral is the House Health, Education and Social Services Standing Committee.

Number 2467

REPRESENTATIVE WILSON commented that she surmises that of those individuals that Ms. Curran mentioned those examples would not fit this bill because the individuals were teaching when the crime was committed.

MS. CURRAN replied that is correct. The cases mentioned were teachers who had already passed DEED background check and the district background check, she added.

CHAIR GATTO asked if DUI applies.

MS. CURRAN replied that she does not know.

CHAIR GATTO asked how long a certificate is good for.

MS. CURRAN replied that a regular type A certificate, which is Alaska's standard teaching certificate, is valid for a period of five years and is renewable upon verification of employment or proof of completion of requirements.

CHAIR GATTO stated that this bill has a lot of merit.

Number 2352

REPRESENTATIVE SEATON moved to report CSSB 179(FIN) version V, out of committee with individual recommendations and the accompanying fiscal notes.

Number 2321

REPRESENTATIVE WILSON objected. She asked if all schools require background checks and does Ms. Curran believe that the schools follow through.

Number 2301

MS. CURRAN responded that the larger districts require an additional background check even after an applicant has received a teaching certificate. It is done because something could happen between the time a certificate is obtain and when the teacher is employed. She said that the schools do not conduct the background check; it is done at the district level. Not all schools do background checks, Ms. Curran commented.

REPRESENTATIVE WILSON shared that her husband [who is a superintendent of schools] does very thorough background checks. She asked if generally the larger districts to the check and the smaller ones do not.

MS. CURRAN replied that she does not know how many district actually do additional background checks.

Number 2218

REPRESENTATIVE WILSON withdrew her objection.

Number 2215

CHAIR GATTO announced that there being no further objection, CSSB 179(FIN) was reported out of the House Special Committee on Education.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 12:07 p.m.