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Alaska State Legislature

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House of Representatives

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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To: House HESS Committee Date: 5/16/83
From: Linda Otey, Committee Aide
Re: Summary/ SSHB 292 "An Act relating to tuberculosis screening
of school employees"

This legislation cross references HB 291 and the requirements therein. The Sponsor Substitute changes the wording so that the Dept. of Education would not be directly responsible for performing the T.B. screening of school employees.

The original bill read: "The Department shall annually test all employees of public and private elementary and secondary schools...". The Sponsor Substitute requires school districts to annually obtain from each employee proof that the test has been performed. An employee who refuses or fails to be tested would be suspended from employment until the employee had been tested. The Department could by regulation provide for reasonable exceptions to the new requirement.

No effective date provided. (becomes law 90 days after Governor's signature).

folder content

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bill
statutes
position paper &
fiscal note/DHSS

right
summary
Hurlbert back-up

1 (d) The department may by regulation provide for reasonable
2 exceptions to the requirements of this section.

Section

58. Alaska School Activities Association
59. Alaska school activities fund

Section

60. Regulations
70. Withholding state funds

Collateral references. — 68 Am. Jur.
2d Schools, §§ 5-7, 37-55.
78 C.J.S. Schools and School Districts,
§§ 83-91.

Modern status of doctrine of sovereign
immunity as applied to public schools and
institutions of higher learning. 33 ALR3d
703.

Sec. 14.07.010. Department of Education. The Department of Education includes the commissioner of education, the state Board of Education, and the staff necessary to carry out the functions of the department. (§ 1 ch 98 SLA 1966)

NOTES TO DECISIONS

Quoted in *Begich v. Jefferson*, Sup. Ct.
Op. No. 481 (File No. 894), 441 P.2d 27
(1968).

Cited in *Tunney v. Municipality of*

Anchorage School Dist., Sup. Ct. Op. No.
2160 (File Nos. 4796, 4797, 4826), 617 P.2d
490 (1980).

Sec. 14.07.020. Duties of the department. The department shall

- (1) exercise general supervision over the public schools of the state except the University of Alaska;
- (2) study the conditions and needs of the public schools of the state and adopt or recommend plans for the improvement of the public schools;
- (3) provide advisory and consultative services to all public school governing bodies and personnel;
- (4) prescribe by regulation a minimum course of study for the public schools;
- (5) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;
- (6) accredit those public schools which meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;
- (7) prescribe by regulation, after consultation with the Department of Health and Social Services, standards that will assure healthful and safe conditions in the public and private schools of the state; the standards for private schools may not be more stringent than those for public schools;

(8) in cooperation with the Department of Health and Social Services, exercise general supervision over public and private pre-elementary schools and over the educational component of nurseries as defined in AS 47.35.080(4); pre-elementary schools in this paragraph means schools for children ages three through five years when the schools' primary function is educational;

(9) provide accredited elementary and secondary correspondence study programs available to any Alaskan through a centralized office of correspondence study;

(10) accredit private elementary and secondary schools which request accreditation and which meet accreditation standards prescribed by regulation by the department;

(11) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction project begun after July 1, 1978; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, basic education, and fire-service training to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11.020. (§ 1 ch 98 SLA 1966; am § 2 ch 69 SLA 1971; am § 6 ch 104 SLA 1971; am § 1 ch 190 SLA 1975; am § 6 ch 50 SLA 1977; am §§ 1-3 ch 126 SLA 1978; am § 10 ch 147 SLA 1978; am § 1 ch 86 SLA 1979; am § 24 ch 59 SLA 1982; §§ 1, 2 ch 92 SLA 1982)

Revisor's notes. — A reference to AS 14.11.020 was substituted for a reference to AS 14.07.190 in paragraph (13) by the revisor of statutes under AS 01.05.031 to conform to the renumbering of that section.

Effect of amendments. — The first 1978 amendment deleted "private, and denominational" preceding "schools" near the beginning of paragraph (6), inserted "and private" preceding "schools" in paragraph (7), added the language beginning "the standards for private schools" to the end of paragraph (7), and added paragraph (10).

The second 1978 amendment added paragraph (11).

The 1979 amendment added paragraph (12).

The first 1982 amendment substituted "of" for "and" preceding "new public elementary" in paragraph (11).

The second 1982 amendment substituted "'plans' include" for "a 'plan' includes" in paragraph (11), inserted "and approve" and "the" preceding "purposes of this paragraph" in that same paragraph, and added paragraph (13).

Stated in Anchorage

Collateral require con buildings. 1 Power of physicians, 12 ALR 92; Extent of to attenda 477; 53 AL Kindergarten

Sec. 1

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HOUSE BILL 291

MY NAME IS JIM FARMER, AIDE TO REPRESENTATIVE HURLBERT.

THIS LEGISLATION WAS INTRODUCED BY REQUEST.

IN YOUR PACKET IS A LETTER AND RESOLUTION FROM THE CITY OF GALENA OUTLINING THEIR PROBLEM. I'M HAPPY TO SAY THE INFECTED PERSON WAS FINALLY PERSUADED TO ENTER A COURSE OF TREATMENT, BUT THIS DOES NOT RELIEVE THE UNDERLYING PROBLEM OF SEGREGATING THE INFECTED FROM THE UNINFECTED. AS THE POSITION PAPER FROM DEPARTMENT OF HEALTH AND SOCIAL SERVICES SHOWS THE INCIDENCE OF NEW ACTIVE TB CASES IN ALASKA APPEARS TO BE CLIMBING. THE ONE INDIVIDUAL IN GALENA CAUSED ABOUT 39 OTHER PEOPLE TO NEED EXAMINATION OR TREATMENT.

MOST OF YOU MAY REMEMBER OR MAY HAVE HEARD OF THE MASSIVE PROBLEM ALASKA HAD IN THE PAST WITH TUBERCULOSIS. WE CANNOT ALLOW THIS TO HAPPEN AGAIN.

THIS LEGISLATION WILL HELP ENSURE THE MEDICAL PEOPLE A TOOL THAT MAY BE NEEDED TO SLOW OR REDUCE THE INCIDENCE OF TB WITHIN THE STATE.

THANK YOU.

SPONSOR SUBSTITUTE HOUSE BILL 292

MY NAME IS JIM FARMER, AIDE TO REPRESENTATIVE HURLBERT.

THIS LEGISLATION WAS INTRODUCED BY REQUEST.

IT WAS FELT THAT DUE TO THE CONTINUING INCREASE IN IN
INCIDENCE OF TUBERCULOSIS WITHIN THE STATE THAT WE SHOULD DO
OUR BEST TO INSURE THE PROTECTION OF OUR MOST VALUABLE
ASSET, OUR CHILDREN.

CHILDREN ARE AT HIGH RISK FOR TB AND PEOPLE WHO, THROUGH
THEIR JOBS, ARE AROUND THEM A LOT SHOULD BE CHECKED OFTEN
FOR EXPOSURE TO THIS UNNEEDED BURDEN.

THIS WILL PROVIDE NEEDED PROTECTION.

THANK YOU.

House HESS

5/18/83 - Mtg.

- Rep. Hurlbert's Aide Jim Farmer - Statement
on HB 191 - Intro by request.

Dr. Fritz - who req these bills -

Sumner - from City of Salina per resolution

Gell - Sec 2 Approp. - goes to Fritz -

Fritz - Yes - annual check appropriate.

Dr. Rabreau - Very little to add -

1) TB on the increase

2) AK had highest rate of TB - worldwide

a) people forget - diagnosis slips by.

b) increase in population

291 - 1st case in # of cys - persuasion didn't work
for treatment & quarantine.

Fritz - Immigrants from Far East - ?

Rabeau - Theoretically they're screened - lower 48 - cases
sited. TB remains hidden

Niscker - TB testing - ?

Rahn - K-3-5-7-12 - ^{new} Entry into schools - 5th in
in school ages - checked

Tishoff - pg 1 & 10 - Constitutional ?

Analysis

In 1982, there are approximately 16,500 public school employees in the State. The number of private school employees is not systematically reported. The following assumptions have been made:

1. The number of private school employees is 1,500 in 1983.
2. The growth rate in school employment will be 3% per year.
3. The proportion of employees requiring chest x-rays is 5%.
4. 60% of employees will be located in areas where x-ray facilities operated by a municipality are available. Cost per film is estimated to be \$15.00 in 1984 and is inflated at 5% per year.
5. 40% of employees will be located in areas where x-ray service will have to be purchased from the private sector at a cost of \$25.00 per film and inflating at a rate of 5% per year.
6. Costs of skin testing will be negligible since school district nurses or Division of Public Health nurses will provide the services.