

HB

50

BILL NO: SSHB 50

DATE: 4/23/87

TITLE: "An Act relating to access to criminal records of applicants for certification as teachers and administrators."

CONTACT: Jos Mapranath
Director
Div. of Admin. Services

The Department of Public Safety supports passage of this bill.

Below is a discussion as to how SSHB 50 will impact our Department, specifically the Alaska Automated Identification Fingerprint System (AAFIS).

There are approximately 2800 to 3200 people that would be applying for certification to the Department of Education upon the adoption of SSHB 50.

In order to determine the impact of SSHB 50 on the Alaska Automated Fingerprint Identification System, one must understand how the applicant tenprint cards are processed because of AS 12.62.035.

AAFIS OVERVIEW

Fingerprint cards pursuant AS 12.62.035 and the required FBI fees are received by AAFIS for processing. They are then checked for the following information:

- a. People that have fingerprints on file and criminal conviction(s)
- b. People that have a criminal conviction file and no fingerprints for verification
- c. People that have no file and no fingerprints in AAFIS
- d. Fingerprint cards that do not contain enough information for an FBI or AAFIS search or do not have the required monies attached to each card.

Every effort is made to establish the correct identification on those cards from b. above. The interested party as well as the applicant is notified of any conviction that can be reported under AS 12.62.035. They are also advised that the record is not supported by fingerprints.

All fingerprint cards are searched in AAFIS and anyone having an existing conviction that is verifiable by fingerprints will have the file checked to determine if the offense is reportable under AS 12.62.035. If so, the interested party and the applicant are notified of the charge and disposition.

The interested party is notified when there is no conviction of a crime reportable under AS 12.62.035.

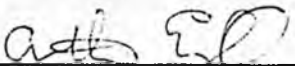
Fingerprint cards from d. are sorted to determine if they are acceptable to AAFIS and not the FBI. If so, they are routed for processing by AAFIS. When AAFIS has completed processing the cards, they are returned to the interested party advising them of the results of the AAFIS search and why the FBI will not accept the cards. Fingerprint cards that cannot be processed by AAFIS or the

DEPARTMENT OF
PUBLIC SAFETY

POSTMASTER /
RETURN TO
ALASKA DEPARTMENT OF
PUBLIC SAFETY
1000 EAST 12TH AVENUE
ANCHORAGE, ALASKA 99515

Position Paper
SSHB 50

FBI are so stamped and returned to the interested party with a letter advising why they are returned. Cards acceptable to the FBI are mailed to them and upon their return are examined for any convictions reported by agencies outside Alaska that must be reported under AS 12.62.035. If the conviction is reportable, the interested party and the applicant are notified. If there is no conviction or no conviction that is reportable, the interested party is notified accordingly.



Arthur English
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SSHB 50

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act relating to criminal records of app. for cert. as teachers.

Sponsor: Rep. Zawacki

Requestor: House HESS

Agency Affected: Public Safety

BRU: DPS Administration

Components: Administrative Svcs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	18.4	19.0	19.6	20.2	20.8
TRAVEL						
CONTRACTUAL		.4	.4	.4	.4	.5
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	18.9	19.5	20.1	20.7	21.4
CAPITAL						
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	18.9	19.5	20.1	20.7	21.4
FEDERAL FUNDS						
OTHER						
TOTAL	0	18.9	19.5	20.1	20.7	21.4

POSITIONS:

FULL-TIME						
PART-TIME	0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Allows entry of data on teachers/administrators in conjunction with AS 12.62.035. Will require 1 part-time Clerk IV with minimal support costs to accept and process data into the AAFIS system. 3% inflation factor added into future years.

Prepared by: Joe Reeves, Budget Analyst

Phone: 465-4349

Division: Administrative Services

Date: 4/23/87

Approved by Commissioner: [Signature]

Date: 4/24/87

Agency: Public Safety

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

Position Title Clerk IV		No. of Positions 1	Range/Step 9/A	Barg. Unit CGU
Time Status PPT	Staff Months 8.0	Location Anchorage		Election District 7-15
Type of Expenditure		Justification		
1	2	3		
Salary	13.8	////	This position will be responsible for accepting and processing applicant fingerprint card information received from the Department of Education.	
Benefits	4.6	////		
Premium Pay		////		
Other		////		
Other Personal Services	////	18.4	Support costs of \$400 in contractual communications.	
Travel				
Contractual		.4		
Commodities		.1	\$100 in minimal supply costs.	
Equipment				
Other				
Total Cost		18.9		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	18.9		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
////				

REQUEST FOR
NEW POSITION

Agency Department of Public Safety
 BRU DPS Administration
 Component Administrative Services

Page 2 of 2
 Revised Date

FY 88

HOUSE COMMITTEE REPORT

(7)

Date referred: 4/15/87

FURTHER REFERRALS: Judiciary

The Health, Education and Social Services Committee has considered DATE: May 5, 1987
SSHB 50

"An Act relating to access to criminal records by the Department of Education."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Roll E. Bell
George Stanley
John E. Ellis
Bill Harts
Willa Kapan
Mark Stuenkel
Donna Touley

SIGNING OTHER RECOMMENDATIONS:

John E. Ellis
 also chairman's signature
Willa Kapan

SSHB 50 An Act relating to access to criminal records by
the Department of Education.

FILE CONTENTS

- 1) Copy of SSHB 50
- 2) Fiscal Note, 4/23/87, and Position Paper,
Department of Public Safety
- 3) Department of Education position paper, HB 50
- 4) Zero Fiscal Note with analysis, 1/27/87,
Department of Law, HB 50
- 5) Zero Fiscal Note, 1/29/87, Department of
Corrections
- 6) Back-up material from Rep. Zawacki
- 7) Letter of intent from Rep. Zawacki, 5/5/87
- 8) Zero Fiscal Note, Department of Law, 5/5/87
- 9) Position paper, Juneau Schools
- 10) House HESS Minutes, 5/5/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SS HB 50
Publish Date: _____

Revision Date: _____

Agency Affected: Department of Corrections

Title: "An Act relating to criminal records of applicants for certification as

BRU: _____

Sponsor: teachers"

Components: _____

Requestor Rep. Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susan E. Knighton, Research Analyst IV

Phone: 465-3376

Division: Statewide Programs

Date: 5-5-87

Approved by Commissioner: Susan Humphrey-Barnett *SH-B*

Date: 5-5-87

Agency: Department of Corrections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
328 Fourth St., Suite #211 Juneau, Alaska 99801 586-9702

May 5, 1987

The Honorable Jim Zawacki
Alaska House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Zawacki:

The Alaska Council of School Administrators support necessary legis-
lation which considers the health and safety of the children we serve.

Several of us have been personally involved in dealing with profes-
sional employees who have violated the rights of the child. We
support the concept that an ounce of prevention is worth a pound of
cure.

The passage of HB 50 would provide additional information which could
be so important in hiring qualified teachers and administrators.

Again, the Alaska Council of School Administrators lends it's support
to HB 50.

Sincerely,

A handwritten signature in cursive script that reads 'Stephen T. McPhetres'.

Stephen T. McPhetres
Executive Director

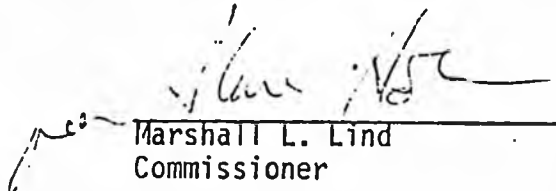
STM:clc

POSITION PAPER

FIRST SESSION
15th ALASKA LEGISLATURE

HB-50

The Department of Education supports this Bill. It will permit the Department to require a criminal background check of all applicants for teacher certification.



Marshall L. Lind
Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HB50

Publish Date: _____

Revision Date: _____

Agency Affected: Department of Law

Title: "An Act relating to access to
criminal records of applicants..."

BRU: Prosecution

Sponsor: Repr. Zawacki

Components: Admin. & Support

Requestor: Repr. Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: Jan. 27, 1987

Ronald W. Lorenson

Approved by Commissioner: Acting Attorney General

Date: Jan. 27, 1987

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB50

This bill amends AS 12.62.035(e) to provide that the Department of Education is an interested person with respect to a request for records of a person seeking certification as a teacher or administrator. The safekeeping and administration of criminal records are handled by the Department of Public Safety. Consequently, this bill will not have a fiscal impact on the Department of Law.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: House Bill No. 50
Publish Date: _____

Revision Date: _____

Agency Affected: Department of Corrections

Title: "An act relating to criminal records of applicants for certification as teachers..."

BRU: _____

Sponsor: Representative Zawacki

Components: _____

Requestor: Representative Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY		0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Susie Riley, Budget Analyst
Division: Administrative Services

Phone: 465-3376
Date: 01/29/87

Approved by Commissioner: William W. Ladwig
Agency: Department of Corrections

Date: 01/29/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary



Alaska State Legislature

House of Representatives

P.O. BOX 783
GIRDWOOD, ALASKA 99587
(907) 783-2905

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-2693/2719

REPRESENTATIVE
JIM ZAWACKI
DISTRICT 7

MEMBER
COMMUNITY & REGIONAL
AFFAIRS COMMITTEE
LEGISLATIVE BUDGET &
AUDIT COMMITTEE
FINANCE SUBCOMMITTEE

MEMORANDUM

May 5, 1987

TO: Representative Dave Donley
House HESS Committee

FROM: Representative Jim Zawacki

SUBJ: SSHB 50

The intent and purpose of Sponsor Substitute for House Bill 50 is to qualify the Department of Education as an "interested party" in checking possible criminal records of applicants for teaching or administrative positions in our schools.

Of the 55 school districts in state, no more than five have any procedure for checking possible criminal records of new applicants for teacher or administrator positions. Only five take advantage of facilities in the federal criminal justice information system to help protect our children. SSHB 50 would qualify the Department of Education as an "interested party" entitled to use the system by fingerprinting of new teacher and administrator applicants.

DOE would include in their application for certification of teachers or administrators the requirement of the applicant to have a set of fingerprints done. This bill would mainstream the screening process for those school districts who do or do not do screening of applicants.

There are potential dangers to our children when new teachers or administrators in our schools may have disclosed criminal records. Recent media reports have made it clear that Alaska is not immune from such dangerous possibilities. I believe this bill is important to us and our children.

I do hope you see the importance of this bill and help pass it out of committee as soon as possible.

Thank you.

A handwritten signature in cursive script that reads "Jim Zawacki".

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : SSHB 50

Publish Date : _____

Revision Date: May 5, 1987

Agency Affected: Department of Law

Title: "An Act relating to access to

BRU: Prosecution

criminal records by the Dept. of Education."

Sponsor: Representative Zawacki

Components: Criminal Justice Litigation
and Legal Services

Requestor: Representative Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: May 5, 1987

Approved by Commissioner: Richard I. Pegues / FOR / Grace Berg Schaible, Atty. Gen.

Date: May 5, 1987

Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 50

The sponsor substitute for HB 50 adds a new requirement that the Department of Education shall also request criminal records on behalf of school districts that employ persons serving in positions having a supervisory or disciplinary power over a minor. As noted in the department's fiscal note on the original bill, this bill will not have a fiscal impact on the Department of Law. The sponsor substitute could have a substantial fiscal impact on the Department of Education in handling all of the requests that may come from school districts, and Education should be requested to address this issue.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 273-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

Jean Krause, President

Judy Salo
Vice-President
4510 Kenallze Court
Kenai, Alaska 99611

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Fairbanks, Alaska 99708

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Phil Brady
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Joann Walker
Region IV Director
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Mary Lou Brent
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Fairbanks, Alaska 99708

Carol Merritt
Region V Director
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Fairbanks, Alaska 99706

Loretta Christie
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Anchorage, Alaska 99504

Pam McCarl
Region VI Director
2115 Sorbus Way
Anchorage, Alaska 99508

Pam Reynolds
Region VI Director
8031 Evans Circle
Anchorage, Alaska 99507

Dave Schwantes
Region VI Director
8148 E. 4th Avenue
Anchorage, Alaska 99504

Peg Stout
Region VI Director
6208 E. 34th Avenue
Anchorage, Alaska 99504

May 5, 1987

To: Rep. Ellis & Rep. Koponen, Co-Chairs
Members, House HESS Committee

Re: Sponsor Substitute for House Bill No. 50: "An Act relating to access to
criminal records by the Department of Education."

NEA-Alaska supports SS for HB 50.

Presently criminal records inquiries are handled by each individual school district
as the employer. As a result, the procedures from district to district are not
standardized and prospective applicants may incur an expense attendant to the
record check in each district to which they apply.

SS for HB 50 provides that the Department of Education shall be responsible for
conducting the record check on behalf of all persons seeking certification and on
behalf of school districts.

This should improve the procedure and make the entire process more efficient.

Robert Manners
Robert Manners
Executive Secretary

BM67/dl



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

The Honorable Jim Zawacki
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

April 10, 1987

Dear Jim:

We have reviewed the Sponsor Substitute for House Bill 50 and find that the editorial change on line 24 that substitutes "shall" for "may" goes a long way toward addressing a number of the concerns teachers have regarding criminal background checks.

NEA-Alaska supports this legislation because it describes a better method for doing criminal background checks on certificated personnel than the current practices.

Sincerely,

Bob Manners
Executive Secretary

Jean Krause
President

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510 • (907) 586-1083

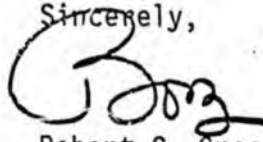
April 10, 1987

The Honorable Jim Zawacki
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Zawacki:

I have reviewed House Bill 50, checked it against statutes and practice, and have discussed it with the Association of Alaska School Boards Board of Directors. We find it an appropriate piece of legislation, and one which would enhance the teacher selection process in Alaska. We have no hesitation in endorsing the bill, and if members of the Association or I may assist with further information or testimony, please let me know.

Sincerely,



Robert C. Greene
Executive Director

RCG/sm

Cordova Chamber of Commerce

P.O. Box 99
Cordova, Alaska 99574
(907) 424-7260



Representative Jim Zawacki
House of Representatives
Pouch V
Juneau, Alaska 99811

April 21, 1987

Dear Representative Zawacki:

The Cordova Chamber of Commerce has reviewed House Bill 50 and voted unanimously on April 20 to support the bill which will permit the department to require a criminal background check of all applicants for teacher certification. We agree it is an issue of urgent concern.

To update you on our staff with the Chamber of Commerce; Connie Taylor is now President and Cathy Sherman is Coordinator.

Thank you for including the Cordova Chamber of Commerce while soliciting support for House Bill 50.

Sincerely,

A handwritten signature in cursive script that reads 'Connie Taylor'.

Connie Taylor
President

Penit

FRIDAY April 17, 1987 Vol.

Ex-teacher sentenced to 6 years

By POLLY CRAWFORD
Associate Editor

Bill Jones sat nervously in the front row of the courtroom audience, his hands shaking in frustration as he listened to attorney Bob Cowan state the reasons his client, defendant Leo Foster, should receive a lesser sentence than the state asked for.

Foster, 41, formerly head teacher at the Anchor Point Christian School, pleaded no contest to sexual penetration, including at least one instance of sexual intercourse, with four different students at the school throughout the course of a year and a half. The girls ranged in age from 13 to 16 years old. One of those students was Jones' daughter.

After a two-hour sentencing, Superior Judge Cranston said Foster should be sentenced to six years in prison. See FORMER, page A-2

file with 50

...Former school teacher convicted of child sexual abuse

Continued from page A-1

As Jones listened to Cowan deny the state's contention that Foster's extensive support group in Anchor Point was blind to Foster's actions, he could suppress his anger no more. He jumped up and shouted, "That's not true!" He continued shouting that Foster had manipulated his attorney just as he had manipulated everyone else. His wife, Jane, joined the fracas, adding, "Let the people who know talk!"

Judge Cranston called for a quick recess and Jones was escorted from the courtroom by state troopers. Outside the courtroom, friends and troopers tried to calm him down.

"We paid to have that man molest our daughter," Jones said.

Trooper D. Cubertson tried an understanding approach. "You are in a situation in which you are totally helpless," he said. "But you're going to have to be quiet. I can't promise you it's going to turn out good." The Jones eventually returned to the courtroom.

It wasn't the only outburst during the hearing, which lined up Foster's supporters on one side of the courtroom and the victims' parents and friends on the other side. At one point, the victims' parents heckled Geraldine Foster, mother of the defendant, when she testified on the stand that Foster was "an outstanding son," and she thought he should be released to the support of his family and friends.

Judge Cranston reprimanded the audience, stating, "I don't want this to turn into an emotional exercise and will not hesitate to clear the courtroom."

According to an article in an October issue of The Homer News, Foster came to the area in 1977 to be head teacher at the Anchor Point

Christian School. At that time, he was affiliated with the Anchor Point Church of Christ. He and about 40 people later broke off from that church. The article pointed out that adults associated with the school described Foster as a person who didn't get along well with some adults, but got along especially well with young girls.

Foster taught at the school until 1986, when he and his whole family, including parents, brother, and brother-in-law and their families, left and moved to Washington. The school closed down at the end of the 1986 school year.

But he returned to the area, so the four girls whom he had abused and who had kept quiet since 1981, went to the police to keep it from happening to anyone else. Foster was arrested in Clark County, Wash., and returned to Alaska voluntarily to face prosecution. He pleaded no contest to four Class C felonies, involving sexual penetration of minors between the ages of 13 and 16, and four counts of sexual contact with minors of the same age, Class A misdemeanors.

Shannon Turner, assistant district attorney, argued for a 16-year sentence with eight years suspended. She said that although there were only four specific counts with four girls, he also had sexual intercourse with a 12-year-old girl over a two-year period of time. "The number of events (in the charges) doesn't reflect the total number of events which occurred because of the statute of limitations," Turner said.

Turner said that as late as last summer Foster was having sexual contact with a 16-year-old girl which started when she was 12, but that that wasn't included in the charges because a 16-year-old girl can give legal

consent. She added that on at least one occasion he had sexual contact with one child aged 13 while another girl watched.

Turner said that the fact that he has a large support group which has had a hard time believing he has committed these crimes shows the type of manipulative behavior which is extremely dangerous.

"He has a charismatic personality, and is persuasive," Turner said. "Clearly he used those talents to victimize these girls and further his position in the church... It's a tinderbox situation to release him back to his support system. They are blind, and they'll never know of another offense."

Turner said that the incidents occurred in the school itself, and on school field trips.

Cowan brought to the stand several well-dressed character witnesses, including Foster's wife, Rosalind, who sat stoically beside her husband during the entire hearing. She testified that one of the victims had stated she didn't want to see Foster jailed for a long time.

Cowan also brought to the stand two former students who testified he had never made any advances on them or any of their friends.

Dr. Joan Breninger, professor of psychology at Columbia Christian College in Oregon, testified that she had known him for 20 years, and believed he would be better served by counseling than long-term incarceration. Foster has been diagnosed as a pedophile — an adult with an abnormal sexual desire for children. His emotional level was said to be age 13 — the age of his victims.

Cowan pointed out that Foster has a high level of guilt, according to psychiatric

testing, and is a good candidate for therapy. Before any charges were filed against him, although after he discovered police were in-

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF ADMINISTRATIVE SERVICES

Arthur English
Commissioner

POUCH N
JUNEAU, ALASKA 99811

PHONE: 465-4336

April 30, 1987

The Honorable Jim Zawacki
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Dear Representative Zawacki:

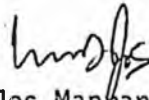
RE: AS 12.62.035/HB 50

The information you have requested on the number of individuals the Department of Public Safety has provided conviction data on, as provided for in AS 12.62.035, is shown below.

Under 12.62.035, an "interested person" may request conviction information involving contributing to the delinquency of a minor and any sex crime of a person holding or applying for a job in which the individual will have supervisory or disciplinary power over a minor.

Since implementation of 12.62.035, out of approximately 8,000 applicants, we have reported to the interested party 23 people who had convictions that were reportable under AS 12.62.035.

Sincerely,



Jos Mapranath
Director

Rep. Zawacki

APPROVED MINUTES

ONE HUNDRED AND FORTY-FIRST REGULAR SESSION

STATE BOARD OF EDUCATION
JANUARY 26-27, 1987
ANCHORAGE, ALASKA

MARSHALL LIND
Commissioner of Education

ERNESTINE GRIFFIN, President
State Board of Education