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HOUSE COMMITTEE REPORT

(11)

Date Referred: April 25, 1989

FURTHER REFERRALS: *Hoffman*

Date of Committee Action: 5/2/89

The FINANCE Committee considered:

HB 52

HOUSE BILL NO. 52 [TEACHERS/ADMINISTRATORS CRIMINAL RECORDS]
 "An Act relating to access to criminal records by the Department of Education; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB52 (Finance) [] the same title
- have 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):
 (Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact Pub. Saf.
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____ DOE 4/5/89
- zero fiscal note(s) _____
- zero fn/analysis Law 4/5/89

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

[Signature] Hoffman
[Signature] Larson
[Signature] Koponen
[Signature] Wallis
[Signature] Rieger
[Signature] Phillips
[Signature] Shultz
[Signature] Barnes

<i>[Signature]</i> Brown			X	

CO- *[Signature]*
 CO- *[Signature]*
 Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 4/27/89
Title: Access to Criminal Records

Agency Affected: Public Safety
BRU: DPS Administration

Sponsor: Representative Zawacki
Requestor: House Judiciary

Component: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	2.2	13.3	13.3	13.3	13.3	13.3
TRAVEL						
CONTRACTUAL		1.8	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT		7.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	22.1	13.6	13.6	13.6	13.6

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2	22.1	13.6	13.6	13.6	13.6
FEDERAL FUNDS						
OTHER						
TOTAL	2.2	22.1	13.6	13.6	13.6	13.6

POSITIONS:

FULL-TIME						
PART-TIME	0	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies. Because of the complexity of the research required to process criminal history record checks under AS 12.62.035, a part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants may be delayed by several months.

(Analysis continued on attached)

JMC
4/27/89

Prepared by: M. J. Clemens
Division: Administrative Services

Phone: 465-4336
Date: 4/27/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 4/27/89

Adopted

Department of Public Safety
FISCAL NOTE - CSHB 52 (Jud)
(Analysis, continued - Page 2 of 4)

The Department of Education has estimated that they will submit about 2,000 requests for criminal history record checks annually in connection with the initial certification of school teachers in Alaska. These records checks are in addition to those requested by other interested persons under AS 12.62.035, such as the employers of day care providers. The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case. This can be a very time-consuming process.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified both the interested party and the applicant would be notified of the findings by mail. The fingerprint cards are returned to the contributor.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Department of Public Safety
 FISCAL NOTE - CSHB 52 (Jud)
 (Analysis, continued - Page 3 of 4)

Releasing conviction information as prescribed by CSHB 52 (Jud) will change the search time required in gathering and reporting arrest with convictions information to interested parties. The following are the computations for the times required for out-of-state checks:

- 1) 13% of the people checked have FBI rap sheets with arrest information.
- 2) 57% of these out-of-state records do not have disposition information.
- 3) Of the 2,000 estimated initial certification, 360 will have FBI rap sheets.
- 4) 15% are felonies and 60% of these do not have disposition information.
- 5) Therefore, $((360 \times .15) \times .60) = 32$ people with felony records that will require extensive researching.
- 6) 39% of the charges on the FBI rap sheet are misdemeanors.
- 7) 49% of these do not have disposition information, and 10% of the 49% involve contributing to the delinquency of a minor, and sex charges.
- 8) Therefore, $((360 \times .39) \times .10 \times .49) = 7$ people that will require extensive researching.
- 9) 46% we are not able to determine if the charge on the FBI rap sheet is a felony or misdemeanor. Of these, 63% do not have disposition information.
- 10) The following applies, $((360 \times .46) \times .63) = 104$ people requiring extensive researching.

Function	# Cards	Seconds	Hours
Search AAFIS	2,000	540	300
APSIN Search	2,000	96	53
AK Dispo Research	55*	4,080	62
Sort and Mail	4,000	14	16
Extensive research	143**	9,060	360
Research FBI rcds	62***	1,800	31
Transfer FBI raps	205	189	11
Sort other FBI	1,795	64	32
Total processing time			865

* $(2,000 \times .11) \times .25 = 55$

** $32 + 7 + 104 = 143$

*** $(2,000 \times .18) = 360 \times .57 = 205 - 143 = 62$

Position Title		Clerk IV		No. of Positions	Range/Step	9A	Barg. Unit	G
Time Status	PPT	Staff Months	5.5	Location		Anchorage	Election District 7	
				Justification				
Type of Expenditure				Amount				
	1	2		3				
Salary*		9.5		////////////////////				
Benefits*		3.8		////////////////////				
Premium Pay (Included in Above)				////////////////////				
Other				////////////////////				
Total Personal Services				13.3				
Travel								
Contractual	line hook up - \$1.5			1.8				
Commodities								
Equipment	Micro \$6.2 chair \$.8			7.0				
Other								
Total Cost				22.1				
Funding Source for Total Cost								
Federal Receipts	1002							
G.F. Match	1003							
General Fund	1004			22.1				
Program Receipts/GF	1005							
I-A Receipts	1007							
CIP Receipts	1061							
Other								
* Personal Services Salary and Benefits Costs are from PACS Scenario #2.								
				Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.				
				The additional workload connected with HB 52 will require the equivalent of a part-time position (17.0 hours/week).				
				Initial furniture and equipment costs would not be needed in future years.				
				Due to the immediate effective date of the bill, assuming it becomes law about May 1, two months of personal services would be needed to pay unbudgeted overtime to existing staff who would have to handle requests prior to classification, recruitment, selection, and training of a new position.				
				Without approval of this position, backlogs will develop; "interested persons" will not receive timely responses to their requests for criminal history records checks.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Administration
 COMPONENT Administrative Services

Page 4 of 4
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to criminal records by
the Department of Education
Sponsor: Zawacki
Requestor: House HESS

Agency Affected: Education
BRU: Education Finance & Support
Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		14.6	14.6	14.6	14.6	14.6
TRAVEL						
CONTRACTUAL		4.0	4.0	3.0	3.0	3.0
SUPPLIES		5	5	5	5	5
EQUIPMENT		4.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		23.6	19.1	18.1	18.1	18.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND /FR		23.6	19.1	18.1	18.1	18.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Costs include 1 part time clerktypist, postage and phone costs, general office supplies, and minimal computer programming costs to upgrade system to integrate background check data into existing teacher certification data base. In the first year, purchase of one word processing terminal and file cabinet storage capacity is necessary.

Prepared by: Hakala Phone: 465-2800
Division: Commissioner's Office Date: March 31, 1989

Approved by Commissioner: William G. Demmert Date: March 31, 1989-
Agency: Education

Distribution (by preparer):

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

Adopted

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PT	Staff Months 6.0	Location Juneau		Election District
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	9.8			
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services		14.6		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR	14.6		

The part time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial applicant for teacher certification in Alaska.

**Request For
New Position**

Agency Education
 BRU Education Finance & Support Services
 Component District Support

Page 2 of 2
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act relating to access to criminal records by the Department of Education..." BRU: Prosecution
 Sponsor: Repr. Zawacki Components: Criminal Justice Litigation
 Requestor: Repr. Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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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						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues
 Prepared by: Richard I. Pegues / Director Phone: 465-3672
 Division: Administrative Services Division Date: February 1, 1989
Richard I. Pegues / FOR
 Approved by Commissioner: Grace Beyer Schaible, Atty. Gen. Date: February 1, 1989
 Agency: Department of Law

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

Adopted

No. 2
CSHB 52 (HESS)
HOUSE 4/5/89

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 52

This bill amends AS 12.65.035 to provide that the Department of Education shall request and receive criminal records for a person seeking certification as a teacher or administrator. The bill further provides that the Department of Education shall request such records on behalf of school districts, which employ persons serving in positions having a supervisory or disciplinary power over a minor. 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. The bill could, however, have a fiscal impact on the Department of Education for administering requests from school districts for criminal history records. Existing statute permits school districts to request this information directly from the Department of Public Safety, without the second level of administration proposed in the bill.

Original sponsors: Zawacki, Hanley,
and Gruenberg

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 52 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access by an interested person to
7 criminal records of all felony convictions, convic-
8 tions involving contributing to the delinquency of a
9 minor, and convictions involving sex crimes of cer-
10 tain persons; and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 12.62.035(a) is amended to read:

13 (a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] inter-
14 ested person [AS DEFINED IN (e) OF THIS SECTION] may request from the
15 Department of Public Safety [COMMISSION] records of all felony con-
16 victions, convictions involving contributing to the delinquency of a
17 minor, and convictions involving any sex crimes of a person who holds
18 or applies for a position of employment in which the person has or
19 would have supervisory or disciplinary power over a minor or dependent
20 adult. The Department of Public Safety [COMMISSION] shall disclose
21 [AUTHORIZE THE DISCLOSURE OF] the information to the requesting inter-
22 ested person and shall provide a copy of the information to the person
23 who is the subject of the request.

24 * Sec. 2. AS 12.62.035 is amended by adding a new subsection to read:

25 (f) The Department of Education shall request and receive re-
26 cords under (a) of this section for a person seeking initial certifi-
27 cation as a teacher or administrator.

28 * Sec. 3. This Act takes effect immediately under AS 01.10.07C(c).
29

T E S T I M O N Y
HOUSE HESS COMMITTEE

HB 52

by
Representative Jim Zawacki

February 22, 2989

I would like to address an issue of urgent concern for all communities in Alaska. It is vitally important to our children and I am asking for your help. Let me explain the background a little.

There exists a serious concern in our communities and schools related to the problem of persons employed by schools in Alaska having an undisclosed history of criminal sexual activity.

When I introduced House Bill 52 earlier this year, I did so because I knew of the problem, and had been encouraged by a number of parents and teachers to do so. At that time I was unaware of the magnitude of the problem; since then, materials sent to me from concerned parents, teachers, school administrators, public safety agencies and personnel, and stories reported in the media, have highlighted just how serious a problem this is.

We spend hundreds of millions of dollars to send our children into an educational environment which we presume to be safe and healthy. Yet, somehow we have failed to take the trouble and precautions to ensure that they are protected from the possibility of encountering someone in that experience who has a history of criminal sexual activity.

Of the 55 school districts in the state, only five have any procedures for checking possible criminal records of new applicants for teacher or administrator positions. House Bill 52 would qualify the State Department of Education as an "interested party" entitled to use the system by fingerprinting of new teachers and administrator applicants.

This is terribly important to our children and their future. I hope you will support HB52 and encourage swift passage.

Thank you for your time and support.

LETTERS OF SUPPORT

for

HB52

March 29, 1989

1. NEA-Alaska
2. Yukon/Koyukuk School District, Nenana, Ak.
3. Chatham School District, Angoon, Ak.
4. Mr. Pius F. Imgalrea, Chevak, Ak.
5. Anchorage School District, Anchorage, Ak.
6. Fairbanks North Star Borough Schools, Fairbanks, Ak.
7. Matanuska-Susitna Borough School District
8. Alaska Gateway School District, Tok, Ak.
9. Alaska PTA
10. Copper River School District, Glennallen, Ak.
11. Mr. Alex Tatum, Chevak, Ak.
12. Ms. Lillian Pingayak, Chevak, Ak.
13. Kodiak Baptist Mission, Kodiak, Ak.
14. Kenai Peninsula School District
15. Governor's Interim Commission on Children and Youth
16. Yupit School District, Akiachak, Ak.
17. Justice for Children, Juneau, Ak.
18. Louise Howerter, Juneau, Ak.
19. Pat Marlin, Juneau, Ak.
20. Sue Miller, Juneau, Ak.
21. Lower Yukon School District, Mountain Village, Ak.
22. Chugach School Board, Chenega Bay, Ak.

23. Hydaburg City School, Hydaburg, Ak.
24. Seward Chamber of Commerce, Seward, Ak.
25. Skagway City Schools, Skagway, Ak.
26. North Slope Borough School District
27. Cordova Chamber of Commerce, Cordova, Ak.
28. Talkeetna Chamber of Commerce, Talkeetna, Ak.
29. Big Lake Chamber of Commerce, Big Lake, Ak.

posed limitations
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with legislation.
App. Op. No. 718
2d (1987).

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mitigating factors.
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ken. Winther v.
o. 783 (File No.
1988).

State, Ct. App.
A-1139), 741 P.2d
State, Ct. App. Op.
-1751), P.2d

ate, Ct. App. Op.
A-2091), P.2d

v. State, Dep't of
p. No. 3234 (File
368 (1987).

ate, Ct. App. Op.
1), 715 P.2d 1174
Ct. App. Op. No.
1, 717 P.2d 855
Ct. App. Op. No.
739 P.2d 1314
ate, Ct. App. Op.
5), 739 P.2d 1310
Ct. App. Op. No.
P.2d (1987);
pp. Op. No. 799
P.2d 1022 (1988).

§S.

s. The sureties
he rights and
nal Procedure,
: manner pre-
21 SLA 1985)

Effect of amendments. — The 1985 defendant as provided in AS 12.30.020" and amendment substituted "under AS 12.30" "by law" for "therein." for ", including the right to arrest the de-

Chapter 62. Criminal Justice Information Systems Security and Privacy.

Section

- 35. Access to certain crime information
- 70. Definitions

Sec. 12.62.035. Access to certain crime information. (a) Notwithstanding any other provision of law, an interested person as defined in (e) of this section may request from the commission records of all convictions involving contributing to the delinquency of a minor and any sex crimes of a person who holds or applies for a position in which the person has or would have supervisory or disciplinary power over a minor. The commission shall authorize the disclosure of the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request.

(b) A request for records under (a) of this section shall include within it the fingerprints of the person who is the subject of the request and any other data specified in regulations adopted by the commission. The request shall be on a form approved by the commission, and the commission may charge a fee to be paid by the requesting interested person for the actual cost of processing the request. The commission shall destroy an application within six months after the requested information is sent to the requesting interested person and the person who is the subject of the request.

(c) The commission shall adopt regulations to implement the provisions of this section.

(d) If an individual is denied employment as a result of the disclosure of inaccurate or incomplete records under this section, an action may be brought against the state. No other action may be brought against the state, or an agency or employee of the state, as a result of disclosing or failing to disclose criminal justice information.

(e) As used in this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another jurisdiction if the offense would have been a crime in this state under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if committed in the state;

(2) "interested person" means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs or solicits the employment of a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power over a minor;

(3) "sex crime" means a conviction for a violation or attempted violation of AS 11.41.410 — 11.41.470, AS 11.61.110(a)(7), or AS 11.66.100 — 11.66.130; former AS 11.15.120, 11.15.134, or 11.15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 — 11.40.420; or the laws of another jurisdiction if the offense would have been a crime in this state under one of the sections listed in this paragraph if committed in the state. (§ 2 ch 66 SLA 1983; am § 44 ch 6 SLA 1984)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Sec. 12.62.070. Definitions. In this chapter

(1) "commission" means the Governor's Commission on the Administration of Justice established under AS 44.19.110 — 44.19.122;

(2) "criminal justice information" means information concerning an individual in a criminal justice information system and indexed under the individual's name, or retrievable by reference to the individual by name or otherwise and which is collected or stored in a criminal justice information system;

(3) "criminal justice information system" means a system, including the equipment, facilities, procedures, agreements, and organizations related to the system funded in whole or in part by the Law Enforcement Assistance Administration, for the collection, processing, or dissemination of criminal justice information;

(4) "intelligence information" means information concerning the background, activities or associations of an individual or group collected or obtained by a law-enforcement agency for preventive, precautionary or general investigative purposes not directly connected with the investigation of a specific crime which has been committed nor with the apprehension of a specific person in connection with the commission of a particular crime;

(5) "interstate systems" means agreements, arrangements and systems for the interstate transmission and exchange of criminal justice information, but does not include record keeping systems in the state maintained or controlled by a state or local agency, or a group of agencies, even if the agency receives information through, or otherwise participates in, systems for the interstate exchange of criminal justice information;

(6) "law enforcement" means any activity relating to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control or reduce crime or to apprehend criminals, activities of criminal prosecution, courts, public defender, corrections, probation or parole authorities;

(7) "law enforcement agency" means a public agency which performs as one of its principal functions activities pertaining to law

LETTERS OF SUPPORT

for

HB52

March 29, 1989

1. NEA-Alaska
2. Yukon/Koyukuk School District, Nenana, Ak.
3. Chatham School District, Angoon, Ak.
4. Mr. Pius F. Imgalrea, Chevak, Ak.
5. Anchorage School District, Anchorage, Ak.
6. Fairbanks North Star Borough Schools, Fairbanks, Ak.
7. Matanuska-Susitna Borough School District
8. Alaska Gateway School District, Tok, Ak.
9. Alaska PTA
10. Copper River School District, Glennallen, Ak.
11. Mr. Alex Tatum, Chevak, Ak.
12. Ms. Lillian Pingayak, Chevak, Ak.
13. Kodiak Baptist Mission, Kodiak, Ak.
14. Kenai Peninsula School District
15. Governor's Interim Commission on Children and Youth
16. Yupit School District, Akiachak, Ak.
17. Justice for Children, Juneau, Ak.
18. Louise Howerter, Juneau, Ak.
19. Pat Marlin, Juneau, Ak.
20. Sue Miller, Juneau, Ak.
21. Lower Yukon School District, Mountain Village, Ak.
22. Chugach School Board, Chenega Bay, Ak.

23. Hydaburg City School, Hydaburg, Ak.
24. Seward Chamber of Commerce, Seward, Ak.
25. Skagway City Schools, Skagway, Ak.
26. North Slope Borough School District
27. Cordova Chamber of Commerce, Cordova, Ak.
28. Talkeetna Chamber of Commerce, Talkeetna, Ak.
29. Big Lake Chamber of Commerce, Big Lake, Ak.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3050

FAIRBANKS REGIONAL OFFICE

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

February 20, 1989

To: Representative Johnny Ellis, Chair
Members, House HESS Committee

Re: House Bill No. 52; "An Act relating to access
to criminal records by the Department of
Education; and providing for an effective date."

NEA-Alaska supports the concept that the Department of Education should function as the "interested person" per AS 12.62.035 (a) on behalf of all school districts.

Such a change would standardize the varying procedures which are in place in different districts and should serve to make the entire process more efficient.

This could easily be done as part of the original request by prospective applicants for Alaska teacher certification.

If this is the intent of HB 52, then NEA-Alaska supports it and encourages your favorable consideration.

We do have some concern as to the purpose of the deletion on line 12 of HB 52 and would like to receive further clarification re same.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Secretary

cc: Representative Jim Zawacki

ASSOCIATION OF ALASKA SCHOOL BOARDS

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

POSITION PAPER

HB 52

Access to Criminal Records

"The Association of Alaska School Boards **supports** passage of HB 52, "An Act relating to access to criminal records by the Department of Education; and providing for an effective date."

AS 12.62.035, titled "Request for Criminal Justice Information," provides that any organization in the State of Alaska that employs personnel who have supervisory or disciplinary authority over minors may require criminal justice information for any person that holds or applies for a position.

Such information is intended to identify any person that may have been convicted of contributing to the delinquency of a minor or any sex crimes in order to protect our youth from potential abuse from such persons.

The Association of Alaska School Boards supports the position that a criminal investigation becomes a requirement for certification of teaching in the State of Alaska. AASB also encourages the same investigation for re-certification if there has been a break in service.

Kodiak Baptist Mission

1944 Rezanof Drive East

Kodiak, Alaska 99615

(907) 486-4126



February 2, 1989

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

Dear Representative Zawacki:

All of the youth in the care of the Kodiak Baptist Mission attend public school. We are concerned about their health and safety while in the educational environment, therefore, we support HB52.

Sincerely,

Jeannie Volker
Executive Director

JV/jp



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North E. Sibley Street

• Soldotna, AK 99669

• Phone 907/262-5846

February 2, 1989

Representative Jim Zawacki
Alaska House of Representatives
Box V
Juneau, AK 99811-3101

Dear Jim:

Thank you for your recent correspondence regarding HB 52. We certainly endorse the basic concepts embodied in your bill. It is our belief that the examination process belongs with the Department of Education at the time that a teacher certificate is issued.

The legislature should be aware that there would no doubt be an additional cost to the Department of Education for the necessary staff to accomplish the background checks that would be required. It is not practical for individual districts to undertake this process due to costs and considerable duplication of effort.

I trust that this information is helpful.

Sincerely,



Fred Pomeroy
Superintendent

bj

cc: Senator Paul Fischer
Senator Jalmar Kerttula
Senator Mike Szymanski
Representative Bette Cato
Representative Mike Navarre
Representative C.E. Swackhammer
Representative Kay Wallis

STEVE COWPER
GOVERNOR



Office of the Governor
P.O. Box A
Juneau, Alaska 99811
465-3155

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU
INTERIM COMMISSION ON CHILDREN AND YOUTH

February 1, 1989

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

Dear Representative Zawacki:

I apologize for the delay in responding to your January 25th letter requesting a position statement on HB52. The Commission was meeting in Anchorage at the time your request was received.

Although the Commission has had in effect for two years a policy of not taking positions on individual pieces of legislation, we have and do comment, in a conceptual framework, on items of special interest.

As you may know, the Commission addressed the issue of access to criminal records in its report. The recommendation spoke to the need for a "statewide system that provides employers with the criminal history of all personnel working directly with or supervising children."

Based on this recommendation, the Commission supports access to criminal records provided that the information is comprehensive enough to be useful, is made available in a timely manner, and is accessible to all employers.

Please feel free to contact the Commission office if there's anything further we can provide.

Sincerely,

A handwritten signature in cursive script that reads "Carla".

Carla Timpone
Program Coordinator

CT:km

cc: Patty Meritt, Chair, GICCY
Caren Robinson, Special Assistant, Governor's Office
Shari Kochman, Legislative Aide, Governor's Office

Child Protection System:

57

Alaska's rates of child sexual and physical abuse are shocking, as noted above. Because the state does not keep records of assaults and murders by age of victim, we do not know how many of these incidents resulted in criminal charges and convictions. Anchorage alone had 618 child sexual abuse cases in 1986, a rate of 1,042 per 100,000 minor inhabitants, or 6.6 times the national rate of 158 per 100,000. Most professionals in child sexual abuse estimate that the hidden rate of child sexual abuse between five and 10 times greater than the reported rate.

Increased education and public awareness have led to increased reporting and expectations for protection of children and prosecution of offenders. Most reports, even those that are substantiated, do not result in the offender being prosecuted or treatment being made available to the victim. The resulting lack of confidence in the system means that children are victimized twice. They believe no one can or will rescue them or hold their abuser accountable.

Most professionals in child sexual abuse estimate that the hidden rate of child sexual abuse between five and 10 times greater than the reported rate.

The Governor should charge this or a new Commission with an in-depth analysis of how the existing child protection system can be improved. To assist that analysis, law enforcement officials should keep data on reported incidents of assault and abuse, and the court system and the Alaska Judicial Council should keep statistics on sentencing of individuals found guilty of child sexual assault and physical abuse.



Our children are potentially at risk of abuse because pre-employment investigations for prior history of abuse are not required. Several obstacles prevent reducing this risk including the following:

- Abusers often have no formal conviction record.
- Criminal background checks are currently authorized but not required.
- Child caregivers are frequently hired on short notice and work briefly before moving to a better paying job.
- Agencies that investigate criminal histories and licensing actions have insufficient personnel.
- Convicted offenders of sexual assault may now have their record cleared through a suspended imposition of sentence regardless of whether they spend any time in jail.
- No system keeps track of reports of abuse on the same alleged abuser or allows disclosure to appropriate persons.

A statewide system that provides employers with the criminal history of all personnel working directly with or supervising children should be developed. This system should provide the information in a timely way at little cost to employee or employer. To assure that all sexual assault convictions remain on the record, criminal sentencing laws should be amended to prohibit suspended imposition of sentences for individuals convicted of sexual assault. Additionally, the child protection laws should allow for appropriate disclosure of instances of abuse by a person who works directly with or supervises children to authorized persons or agencies that employ people or use volunteers who work with children. Due process requires that the alleged abuser be given the opportunity to have a fair hearing before a determination that the report of abuse is founded is disclosed.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ZAWACKI

NAME: BRADLEY RAPHEL
 TITLE: SUPERINTENDENT, YUPIIT SCHOOL DISTRICT
 ADDRESS: BOX 100
 CITY: AKIACHAK ZIP: 99551
 PHONE: 825-4427
 BILL NO: HB 52
 SUBJECT: TEACHERS/ADMINISTRATORS CRIMINAL RECORDS
 MESSAGE: THE YUPIIT SCHOOL DISTRICT BOARD OF EDUCATION HAS PASSED A RESOLUTION IN SUPPORT OF HB 52. WE ENCOURAGE YOU AND SUPPORT YOU IN JIM ZAWACKI'S EFFORTS TO HAVE HB 52 PASSED.

POMID: 03113420
 DATE: 02/02/89
 TIME: 11:34:20
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVE SENATOR
 HOFFMAN BINKLEY

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE ZAWACKI

NAME: MARY ANN JONES
 TITLE:
 ADDRESS: P.O. BOX 403
 CITY: KING SALMON, ALASKA ZIP: 99613
 PHONE: 246-3092
 BILL NO: SB 17
 SUBJECT: CAPITAL PUNISHMENT
 MESSAGE: I WOULD LIKE TO VOTE YES FOR IT AND ALSO LIKE TO HAVE YOUR RESPONSE ON HOW YOU ARE GOING TO VOTE. THANK YOU.

POMID: 03113411
 DATE: 02/02/89
 TIME: 11:38:11
 LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BARNES	BOUCHER	ADAMS
BOYER	BROWN	BINKLEY
CATO	COLLINS	COGHILL
COTTEN	DAVIDSON	DUNCAN
DAVIS, C.	DAVIS, M.	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FOSTER	FURNACE	FAIKS
GOLL	GRUENBERG	FISCHER
GRUSSENDORF	HANLITZ	FRANK
HOFFMAN	HUDSON	HALFORD
JACKO	KOPONEN	JONES
LARSON	LEMAN	KELLY
MACLEAN	MARTIN	KERTTULA
MENARD	MILLER	PEARCE
NAVARRE	PETT JOHN	POUCHOT
PHILLIPS	RIEGER	ROOBY
SHARP	SHULTZ	STURBULEWSKI
SPOHNHOLZ	SWACHHAMER	SZYMIANSKI
TAYLOR	ULMER	UEHLING
WALLIS		ZHAROFF

Alex Tatum
150 Riverway
Chevak, Alaska 99563
February 3, 1989

Representative Jim Zawacki
Alaska State Legislature
Pouch V.
Juneau, Alaska 99811

re: House Bill 52

Dear Jim;

This letter is to express full support of House Bill 52 dealing with employees of school districts having an undisclosed history of criminal sexual activity. However, I feel that this bill should be carried a step farther. People who serve on school boards should also have to be checked out in the same manner as teachers or other employees.

In our community of Chevak, we are involved in an unusual situation involving a school board member. This person was fired from a nearby school district for having sexual relations with several of his female students over a period of time - while employed as a certified teacher. After being fired from his position he, and his spouse, moved back to Chevak. The spouse was subsequently hired by this district as a certified teacher. The male spouse ran for the school board and seem to have won the election by a narrow (3 votes) margin.

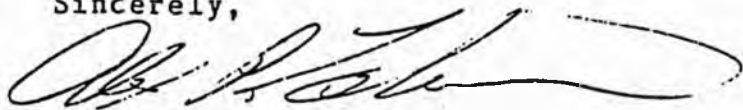
Unlike larger communities such as Anchorage or Fairbanks etc.- there was no PUBLIC knowledge of the persons record. In fact, most of us didn't know that the person was running for the school board until the day of the election. Unlike larger communities there was no campaigning or even a posting of who was running for the school board.

Now we are faced with the potential of having a person on our school board with a history of repeated sexual misconduct with students under his control. From what the Department of Education says there is nothing that we can do about it. It is also our understanding that the Department of Law says the same thing.

Considering this fact, I feel that the bill under consideration should be amended to include school board officials also. In a small community such as ours, a school board official has a great deal of contact with students - including working as a chaperon on field trips at times.

Please consider amending the legislation to include covering school board members as part of the bill.

Sincerely,



Alex Tatum

Copper River School District



Chistochina
Copper Center
Gakona
Glennallen
Kenny Lake
Paxson
Slana

Superintendent's Office
Box 108
Glennallen, Alaska 99588
(907) 822-3234

February 6, 1989

Representative James E. Zawacki
P.O. Box V (MS 3100)
Juneau, AK 99811

Dear Jim:

Thank you for sponsoring such a greatly needed bill. It seems that HB52 will patch us some holes and allow us to keep people with a history of criminal sexual activity out of our schools.

Perhaps you should be aware that many of us (administrators) fear for our careers when we report a potential problem. This situation magnifies itself when the individual is a member of the NEA. Speaking from personal experience, my professional career is on the line because I investigated a teacher whom I suspected as being potentially dangerous to the children of this District.

The bottom line of this problem is the NEA's enforcement arm, the PTPC. I was told by the PTPC Executive Director that all NEA generated complaints against me would be dropped if I allow the PTPC to place a reprimand in my personnel file for notifying the members of my elected board of education of the contents of a court order I received garnishing the wages of one of my teachers for failure to pay child support. In my professional opinion, failure to pay child support should be viewed as child abuse, or at least child neglect.

Rep. James E. Zawacki

February 6, 1989

Page 2

I salute and support your efforts to establish HB52 as a means to protect the children of Alaska from criminals masquerading as teachers.

With great appreciation for your courage on this issue, I am,

Professionally yours,

A handwritten signature in cursive script, appearing to read "Leland L. Dishman".

Leland L. Dishman
Superintendent

Lillian Pingayak
P.O. Box 5403
Chevak, AK 99563

February 3, 1989

Representative Jim Zawacki
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Zawacki:

As per our conversation on 2-1-89, I am following up with a letter. As I mentioned, I firmly support House Bill No. 52 which, I understand, is pending a hearing.

I feel that the present educational system should play a role in preventing people with past crimes related to sexual activities from working in school environments. Keeping the State of Alaska in mind as a state with a reported high number of sexual crimes, there should be some measures made to prevent people with records of criminal sexual activities working in our schools.

I know that many schools practice a lot of safety measures involving school children such as preventing physical injuries around school properties and in school activities. In all instances, the vitally unseen safety of children can easily be overlooked and that is the safety from sexual harassment or other sexually related incidents. I believe it is time that our school system start taking steps to protect school children from unseen harm from employees who may be freely taking advantage of the unprotected.

In addition to my support for HB52, I would like to bring to your attention a situation our community is facing at this time. We have a community member--a former certified teacher--who was employed by LKSD. During the time he was employed, it was found that he was engaged in sexual misconduct involving one of his female students. Due to that he was fired and since then has moved to our village. His wife currently is employed by our district.

During the last elections he ran for the Kashunamiut Board of Education and because of family support and the little knowledge of his past from community members, he won by a marginal vote. At this time there is discontent among the villagers who feel that this individual should not be seated in the board because of his past activities while he worked as a teacher.

Representative Jim Zawacki
Alaska State Legislature

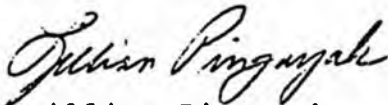
February 3, 1989

To my understanding there were no further developments after he was fired because the student he was involved with turned of age. As of this date I have not heard about his certificate being revoked other than simply being fired.

I strongly believe that any board of education is vitally important to the school(s) they serve. In addition they serve as role models and examples to the employees they hire and therefore should abide by the same rules that employees follow in order to serve the school(s). I feel that school boards should be included in the bill or something similar should be drawn up for them because they are important in our educational system. The same measures should be given to board members since they reflect the teachers they hire and the schools they serve.

Again, I am in total support of House Bill No. 52 and I wish you much success in Legislation this year.

Respectfully,



Lillian Pingayak
Concerned Citizen

cc Al Adams
Richard Foster



Mentasta
Tetlin
Tok

Northway
Dot Lake
Eagle
Tanacross

SCHOOL DISTRICT REAA 16

P.O. Box 226, Tok, Alaska 99780

Representative Jim Zawacki 907-883-5151

District 7

P. O. Box V

Juneau, Alaska 99811

February 6, 1989

Dear Representative Zawacki,

Your efforts in preventing persons from becoming school employees who have previous criminal sexual activity is certainly something that will be helpful. Alaska Gateway requires the fingerprinting check.

When I met you in Juneau the other day, I made the comment that I had initiated the action within the Professional Teaching Practices Commission which requires Alaska to participate in the interstate exchange of information about educators whose certificates have been revoked. The State Offices did not want the responsibility of communicating to all of the other States that we had revoked the certificate for a teacher or a administrator. You may, at some point, want to add that requirement to statute as well.

We certainly want to do everything we can to prevent child abuse, in any manner, at the hands of the State employee. I can also assure you that there is more child abuse that goes on in the hands of the family and friends in this school district, everyday, than there is at the hands of all school district employees in the State in years. If we really want to make a difference in child abuse, sexual and other wise, there needs to be some action taken in regard to the responsibility of bringing a human life into the world. Children, who are the product of recreational activity or adolescent need, instead of a loving adult relationship or children who have parents or family who abuse them and neglect them in favor of alcohol, drugs or other pleasures, and on and on, are a far more significant problem.

The biggest problem, of course, is the recidivism of sex offenders whether or not they are convicted. We do very little, at present, to prevent recurrence of the crime. Why is it we have a repeat rate of over 90% while Denmark's is exactly the opposite?

"Where Teachers Are The Gateway To Learning"

Dot Lake
907-382-2663

Eagle
907-547-2210

Mentasta
907-291-2311

Northway
907-778-6301

Tok
907-883-5161

Tetlin

Since we are one of the five, please consider us supporters. I hope that you will do some other things with offenders to keep them in a position where they can not repeat the crime, in ways other than this expensive denial system.

Thank you for being willing to put up with our Representative Richard Shultz.

Sincerely,



Spike Jorgensen

SJ/lm

cc: Senator Jack Coghill
Representative Richard Shultz



P.O. Box 142095
Anchorage, AK 99514-2095
907-337-9345

February 6, 1989

Dear Representative Zawacki:

The Alaska PTA supports passage of House Bill 52, relating to access to criminal records by the Department of Education for new teacher and administrator applicants. One of the Objects of the PTA is "To secure adequate laws for the care and protection of children and youth." HB 52 is such a law.

Our school system is built upon the trust of children and parents in teachers and administrators. It is important that children be protected in school from people with a history of criminal sexual activity. Many districts do not have adequate procedures or manpower to check that teacher and administrator applicants do not have such a record.

Although necessary, being fingerprinted and checked is distasteful to many applicants. Authorizing the Department of Education to do this once for applicants is preferable to having it done multiple times if an applicant is applying to more than one district or is changing districts within the state.

We urge you and your fellow legislators to act quickly to pass House Bill 52 for the protection of all Alaskan children.

Sincerely yours,

Ann W. McCoy
Ann McCoy
President, Alaska PTA

Carol HM Everett
Carol Everett
Legislative V.P.



Matanuska-Susitna Borough School District

125 WEST EVERGREEN -- P.O. BOX 1688 -- PALMER, ALASKA 99845-1688 -- (907) 745-4822

Bruce P. DeMond, Superintendent

R E S O L U T I O N

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH SCHOOL BOARD REQUESTING THAT THE ALASKA STATE LEGISLATURE PROVIDE LEGISLATION QUALIFYING THE STATE DEPARTMENT OF EDUCATION AS AN "INTERESTED PARTY" ENTITLED TO FINGERPRINT NEW EMPLOYEE APPLICANTS, FOR THE PURPOSE OF DISCLOSING A HISTORY OF CRIMINAL SEXUAL ACTIVITY.

WHEREAS, the Matanuska-Susitna Borough School Board is entrusted with the safety and well being of students of the Matanuska-Susitna Borough School District; and,

WHEREAS, schools should be a safe, healthy environment for students and staff to work and learn in; and

WHEREAS, the problem of criminal sexual activity by our society involving children is rising.

NOW, THEREFORE BE IT RESOLVED, that the Matanuska-Susitna Borough School Board requests that the Alaska State Legislature provide legislation for mandatory fingerprinting of new employee applicants for the purpose of disclosing a history of criminal sexual activity, in order to promote general health, welfare, and safety of the children of the Matanuska-Susitna Borough School District and the State of Alaska.

ADOPTED THIS 6th DAY OF FEBRUARY, 1989

MATANUSKA-SUSITNA BOROUGH SCHOOL BOARD

TELECOPY DOCUMENT COVER PAGE

TO: Representative Jim Zawacki

OFFICE: Legislative Office

TELECOPIER NUMBER: 279-6731

FROM: Bruce P. DeMond
at

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT
125 W EVERGREEN
P O BOX 1688
PALMER AK 99645-1688
Telecopy: (907) 745-1094
Verification: (907) 745-4822

DOCUMENT TITLE: Resolution HB52

FILE NAME: Mat-Su School Board

NUMBER OF PAGES BEING SENT 1 + cover
OPERATOR'S NAME RJ Ellis
DATE 2/9/89 TIME: 3:40

Mr. Pius F. Imgalrea
P. O. Box 5448
Chevak, Ak. 99563

05 Feb. 89

Jim ZAWACKI, Rep. District 7

Pouch 5

TUNEAU, ALASKA 99811

RE: Letter of Support HB 52

Dear Jim:

Quyen, that you are aware of the children's sexual abuse by teachers or any person employed in school districts.

As reading your addition in HB 52 AS 12.62.035 sec. 2, a new subsection (F) (1) shall request & receive records under (a) of this section for a person seeking certification as a teacher or administrator;

Now as a board member my concern is should a person (any public person) seek & get elected as a district board member even had involved in convictions involving contributing to the delinquency of the minor or any sexual crimes?

would it be appropriate to have amendment
addition in Sec. 2 (i) adding also person
seeking Board seat, or school employment.

We can't afford employment when the person
was engage in sexual within the minor
or convicted in any crime and have the person
room around our school, or be the Policy
decision maker. I'll feel safe, as well
as our children not having the person.
Your input or reply will be greatly be
appreciated in this amendment addition
suggestion.

Enjoy the New Year

Sincerely,

Orin F. Angles

T E S T I M O N Y

TO: House Hess Committee
House of Representatives
Alaska State Legislature

FROM: Sue Miller
P.O. Box 211248
Juneau, Ak. 99821
(907)-789-0479

RE: HB52

DATE: February 22, 1989

I would like to testify in favor of HB52.

As a teacher of 25 years, I noted that some people who wished to harm children found easy access through our educational system.

At this time, to be qualified to be a substitute teacher, one needs only to be 18 years of age and possess a High School Diploma or a GED.

In the past several years, with the breakdown of society, Juneau has experienced at least one case per year of people who wish to harm children congregating in our schools: one school board member (sex crime), one bus driver (sex crime), and one substitute teacher (dealing drugs).

In the past several months, I was part of a task force to appeal to the Juneau School System to proceed with a standardized background check of criminal records of all employees dealing with children.

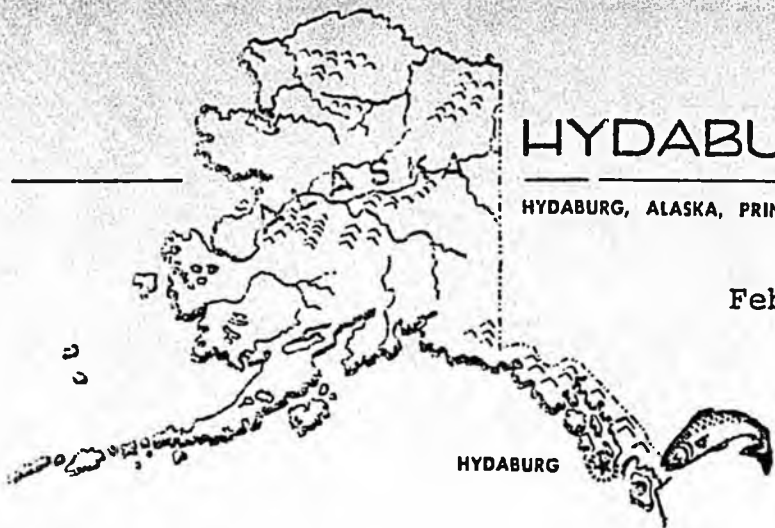
This year, a young man convicted of drug dealing in Juneau awaiting sentencing was hired by the Juneau School District as a substitute teacher for the 8th grade.

The task force requested that the School Board and Mr. Johnson, Superintendent have a standard procedure for criminal background checks for all people dealing with children.

In light of continuing difficulties and dangerous situations threatening our children, not only in Juneau, but throughout the state of Alaska, I strongly support HB52.

We, with experience in the educational system, feel the authority and procedures granted to DOE in HB52 are way overdue.

Thank You.



HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

February 22, 1989

Representative Jim Zwacki
Court, Room 609
Alaska House of Representatives
P.O. Box V
Juneau, Ak. 99811

Dear Representative Zwacki:

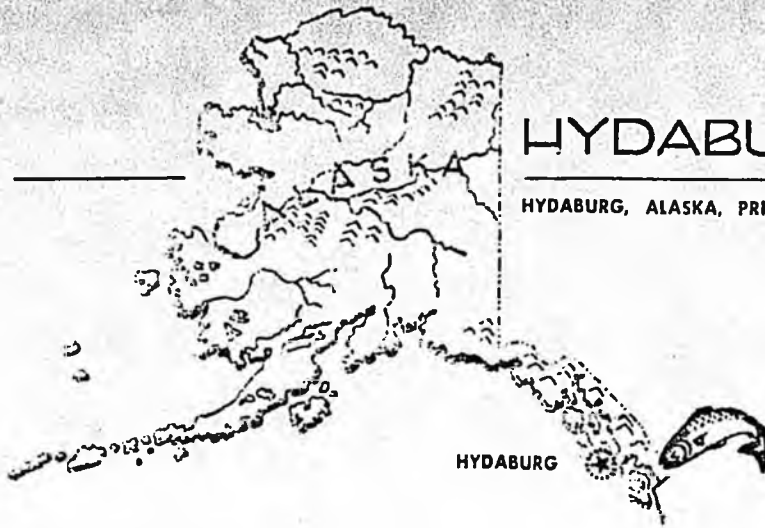
Please find enclosed a resolution passed by the Hydaburg City School District, Board of Education. This resolution pledges support for HB-52 which you have sponsored. We feel that this legislation addresses a very real issue in the state and we will do everything in our power to promote its passage.

We appreciate your efforts and please feel free to contact us if there is anything which we can do to help.

Sincerely,

Larry L. Schroeder
Larry L. Schroeder
Superintendent

LLS:de



HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

January 31, 1989

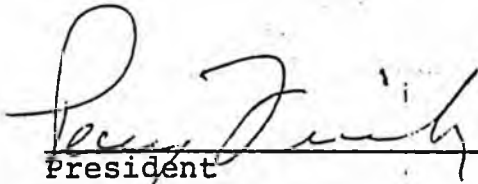
Resolution #88/89-3

WHEREAS, Education institutions have an obligation to provide a safe environment for all students; and,

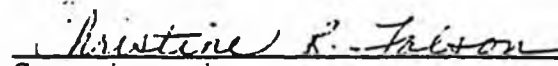
WHEREAS, The guarantee of moral and professional personnel is a basic requirement for this environment;

THEREBY BE IT RESOLVED; That the Hydaburg City School District supports the passage of House Bill 52 which gives the Department of Education access to criminal records of any person applying for Certification in our state.

Attested to by:



President
Board of Education



Secretary to
Board of Education

Adopted on this day: 21st of February 1989



LOWER YUKON SCHOOL DISTRICT

P.O. Box 32089 • Mt. Village, Alaska 99632 • (907) 591-2411

JAMES H. RIEDLINGER
Superintendent

February 20, 1989

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

Sir:

On August 13, 1986, our Board of Education adopted a policy whereby teachers and administrators offered a Professional Services Contract would be obligated to fingerprinting so that appropriate authorities would provide our office with the results of an investigation for any conviction involving the educator's contribution to the delinquency of a minor and/or any criminal sexual activity. Since the adoption of the policy, we had an educator back out of a contract offer due primarily to the fingerprint requirement and an apparent record as defined in House Bill 52 which you introduced into the House of Representatives.

Due to our experience and success with the fingerprinting of newly hired educators, I fully support House Bill 52 which would facilitate our students to remain in safe school setting environments and be protected from the possibility of encountering someone who has a history of criminal sexual activity.

Sincerely,

James H. Riedlinger
Superintendent of Schools

JR/oo

cc: Richard Foster
F. Kay Wallis
Al Adams
John Binkley

February 2, 1989
Angeon, Alaska
99830

CHATHAM SCHOOL DISTRICT
Board of Education
Resolution #89-100


A resolution supporting H.B. 52 which will qualify the State Department of Education as an "interested party" entitling them to use a system for fingerprinting new teachers and administrative applicants.


WHEREAS, The Chatham School District finds it necessary to hire certified personnel to serve the educational needs of the districts each school year; and


WHEREAS, The State of Alaska has experienced a high number of allegations involving contributing to the delinquency of a minor and sex crimes; and

WHEREAS, The Professional Teaching Practices Commission has revoked or suspended a number of certified teachers who have falsified their records;

BE IT RESOLVED That the Chatham School District Board of Education supports Representative Jim Zawaski in his efforts to pass House Bill 52.


Wally F. Frank, Sr., Board Chairman


Edward J. Gamble, Sr., Board Clerk


Darrell G. Moore, Supt. of Schools

SEWARD CHAMBER OF COMMERCE
P.O. BOX 749
SEWARD, AK 99664
(907) 224-8051

February 28, 1989

Alaska State Legislature
House of Representatives
Jim Zawacki, Rep. District 7
Pouch V
Juneau, AK 99811

Dear Representative Zawacki:

On behalf of the Seward Chamber of Commerce, I would like to express our support of **House Bill 52**.

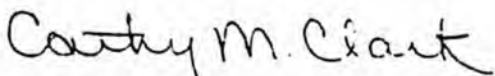
There is a need for procedures to check into the past records as well as prior experience of persons employed by schools in Alaska to ensure the safety of the children being educated in our school systems.

With problems experienced in other states and communities, i.e. undisclosed history of criminal sexual activity, we must take whatever steps are necessary to prevent this type of problem from occurring in our state and schools. Setting provisions, mandated by law, that enable the school districts to investigate such criminal activity is imperative.

To learn that only 5 of the 55 school districts in the state have any procedures for checking possible criminal records of new applicants for teacher or administrator positions is somewhat shocking and very disconcerting. I believe that if this information were known by parents who have children enrolled in Alaskan schools, there would have been an earlier public outcry for steps to ensure that all schools have an adequate policy for investigation of new applicants, as well as current employees.

Thank you for your interest and concern for the safety of Alaskan school children, and the foresight to introduce this important measure.

Sincerely,



Cathy M. Clark
Executive Director/Manager

Administrative
& Support Offices
P.O. Box 00309
Nenana, Alaska 99760



Fred L. Lau
Superintendent

(907) 832-5594

February 16, 1989

Jim Zawacki, Representative
District 7
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Zawacki:

The district school board at their February 14, 1989 unanimously passed Resolution No. 89-02 in full support of HB 52 and its passage.

On behalf of the district school board thank you for introducing bills such as 52 for the safety of all children in Alaska.

Sincerely,

A handwritten signature in cursive script that reads "Linda Evans".

Linda S. Evans
Board Secretary

Attachment: Resolution No. 89-02



Administrative
& Support Offices
P.O. Box 00309
Nenana, Alaska 99760

Fred L. Lau
Superintendent

(907) 832-5594

RESOLUTION NO. 89-02

WHEREAS, there exists a serious concern in communities and schools relating to the problem of persons employed by school districts in Alaska having an undisclosed history of criminal sexual activity, and

WHEREAS, we want all children of Alaska sent to an educational facility where they will be safe and healthy, and

WHEREAS, HB 52 has been introduced and would allow the Department of Education access to criminal records of all new teacher and administrator applicants, so

THEREFORE, BE IT RESOLVED, that the Yukon-Koyukuk School District Board supports the passage of HB 52 to ensure the safety of all our children.

PASSED, APPROVED AND ADOPTED BY THE SCHOOL BOARD OF THE YUKON-KOYUKUK SCHOOL DISTRICT THIS 14th Day of February, 1989.

ATTESTED:

Luke Titus
Chairman, Yukon-Koyukuk School Board

2/14/89
Date

V. Cheryl Robb
Clerk, Yukon-Koyukuk School Board

2/14/89
Date

Cordova Chamber of Commerce

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



Representative Zawacki
House of Representatives
Pouch V
Juneau, Alaska 99811

March 20, 1989

Dear Representative Zawacki:

The Cordova Chamber of Commerce would like to make known to you its decision to support House Bill 52 which would qualify the State Department of Education to access criminal records. We agree it is an issue of urgent concern.

Thank you for including the Cordova Chamber of Commerce while soliciting support for HB 52.

Sincerely,

Connie Taylor

Connie Taylor
President

North Slope Borough School District



March 20, 1989

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

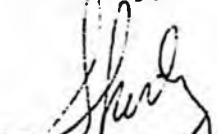
RE: House Bill 52, Access to Criminal Records

Dear Representative Zawacki:

The North Slope Borough School District is in support of House Bill 52, related to access to criminal records by the Department of Education for persons seeking certification as teachers or administrators. We recommend, however, that the implementation of this proposed law rest with the Department of Education; not the school districts in Alaska. We suggest that DOE review criminal records at the time they receive State certification requests, and that this law be administered by DOE and at their expense.

Thank you for giving us the opportunity to give our thoughts on this matter.

Sincerely,



Shirley Holloway, Ed.D.
Superintendent

BI/ma

cc: Senator Al Adams
Representative Eileen MacLean
School Board members
Patsy Aamodt, Assistant Superintendent for Instruction
Wally Berard, Assistant Superintendent for Administration
Brenda Itta, Special Assistant to the Superintendent
Ashley Reed, Lobbyist, NSBSD



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

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

March 27, 1989

To: Representative Johnny Ellis, Chair
Members, House HESS Committee

Re: House Bill No. 52: "An Act relating to access
to criminal records by the Department of Education
and providing for an effective date."

NEA-Alaska supports the concept that the Department of Education be the interested party on behalf of all school districts in obtaining records of criminal convictions of prospective applicants for certificated positions as a part of their initial certification process through the Department.

However, as a result of the initial hearing by the Committee we are not certain as to the scope or intent of this legislation. Accordingly, this statement will attempt to address potential concerns.

As stated above, we do support the Department being the interested person on behalf of all school districts as the records check pertains to initial certification.

We oppose any change which would require subsequent criminal records checks as a part of the recency or re-certification process except in instances where a person has let their certification expire.

It is inappropriate for any employee whose performance is competent and satisfactory and is a continuing employee on the initiative of the school district to have to periodically prove that they do not have a criminal record. Such a requirement is unusual, highly questionable, degrading, and offensive and is not expected of any other public employee.

NEA-Alaska could support legislation which would mandate that the courts or an appropriate agency of government be required to provide timely notification to the current employer of record of any person who is convicted of the crimes as referenced in AS 12.62.035.

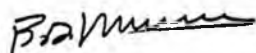
HB 52 should not be viewed as a means of purging the ranks of school district employees. Its primary purpose is to supplement the pre-employment reference checks which should be undertaken by all school district administrators as an integral part of their pre-hire procedures.

We further feel that school administrators and boards of education should be responsible and accountable to the public when they in fact do hire a person who has a record of criminal convictions per AS 12.62.035 and that they should be penalized accordingly as well.

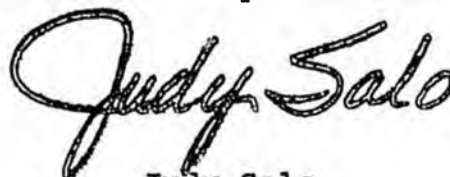
Employment decisions are substantial, especially when the potential employee is going to supervise children, and should not be done casually and should only be done after rigorous and thorough background checks.

Thank you for your consideration of our position.

Respectfully submitted,



Bob Manners
Executive Secretary



Judy Salo
President

cc: Representative Jim Zawacki

f26mar1



SKAGWAY CITY SCHOOL

P.O. Box 497

• Skagway, Alaska 99840

• (907) 983-2960

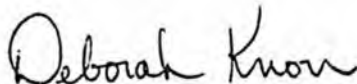
March 8, 1989

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

Dear Representative Zawacki:

Enclosed is Resolution #89-3 which was adopted by the Skagway City School Board on February 22, 1989. This resolution supports House Bill 52.

Sincerely,



Deborah Knorr
Board Secretary

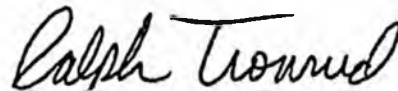
RESOLUTION #89-3

WHEREAS, the safety and welfare of children is the primary focus of the Skagway School Board; and,

WHEREAS, the best interest of the children can only be served by employing the most qualified and capable professional staff;

THEREFORE BE IT RESOLVED THAT the Skagway School Board unanimously supports legislation that requires checking for possible criminal records, involving contributing to the delinquency of a minor and/or sexual abuse, of new applicants for teacher or administrator positions.

ADOPTED the 22nd day of February, 1989.



Ralph Tronrud, President
Skagway School Board

**BIG LAKE
CHAMBER OF COMMERCE**

P.O. Box 520067
Big Lake, Alaska 99652

February 8, 1989

East Lake Mall
(907)892-6109

Resolution Serial No. 89-001

A RESOLUTION OF THE BIG LAKE CHAMBER OF COMMERCE SUPPORTING HB-52 IN ITS PRESENT FORM, AS INTRODUCED BY REP. JIM ZAWACKI, DISTRICT 7.

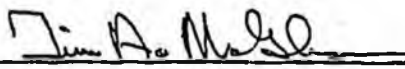
WHEREAS, the welfare and safety of our children is of the utmost importance; and

WHEREAS, the State of Alaska has been lax in providing the protection of our children from school employees who may have a history of criminal sexual activity; and

WHEREAS, only 5 of 55 school districts in the State of Alaska have any legal avenues of checking for possible criminal records of new applicants for teaching or administrative positions;

NOW THEREFORE BE IT RESOLVED, that the Big Lake Chamber of Commerce wholly supports HB-52 as introduced by Rep. Jim Zawacki, District 7.

ACCEPTED AND APPROVED by the Big Lake Chamber of Commerce this 8th. day of February, 1989.



Tim McGhan, President

jjn



BIG LAKE CHAMBER OF COMMERCE

Resolution Serial No. 89-001 (Sub.)

A RESOLUTION OF THE BIG LAKE CHAMBER OF COMMERCE SUPPORTING HB-52, INTRODUCED BY REP. JIM ZAWACKI, AMENDING THE PROPOSED AMENDMENT, TO INCLUDE ALL PERSONS WHO HOLD OR ARE SEEKING TO HOLD POSITIONS WITH A SCHOOL DISTRICT.

WHEREAS, the welfare and safety of our children is of the utmost importance; and

WHEREAS, the State of Alaska has been lax in providing the protection of our children from school employees who may have a history of criminal sexual activity; and

WHEREAS, only 5 of 55 school districts in the State of Alaska have any legal avenues of checking for possible criminal records of new applicants for teaching or administrative positions; and

WHEREAS, the Big Lake Chamber of Commerce wishes to amend the proposed amended Section 1, AS 12.62.035 (a) to read as follows:

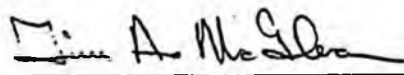
" (a) Notwithstanding any other provision of law, an interested person (AS DEFINED IN (e) OF THIS SECTION) may request from the Commission, records of all convictions involving contributing to the delinquency of a minor and any sex crimes of a person who holds or applies for a position with a school district. The Commission shall authorize the disclosure of the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request." and

WHEREAS, Section 2. AS 12.62.035 (f) (1) should reflect the above inclusion of employees or prospective employees of all school districts, as follows:

" (1) shall request and receive records under (a) of this section for all persons holding or applying for a position (certificated and noncertificated) with a school district."

NOW THEREFORE BE IT RESOLVED, that the Big Lake Chamber of Commerce supports amending the proposed amendment to HB-52 as introduced by Rep. Jim Zawacki, District 7.

ACCEPTED AND APPROVED by the Big Lake Chamber of Commerce this
8th. day of February, 1989. .



Tim McGhan, President

TALKEETNA CHAMBER OF COMMERCE, INC.

P O. BOX 334, TALKEETNA, AK 99676

Representative
Jim Zawacki
Pouch V
Juneau, AK 99811

March 10, 1989

Dear Mr. Zawacki,

Please be advised that the Talkeetna Chamber of Commerce has passed a Resolution in support of House Bill #52. This is an issue of concern in our community, and through out Alaska. This bill is vitally important to our childrens welfare and education. If we can be of any further assistance please feel free to contact us.

Sincerely Yours

Kristine D. Mahay

Kristine D. Mahay

Sec/Tres

Talkeetna Chamber of Commerce





FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 1250 Fairbanks, Alaska 99707-1250 (907) 452-2000

Board of Education

Mike Kramer
President
Seat D
457-4447

March 9, 1989

Gene Redden
Vice President
Seat G
456-8085

Honorable Jim Zawacki
House of Representatives
P. O. Box 7
Juneau, Alaska 99811

Andy Warwick
Treasurer
Seat F
474-9148

Dear Representative Zawacki:

Bonnie Brody
Clerk
Seat E
479-4139

On behalf of the Fairbanks North Star Borough Board of Education, I am forwarding Resolution 89-6 which supports House Bill 52, Access to Criminal Records. The resolution was unanimously approved by the Board at its meeting on March 7, 1989.

Jerry McBeath, Ph.D.
Member
Seat C
479-2870

In the Board's discussion, several members inquired as to whether the district could access criminal records for all felony charges and not just contributing to the delinquency of a minor and sex crimes. Board members believe it is just as important for the Department of Education and the school district to know about a murder conviction, for example.

Walt Schlotfeldt
Member
Seat A
457-5635

Thank you for the opportunity to comment on the proposed legislation.

Karl Schroeder
Member
Seat B
479-6548

Sincerely yours,

Lt. Col. Mike Griffin
*Eielson Air Force Base
Representative*
372-1648

A handwritten signature in dark ink, appearing to read "Richard S. Cross".

Richard S. Cross
Superintendent

Major Richard Musick
*Fort Wainwright Army Post
Representative*
356-2294

Margarette-Carole Bolden
Student Representative
457-1913

RSC/plh
Enclosure

cc: Board of Education

Superintendent of Schools

Richard S. Cross

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

Resolution 89-6

Support of House Bill 52 - Access to Criminal Records


WHEREAS, the Fairbanks North Star Borough School District has been fingerprinting employees for criminal reference checks for the past three years as a condition of employment; and

WHEREAS, required criminal reference checks on all employees assist in determining an educational environment which is safe and healthy; and

WHEREAS, conducting criminal reference checks through the Department of Education would permit the exchange of information from criminal reference checks on a statewide basis;

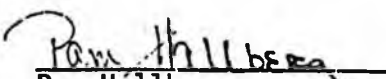
NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Board of Education supports House Bill 52 making it a requirement of the Department of Education to request and receive records on all convictions involving contributing to the delinquency of a minor and any sex crimes for any person seeking certification as a teacher or administrator in the State of Alaska.

PASSED AND APPROVED MARCH 7, 1989.



Mike Kramer, President
Board of Education

ATTEST:



Pam Hallberg
Secretary to the Board

FISCAL NOTE

Chapter 7, SLA 90

REQUEST:

Revision Date: 4/12/90
Title: Access by an interested person to criminal records..
Sponsor: Senate Finance
Requestor: _____

Agency Affected: Education
BRU: Education Finance & Support Services
Components: Certification fingerprint fees (new component)

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES	200.0	200.0	200.0	200.0	200.0	200.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER Program	200.0	200.0	200.0	200.0	200.0	200.0
TOTAL Rcppts.						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis. FY-90 Fiscal Impact: \$60.0 Program Receipts, contractual obligation for fingerprint, criminal history background checks...

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 4/12/90

Approved by Commissioner: William G. Demmert Date: 4/12/90
Agency: Education

Distribution (by preparer).

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

DEPARTMENT OF EDUCATION

April 12, 1990

FISCAL NOTE ANALYSIS (Chapter 7, SLA 90)

SCS CSHB 52 (Finance) Access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons.

Analysis:

FY-90 Fiscal Impact: \$60,000 in Program Receipts
Contractual obligation for processing of
fingerprint/background criminal history checks.
RSA with Department of Public Safety.

Implementation of HB 52 necessitates the State's collection of an additional fee of \$40.00 per teacher certification applicant for the fingerprint/background criminal history check. This fee is remitted by certification applicants along with the standard teacher certification fee (\$60.00) to the Department of Education. Revenues generated by the \$40.00 fee will be RSA'd to the Department of Public Safety for the express purpose of conducting the background check.

The Department estimates that 5,000 applications will be processed in FY-91. With a fee structure of \$40.00 per applicant for the background check, a total of \$60,000 in FY-90 and \$200,000 in FY-91 through FY-96 in program receipt authority will be necessary for this function.

In addition to this cost, implementation of HB 52 requires a supplemental appropriation of \$40,000 general funds and an ongoing increase to the Teacher Certification Unit of program receipt authority. These costs are included within the Governor's amended FY-91 budget and FY-90 supplemental request and are necessary for the processing of the 5,000 teacher certification applications handled by the Teacher Certification Unit and implementation of HB 52 within that process..

rec'd 1/90

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
 Title: Access by an interested person to criminal records of all felony...
 Sponsor: Senate Finance
 Requestor: Senate Finance

Agency Affected: Education
 BRU: Education Finance & Support Services
 Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	28.7	29.5	30.2	31.0	31.8	32.2
TRAVEL						
CONTRACTUAL	7.2	6.2	6.2	6.2	6.2	6.2
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.4	37.2	37.9	38.7	39.5	39.9

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND/PR	47.4	37.2	37.9	38.7	39.5	39.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached.

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 1/15/90

Approved by Commissioner: William G. Demmert Date: 1/15/90
 Agency: Education

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

DEPARTMENT OF EDUCATION

FISCAL NOTE ANALYSIS

Revised 1/15/90

SCS for CSHB 52 (Finance): Access by an interested person to criminal records of all felony convictions...

Personal Services

1 FT Clerk Typist III, Range 8 A/B	FY91: 28.7
(Cost increase assumes merit increases)	FY92: 29.5
	FY93: 30.2
	FY94: 31.0
	FY95: 31.8
	FY96: 32.2

This position will be responsible for the tracking and filing of all background checks for initial and one-time renewal applicants for teacher certification in Alaska.

Contractual

Computer programming and system maintenance to integrate background criminal check into teacher certification data base: 5.0

Telephone, postage: 1.2

Development of form for distribution to applicants, "Certification pending background check": .5

certification approval pending outcome of background check (first year cost only): 1.0

Commodities

Supplies associated with position and function: 1.0

Annual cost of "Certification pending background check" forms for applicants: .5

Equipment (first year cost only)

Computer terminal and printer to meet paperwork/notification requirements and data entry into teacher certification data base: 6.0

File cabinet for records storage, desk, chair, phone & partition walls for position: 9.9

Position Title Clerk Typist III		No. of Positions 1	Range/Step BA/B	Barg. Unit GGU
Time Status Full Time	Staff Months 12.0	Location Juneau		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	19.8			
Benefits	8.9			
Premium Pay				
Other				
Total Personal Services		28.7		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR	28.7		
Justification The full time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial and one-time renewal applicant for teacher certification in Alaska. All non-personnel costs associated with this position are included in the HB 52 fiscal note.				

**Request For
New Position**

Agency EDUCATION
BRU EDUCATION FINANCE & SUPPORT
Component DISTRICT SUPPORT

Page 3 of 3
Revised Date 1/15/90

FY 90

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: Access by an interested person to criminal records.
Sponsor: Senate Judiciary
Requestor: Senate Judiciary

Agency Affected: Education
BRU: Education Finance & Support Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	28.7	29.5	30.2	31.0	31.8	32.2
TRAVEL						
CONTRACTUAL	7.2	6.2	6.2	6.2	6.2	6.2
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	10.0	-0-	-0-	-0-	-0-	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.4	37.2	37.9	38.7	39.5	39.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND /PR	47.4	37.2	37.9	38.7	39.5	39.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Mary Hakala
Division: Commissioner's Office
Approved by Mary Hakala for Commissioner: William G. Demmert
Agency: Education

Phone: 465-2800
Date: 1/15/90
Date: 1/15/90

Distribution (by preparer):

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

DEPARTMENT OF EDUCATION

FISCAL NOTE ANALYSIS

Revised 1/15/90

SCS for CSHB 52 (Judiciary) Access by an interested person to criminal records..

Personal Services

1 FT Clerk Typist III, Range 8 A/B	FY91: 28.7
(Cost increase assumes merit increases)	FY92: 29.5
	FY93: 30.2
	FY94: 31.0
	FY95: 31.8
	FY96: 32.2

This position will be responsible for the tracking and filing of all background checks for initial and one-time renewal applicants for teacher certification in Alaska.

Contractual

Computer programming and system maintenance to integrate background criminal check into teacher certification data base: 5.0

Telephone, postage: 1.2

Development of form for distribution to applicants, "Certification pending background check": .5

Commodities

Supplies associated with position and function: 1.0

Annual cost of "Certification pending background check" forms for applicants: .5

Equipment (first year cost only)

Computer terminal and printer to meet paperwork/notification requirements and data entry into teacher certification data base: 6.0

File cabinet for records storage, desk, chair, phone & partition walls for position: 9.9

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8A/B	Barg. Unit GGU
Time Status Full Time	Staff Months 12.0	Location Juneau		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	19.8			
Benefits	8.9			
Premium Pay				
Other				
Total Personal Services		28.7		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR	28.7		
Justification				
<p>The full time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial and one-time renewal applicant for teacher certification in Alaska.</p> <p>All non-personnel costs associated with this position are included in the HB 52 fiscal note.</p>				

**Request For
New Position**

Agency EDUCATION
 BRU EDUCATION FINANCE & SUPPORT
 Component DISTRICT SUPPORT

FY 90

Page 3 of 3
 Revised Date 1/15/90

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Access to Criminal Records by
the Department of Education
 Sponsor: Zawacki
 Requestor: Zawacki

Agency Affected: Education
 BRU: Education Finance and Support
Services
 Components: District Support, Teacher
Certification Unit

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		31.5	31.5	31.5	31.5	31.5
TRAVEL						
CONTRACTUAL		3.0	3.0	3.0	3.0	3.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	35.5	35.5	35.5	35.5	35.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		35.5	35.5	35.5	35.5	35.5
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

To implement program, one Clerk IV and associated costs are necessary. Position will handle public inquiries, processing and tracking of records in the certification process and on behalf of school districts.

Prepared by: Marv Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 2/2/89

Approved by Commissioner William G. Demmert Date: 2/2/89
 Agency: Education

Distribution (by preparer):

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 52
PUBLISH DATE: 1/9/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Relating to Access to
Criminal Records by Dept. of Education
Sponsor: Zawacki
Requestor: HESS

Agency Affected: Public Safety
BRU: DPS Administration
Component: Administrative
Services

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	5.3	31.8	31.8	31.8	31.8	31.8
TRAVEL						
CONTRACTUAL		1.8	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT		7.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		40.6	32.1	32.1	32.1	32.1

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND		40.6	32.1	32.1	32.1	32.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

HB 52 will substantially impact the Records and Identification Section which operates the Alaska Automated Fingerprint Identification System (AAFIS). Because of the complexity of the research which is required to process criminal history record checks under AS 12.62.035, the services of a full-time Clerk IV will be required to handle the estimated 4,500 requests from the Department of Education annually. (Attachments including New Position Request)

Prepared by: M.J. Clemens
Division: Administrative Services

Phone: 465-4336
Date: 2/21/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 2/21/89

HB 52 FISCAL NOTE
(Analysis, continued)

The Department of Education has estimated that they will submit 4000-4500 certification and recertification criminal history record checks annually. These records checks are in addition to those under this statute requested by other interested persons, such as the employers of day care providers. The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification detailing how they fall under the statute and requesting that records checks be performed on its employees. This letter is retained on file. Completed fingerprint cards showing the interested party as the contributor may then be submitted for processing.

The fingerprint cards submitted are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the APSIN record for the person identified through AAFIS is then checked for the existence of a criminal history. Because of the requirement in 12.62.035 that fingerprints submitted under this statute may not be retained beyond six months, it is necessary to process them separately from other applicant cards. The second fingerprint card, accompanied by a money order for the \$14 fee, is submitted by mail to the FBI Identification Division to check for an out of state criminal history.

If a criminal history record verified by fingerprints exists in Alaska, it must be reviewed to determine if the offense is reportable under 12.62.035(e)(1)(3), and if a conviction resulted. If both of these conditions are met, the interested party and the applicant are notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case. This can be a very time consuming process.

If the FBI fingerprint check results in the return of a rap sheet, it must be carefully examined. First the reported offenses must be examined to see if any might be reportable under 12.62.035. If so, each must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information. Because of the dramatically differing sexual assault statutes in the different states, it is frequently necessary to contact the arresting police agency in the other state to determine if the factual circumstances of the violation would have been a reportable offense had it occurred in Alaska.

HB 52 FISCAL NOTE
(Analysis, continued - Page 3)

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with outside agencies must be conducted by mail. If a conviction is identified which is reportable under 12.62.035, both the interested party and the applicant are notified of the findings by mail. The fingerprint cards are returned to the contributor.

During the time that 12.62.035 has been in effect, less than 1% of the criminal history records checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under 12.62.035 have been found to have serious violations not reportable under this statute. These have included convictions for attempted homicide, assault, and drug sales.

The duties of segregating and tracking record requests under this statute; managing the required correspondence; researching disposition information; and determining the applicability of out-of-state convictions will require the addition of one full time clerk position.

AAFIS and APSIN operator times to perform criminal history record checks under 12.62.035 are summarized in the table.

Function	# Cards	Seconds	Hours
Search AAFIS	4500	540	550
APSIN Search	4500	96	120
AK Dispo. Research	70	4800	93
Sort and Mail	9000	14	35
Research FBI rcds	495	9060	1246
Sort other FBI	4005	64	71
Total Processing Time			2115 hours/year

Notes:

11% of the 4500 cards checked by the FBI will have serious out of state violations requiring research. A survey done of present 12.62.035 checks indicates the average time to research out of state records is 151 minutes.

Position Title Clerk IV		No. of Positions 1	Range/Step 9A	Barg. Unit G
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Amount		
1	2	3		
Salary*	20.8	////////////////////		
Benefits*	11.0	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	31.8		
Travel				
Contractual	line hook up - \$1.5	1.8		
Commodities				
Equipment	Micro \$6.2 chair \$.8	7.0		
Other				
Total Cost		40.6		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	40.6		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS Scenario #2.				
<p>Justification</p> <p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with HB52 will require the equivalent of a full-time position as outlined on the workload calculations attached.</p> <p>Initial furniture and equipment costs would not be needed in future years.</p> <p>Due to the immediate effective date of the bill, assuming it becomes law about May 1, two months of personal services would be needed to pay unbudgeted overtime to existing staff who would have to handle requests prior to classification, recruitment selection and training of a new position.</p>				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Administration
 COMPONENT Administrative Services

Page 4 of 4
 Revised Date

FY 90

FISCAL NOTE

REQUEST:

Revision Date: 01/12/90
Title: Access to Criminal Records

Agency Affected: Public Safety
BRU: DPS Statewide Support

Sponsor: Representative Zawacki
Requestor: Senate Judiciary

Component: AK Criminal Records & ID

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	46.1	46.1	46.1	46.1	46.1	46.1
TRAVEL						
CONTRACTUAL	2.3	2.3	2.3	2.3	2.3	2.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	55.4	48.4	48.4	48.4	48.4	48.4

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	55.4	48.4	48.4	48.4	48.4	48.4
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	55.4	48.4	48.4	48.4	48.4	48.4

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies. Because of the complexity of the research
(Analysis continued on attached)

Prepared by: Ken Bischoff
Division: Administrative Services

Phone: 465-4336
Date: 01/12/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-12-90
Page 1 of 5

Ambr
1/12/90

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 2 of 5)

required to process criminal history record checks under AS 12.62.035, one full-time and one part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications and 2,000 recertifications, and 2,500 for health care employees each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants will be delayed by several more months.

There are over 5,000 health care employees in Alaska who care for dependent adults under the definition of 7 AAC 55.330(8), (12). Covered employees include those who work for certain alcoholism programs, State institutions such as API and Harborview, providers of adult residential care, providers of adult foster care, nursing home aides, hospital staff, personal care attendants, home health aides, and pioneer home staff. Since a criminal history records check under this statute would be permissive rather than mandatory, it is estimated that about half of the covered employees would be processed each fiscal year.

The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, (\$20 as of 3/1/90) is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of SCS CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 3 of 5)

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified, both the interested party and the applicant would be notified of the findings by mail.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Position Title Clerk IV		No. of Positions	Range/Step 9A	Barg. Unit G
Time Status PFT	Staff Months 6	Location Anchorage	Election District 7	
Type of Expenditure		Amount		
1	2	3		
Salary*	9.8	////////////////////		
Benefits*	3.8	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	13.6		
Travel				
Contractual	Misc. \$.5	.5		
Commodities				
Equipment				
Other				
Total Cost		14.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	14.1		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				
<p>Justification</p> <p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with SCS CSHB 52 (Jud) will require the equivalent of a full-time position and one part-time position.</p> <p>In spite of the immediate effective date of the bill, unless it becomes law early in the session, its program impact will not likely occur in FY90.</p> <p>If this bill becomes law and this position is not approved, backlogs will increase; "interested persons" will not receive timely responses to their requests for criminal history records checks.</p>				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Statewide Support
 COMPONENT AK Criminal Records & ID

Page 4 of 5
 Revised Date

FY 91