

S B

549

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

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Mary Van Nimwegen

SD 549

H. HESS

5/2/90

# HOUSE COMMITTEE REPORT

(7)

Date Referred: April 29, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/2/90

The HESS Committee considered:

SB 549

SENATE BILL NO. 549

CERTIFICATION OF TEACHERS/ADMINISTRATORS

"An Act relating to renewal of a teacher's or administrator's certificate; and providing for an effective date."

### RECOMMENDATIONS:

- [ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] be replaced with \_\_\_\_\_ [ ] a new title  
[ ] have attached amendment(s)  
[X] 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 \_\_\_\_\_  
[ ] zero fiscal note \_\_\_\_\_  
[ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_  
[ ] zero fiscal note(s) \_\_\_\_\_  
[ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

*J. Ellis* Ellis  
*Mark McKinley* McKinley  
*Mark Boyer* Boyer

SIGNING:	Do Not Pass	No Rec	Amend
<i>Cheri Davis</i> Davis	X		
<i>George J. ...</i> JAKO	X		

*J. Ellis*  
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Renewal of a teacher's or  
administrator's certificate  
Sponsor: Senate HESS  
Requestor: Senate Judiciary

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Mary Hakala  
Division: Commissioner's Office

Phone: 465-2800  
Date: 4/25/90

Approved by Commissioner: William G. Denmert  
Agency: Education

Date: 4/25/90

Distribution (by preparer):

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

DEPARTMENT OF EDUCATION

April 26, 1990

FISCAL NOTE ANALYSIS

SB 549: Renewal of a teacher's or administrator's certificate

Although the number of background checks processed by the Department of Education would be reduced by enactment of SB 549, program receipt authorization is necessary. This cost is reflected in the two fiscal notes submitted by the Department of Education for HB 52 (Chapter 7, SLA 90). Since these two fiscal notes assume program receipt revenues generated by applicant fees, any excess in budgeted authority will be restricted; only those revenues realized will be available for expenditure in implementing Chapter 7, SLA 90. Therefore the Department is not submitting any revision to these fiscal notes at this time.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Renewal of Teachers' or  
Administrators' Certificates  
Sponsor: HESS Committee  
Requestor: Senate Judiciary

Agency Affected: Public Safety  
BRU: DPS Statewide Support  
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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached.

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

Phone: 465-4336  
Date: 4/25/90

Approved by Commissioner: J.A.H. [Signature] Arthur English  
Agency: Department of Public Safety

Date: 4-26-90  
Page 1 of 2

Fiscal Note Narrative

SB 549

Page 2

This bill repeals Section 4 of HB 52, which passed earlier this session (Chapter 7, SLA 1990). The effect of this is that the Department of Education would no longer be required to request criminal history records checks of persons applying to renew an Alaska teacher's certificate. DOE estimates that there are approximately 2,000 applications for recertification a year.

The fiscal note which accompanied HB 52 (not yet "authorized") allocated 55.4 in inter-agency receipts to DPS. These receipts are to come from fees paid by the applicants, and will be used to fund one full-time and one part-time Clerk IV to process the criminal history records checks. The 55.4 figure was based on an estimated 4,000 records checks a year (2,000 initial and 2,000 renewals).

Based on the number of certification applications now being received by DOE, it appears that the original estimate of the number of applications for initial certification was too low. It now appears that there will be 3,000 to 4,000 of these a year. In addition, we are finding that it takes longer than initially estimated to perform the research necessary to report only those convictions allowed to be reported. Records from other states show the charge for which a person was convicted, but generally do not indicate whether the charge is a felony or misdemeanor. This requires that DPS staff contact the other state to find out if the conviction was for a felony or a misdemeanor under that state's laws at the time.

Because the estimates of the number of applications for initial certification and required research time was too low, passage of SB 549 would leave DPS at "status quo"--processing approximately 4,000 additional fingerprint cards and criminal history records checks a year.



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April 30, 1990

**TO: Representative Johnny Ellis, Chair, and members of the House HESS Committee.**

**FROM: Bob Manners, Executive Secretary**

**RE: SB 549; "An Act relating to renewal of a teacher's or administrator's certificate; and providing for an effective date"**

NEA-Alaska strongly supports and urges your favorable action on SB 549. We are very appreciative of the willingness of legislators to correct the many problems that have resulted from one portion of the new statute requiring the fingerprinting of teachers.

The original intent of HB 52 was to provide background checks for certification for initial hires and to make the Department of Education, through the Certification Division, the responsible party for such action.

When a person is initially hired and/or licensed to teach in the State of Alaska they must answer in writing the question: "Have you ever been convicted of a felony?" The new legislation serves to validate the answer to that question and is perhaps its most important function.

When the bill was extended to all practicing teachers the logistical problems became enormous, but even more importantly the purpose becomes much more cloudy.

NEA-Alaska is very concerned about the unworkability of the new statute and the varied problems that teachers throughout the state are encountering, but we also believe that you need to address the substantive issues as follows:

**Are the protections currently in place regarding the screening of convicted felons from the teaching profession adequate to protect Alaska's youth?**

We believe that the answer is yes. Even without fingerprinting each of Alaska's practicing teachers, school districts under AS 12.62.065, are defined as an interested party and authorized to access criminal background information on persons they employ.

**Does the fingerprinting of all Alaska's currently practicing teachers enhance the safety factor or accomplish the public interest intent of the legislation?**

We believe that it is very unlikely. Even if you take the view that there are convicted felons who have lied on their initial certification application, and employment application, and slipped into Alaska to teach school, the methodology of the fingerprinting on such a massive scale throughout the state indicates that there are no guarantees of the viability of the prints themselves.

Finally, it must be asked if the cost and burden of this fingerprint screening is appropriately placed?

When initially being licensed to practice in the state an applicant is forewarned about what the requirements for that license are and given a choice about whether or not to meet those requirements and pay the costs. That choice is somewhat different for those individuals who are currently practicing and there has traditionally been resistance to increasing the requirements, costs, and burdens to recertify. Given the nature of fingerprinting, and the implication that one might be a convicted felon, that resistance is only intensified.

Because Section 4 of HB 52 created the most unworkable part of the legislation, because the public interest is otherwise protected, and because the fingerprinting of all of Alaska's teaching force is likely to produce little if anything in the way of enhancing public interest, we urge you to support the repeal of Section 4 of HB 52 and return the legislation to the form it was in when it left the house.

Thank you for your consideration of our position.