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STATE OF ALASKA  
THE LEGISLATURE

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POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-463-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 52

H. HESS

2/23/89



*Andy*

**Representative Jim Zawacki**  
**Alaska State Legislature**

311 C STREET, SUITE 415  
ANCHORAGE, ALASKA 99501  
(907) 561-2037

4000 E BAYVIEW  
POUCH 4  
JUNEAU, ALASKA 99801  
(907) 465-2719/2693

MEMBER  
STATE AFFAIRS COMMITTEE  
LEGISLATIVE COUNCIL  
FINANCE SUBCOMMITTEE  
PUBLIC SAFETY  
ANCHORAGE CAUCUS  
CO CHAIRMAN

**M E M O R A N D U M**

**TO:** Max Gruenberg, Co-Chair  
Judiciary Committee  
House of Representatives

**FROM:** Jim Zawacki  
Representative

**DATE:** April 11, 1989

**RE:** CSHB52

-----  
I would like to respectfully request that the House Judiciary Committee schedule a hearing for CSHB52 at the earliest convenience of the chair.

Thank you very much for your consideration.

# HOUSE COMMITTEE REPORT

(7)]

Date Referred: April 5, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 4/24/89

The JUDICIARY 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 HB 52 (Judiciary) [ ] the same title  
[X] a new title
- [ ] have attached amendment(s)
- [ ] do pass
- [ ] do not pass
- [ ] no recommendation
- [X] 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 \_\_\_\_\_

- [X] fiscal note(s) DOE 4/5/89
- [X] zero fiscal note(s) Dept of Edu 4/5/89
- [ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS?

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		✓	
<u>[Signature]</u>		✓	
<u>[Signature]</u>		✓	
_____			
_____			
_____			
_____			
_____			

[Signature]  
Chairman's Signature

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 3, 1989

SUBJECT: Access to criminal records - CSHB 52(HESS)  
TO: Representative Johnny Ellis  
FROM: Michael F. Ford *M.F.*  
Legislative Counsel

I wanted to bring several points to your attention regarding CSHB 52(HESS). First, if it is the intent of the committee to require that records of any convictions for both contributing to the delinquency of a minor and sex crimes be released, then I would recommend amending the duty of the Department of Public Safety to require that both categories of convictions be disclosed, regardless of the request. Second, in sec. 2, I would recommend that "initial" be inserted before the word "certification" if you do not intend to require disclosure for a person after their first certification. Last, in section 1, I would recommend deleting the phrase "authorize the disclosure of" and insert "disclose the", as a clean-up change to the bill.

NEA  
wants  
OK.

Please contact me if you have further questions.

MF:kb  
wkk3/063

Forwarded to: Reps. Zwicki, Gill, Greenberg

*Hagden*  
*Please note!*  
*and take appropriate*  
*action.*

6-0247D  
Ford  
4/22/89

Original sponsors: Zawacki and Hanley

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 52 (Judiciary)

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 in which the person has or would have super-  
19 visory or disciplinary power over a minor. The Department of Public  
20 Safety [COMMISSION] shall disclose [AUTHORIZE THE DISCLOSURE OF] the  
21 information to the requesting interested person and shall provide a  
22 copy of the information to the person who is the subject of the re-  
23 quest.

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 01.10.070(c).

29

A M E N D M E N T

OFFERED IN THE HOUSE

BY ZAWACKI

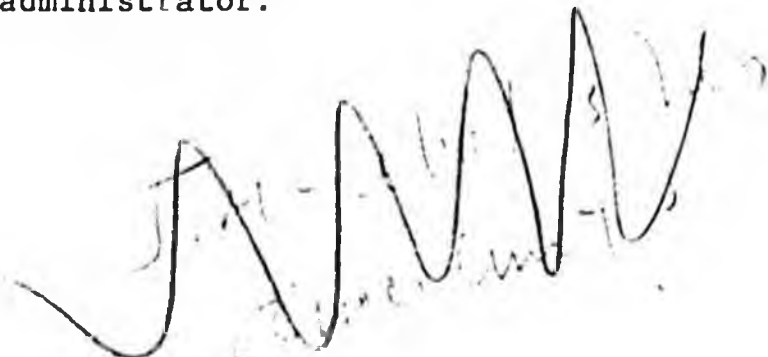
TO: HB 52

Page 1, lines 21 - 25:

Delete all material and insert:

"(f) The Department of Education shall request and receive records under (a) of this section for a person seeking certification as a teacher or administrator."

of record

A large, stylized handwritten signature in black ink, appearing to be 'J. M. Ford', is written across the lower middle of the page.

During the original drafting of this legislation, there was a misinterpretation between the Sponsor of the bill and the drafter. Section 2, f(2) "shall request records on behalf of a school district" was not intended by the Sponsor to be in the original draft.

Therefore, the Sponsor will be respectfully requesting permission of the House HESS Committee to offer an amendment to the bill. This proposed amendment would simply remove the previously stated provision.

The above mentioned provision which would require that the Department of Education request records on behalf of a school district imposes unnecessary duties and financial burdens on DOE, and may introduce additional potential for delay or mishandling of a request, without any obvious benefit. Since school districts considering the employment of a person are already "interested persons" under AS 12.62.035(e), and could therefore request records directly if they so desired.

This explanation may sound difficult on paper, but it is rather easy to explain. If you have any questions or would like further clarification, please contact Portia in my office at 2719.

Thank you for your time and consideration.

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) 586-3090

## 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 HBS2.

Sincerely,

*Jeannie Volker*  
Jeannie Volker  
Executive Director

JV/jp

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5848



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,

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

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 Timponi  
Program Coordinator

CT:km

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

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: 03113811  
 DATE: 02/02/89  
 TIME: 11:38:11  
 LIONAME: ANCHORAGE LIO

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SPOHNHOLZ	SWACHHAMMER	SZYMLINSKI
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



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



## 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  
907-882-2663

Eagle  
907-547-2210

Mentasta  
907-291-2317

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 H. McCoy*  
Ann McCoy  
President, Alaska PTA

*Carol HM Everett*  
Carol Everett  
Legislative V.P.



## Matanuska-Susitna Borough School District

125 WEST EVL. GREEN - P.O. BOX 1688 - PALMER, ALASKA 99645-1688 - (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.

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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 RB52

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 U

TUNEAU, ALASKA 99811

RE: Letter of Support HB 52

Dear Jim,

Obviously, 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 offer 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,

Osmin F. Angeles

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.

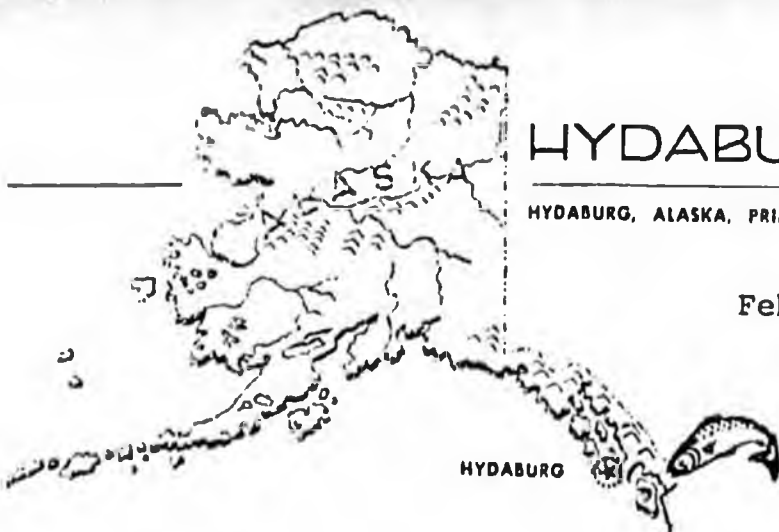
This year, a young man convicted of drug dealing in Juneau awaiting sentencing was hired by the Juneau School District as a substitute teacher for the 8th grade.

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:

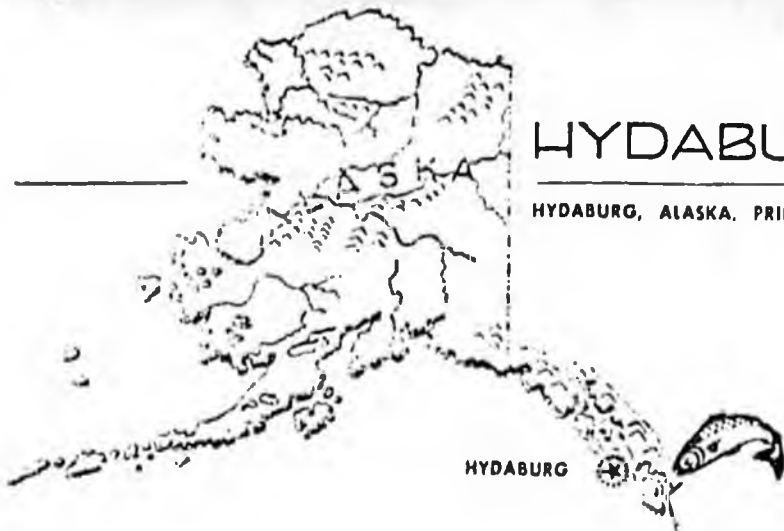
Please find enclosed a resolution passed by the Hyدابург City School District, Board of Education. This resolution pledges support for HB-52 which you have sponsored. We feel that this legislation addresses a very real issue in the state and we will do everything in our power to promote its passage.

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

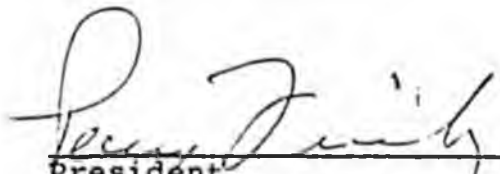
Resolution #88/89-3


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 Hyaburg 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: 31st of January, 1989



# LOWER YUKON SCHOOL DISTRICT

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

JAMES H. RIEDLINGER  
Superintendent

February 20, 1985

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  
Angoon, Alaska  
99820

CHATHAM SCHOOL DISTRICT  
Board of Education  
Resolution #89-100

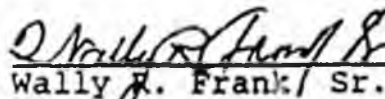
A resolution supporting H.B. 52 which will qualify the State Department of Education as an "interested party" entitling them to use a system for fingerprinting new teachers and administrative applicants.

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

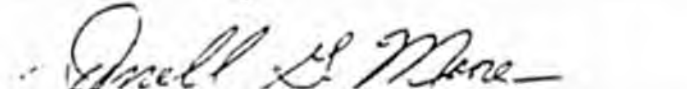
WHEREAS, The State of Alaska has experienced a high number of allegations involving contributing to the delinquency of a minor and sex crimes; and

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 R. 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*

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 ealthy, 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.

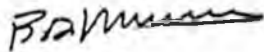
HB 52 should not be viewed as a means of purging the ranks of school district employees. Its primary purpose is to supplement the pre-employment reference checks which should be undertaken by all school district administrators as an integral part of their pre-hire procedures.

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.

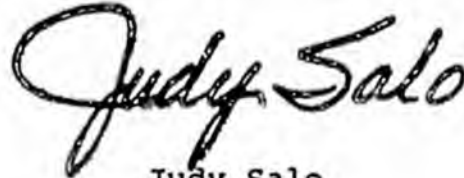
Employment decisions are substantial, especially when the potential employee is going to supervise children, and should not be done casually and should only be done after rigorous and thorough background checks.

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

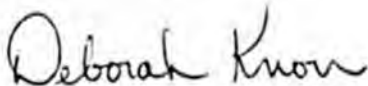
March 8, 1989

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

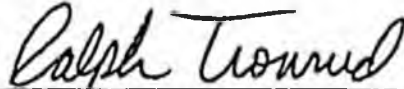
RESOLUTION #89-3

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**

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P.O. Box 520067  
Big Lake, Alaska 99652

February 8, 1989

East Lake Hall  
(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.

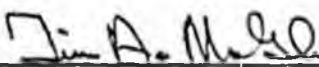
WHEREAS, the welfare and safety of our children is of the utmost importance; and

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:

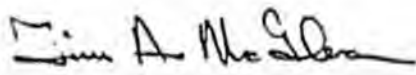
" (a) Notwithstanding any other provision of law, an interested person (AS DEFINED IN (e) OF THIS SECTION) may request from the Commission, records of all convictions involving contributing to the delinquency of a minor and any sex crimes of a person who holds or applies for a position with a school 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 V  
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

Karl Schroeder  
Member  
Seat B  
479-6548

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

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

Sincerely yours,

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

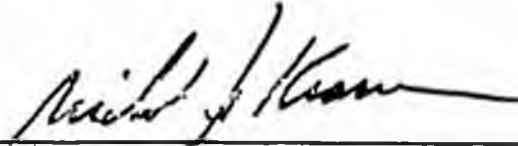
WHEREAS, the Fairbanks North Star Borough School District has been fingerprinting employees for criminal reference checks for the past three years as a condition of employment; and

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

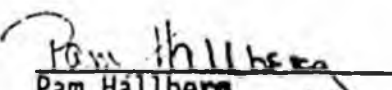
WHEREAS, conducting criminal reference checks through the Department of Education would permit the exchange of information from criminal reference checks on a statewide basis;

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



Original sponsor: Zawacki

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 52 ( )

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 to criminal records; and  
7 providing for an effective date."

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

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

10 (a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] inter-  
11 ested person [AS DEFINED IN (e) OF THIS SECTION] may request from the  
12 Department of Public Safety [COMMISSION] records of all convictions  
13 involving contributing to the delinquency of a minor, <sup>and</sup> ~~or~~ convictions  
14 involving [AND] any sex crimes of a person who holds or applies for a  
15 position in which the person has or would have supervisory or disci-  
16 plinary power over a minor. The Department of Public Safety [COMMIS-  
17 SION] shall authorize the disclosure of the information to the re-  
18 questing interested person and shall provide a copy of the information  
19 to the person who is the subject of the request.

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

21 (f) The Department of Education shall request and receive re-  
22 cords under (a) of this section for a person seeking certification as  
23 a teacher or administrator.

24 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
25  
26  
27  
28  
29

Introduced: 1/9/89  
 Referred: Health, Education,  
 & Social Services  
 and Judiciary

1 IN THE HOUSE

BY ZAWACKI

2 HOUSE BILL NO. 52

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 to criminal records by the  
 7 Department of Education; and providing for an effec-  
 8 tive date."

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

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

11 (a) Notwithstanding any other provision of law, an interested  
 12 person [AS DEFINED IN (e) OF THIS SECTION] may request from the com-  
 13 mission records of all convictions involving contributing to the  
 14 delinquency of a minor and any sex crimes of a person who holds or  
 15 applies for a position in which the person has or would have supervi-  
 16 sory or disciplinary power over a minor. The commission shall author-  
 17 ize the disclosure of the information to the requesting interested  
 18 person and shall provide a copy of the information to the person who  
 19 is the subject of the request.

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

21 (f) The Department of Education

22 (1) shall request and receive records under (a) of this sec-  
 23 tion for a person seeking certification as a teacher or administrator;  
 24 and

25 (2) shall request records on behalf of a school district.

26 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
 27  
 28  
 29



# Alaska State Legislature House of Representatives

P.O. BOX 783  
GIRDWOOD, ALASKA 99567  
(907) 783-2905

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

REPRESENTATIVE  
JIM ZAWACKI  
DISTRICT 7

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

## MEMORANDUM

TO: Representative Johnny Ellis, Chairman  
Health, Education and Social Services  
House of Representatives

FROM: Jim Zawacki  
Representative  
House of Representatives

DATE: February 17, 1989

RE: HB52

-----

I have reintroduced legislation addressing the problem of access to criminal records by the Department of Education for individuals being considered for certification as teachers or administrators.

The bill is HB52, "An Act relating to access to criminal records by the Department of Education; and providing for an effective date."

HB52 is currently scheduled for a hearing in the House HESS Committee next Wednesday, February 22, 1989 at 8:30am. I thank you for scheduling HB52 so promptly.

The original intent of HB52 was to qualify the Department of Education as an "interested person" and to allow DOE, as an interested person, to request and receive records related to convictions involving contributing to the delinquency of a minor and sex crimes.

## 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						
<b>TOTAL OPERATING</b>		<b>23.6</b>	<b>19.1</b>	<b>18.1</b>	<b>18.1</b>	<b>18.1</b>

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

GENERAL FUND / PR		23.6	19.1	18.1	18.1	18.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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: Mary 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)

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
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		
Justification				
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: \_\_\_\_\_  
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						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>35.5</b>	<b>35.5</b>	<b>35.5</b>	<b>35.5</b>	<b>35.5</b>

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

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

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		35.5	35.5	35.5	35.5	35.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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. Bennett Date: 2/2/89  
Agency: Education

**Distribution (by preparer):**

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

## 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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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 Berg 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)

# 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.

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 <b>Clerk IV</b>			No. of Positions <b>1</b>	Range/Step <b>9A</b>	Barg. Unit <b>G</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>		Location <b>Anchorage</b>		Election District <b>7</b>
Type of Expenditure			Amount		
<b>1</b>			<b>2</b>		
<b>3</b>					
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.					
Justification					
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 HB52 will require the equivalent of a full-time position as outlined on the workload calculations attached.					
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.					

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety  
 BRU DPS Administration  
 COMPONENT Administrative Services

Page 4 of 4  
 Revised Date

FY 90

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App. Op. No. 718  
P.2d (1987).  
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ken. Winther v.  
o. 783 (File No.  
1988).

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

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

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

State, Ct. App. Op.  
A-1171), 715 P.2d 1174  
Ct. App. Op. No.  
A-1171, 717 P.2d 855  
Ct. App. Op. No.  
A-1171, 739 P.2d 1314  
State, Ct. App. Op.  
A-1171, 739 P.2d 1310  
Ct. App. Op. No.  
A-1171, P.2d (1987);  
pp. Op. No. 799  
P.2d 1022 (1988).

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e manner pre-  
21 SLA 1985)

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

### 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