

**HB**

**125**

465-  
2025

Post-it <sup>™</sup> Fax Note	7671	Date	4/4/95	# of pages	1
To	20291AA-legal	From	U. Campbell		
Co./Dept	Judicial Council	Co.			
Phone #	2450	Phone #	4450		
Fax #	2029	Fax #	3834		

**CSHB 125 BY HOUSE JUDICIARY COMMITTEE**

**"AN ACT RELATING TO THE DISCLOSURES TO SCHOOL OFFICIALS OF INFORMATION ABOUT CERTAIN MINORS; AND PROVIDING FOR AN EFFECTIVE DATE"**

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

Section 1. AS 47.10.093(a) is amended to read:

(a) Except as specified in AS 47.10.092 and (b)-(f), and (h) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

Section 2. AS 47.10.093 is amended by adding new sub-sections to read:

(h) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of information to school officials under (b)(3) and (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonably practicable.

(i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement agency is not required to notify the appropriate school official of a school district or school under (c) of this section if the agency determines that notice would jeopardize an ongoing investigation.

(j) In this section, "school" means a public or private elementary or secondary school.

Section 3. **TIME DEADLINE FOR ADOPTION OF PROCEDURES AFFECTING SCHOOL DISTRICTS.** The procedures required under Sec. 2 of this act will be developed no later than 90 days after the effective date of this act.

Section 4. This act takes effect immediately under AS 01.10.070(c)

9-LS0499\U  
Chenoweth  
3/28/95

CS FOR HOUSE BILL NO. 125( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GREEN, Toohey, Bunde, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures to school officials of information about certain  
2 minors; and providing for an effective date."

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

4 \* Section 1. AS 47.10.093(a) is amended to read:

5 (a) Except as specified in AS 47.10.092 and (b) - (f), (h), and (i) of this  
6 section, all information and social records pertaining to a minor who is subject to this  
7 chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal  
8 agency or employee in the discharge of the agency's or employee's official duty,  
9 including driver's license actions under AS 28.15.185, are privileged and may not be  
10 disclosed directly or indirectly to anyone without a court order.

11 \* Sec. 2. AS 47.10.093 is amended by adding new subsections to read:

12 (h) A school district or a private school and the appropriate law enforcement  
13 agency or the department, in any combination, shall develop and enter into a protocol  
14 by which the law enforcement agency or the department <sup>may</sup> shall notify a specific official

*Handwritten signature/initials*

*Not mandatory disclosure*

1 of the school district or the school when disclosure is authorized by (c)(3) or (f) of this  
 2 section, and the manner in which that notification may be given. If, under the  
 3 protocol, notification by the law enforcement agency is given to a school official other  
 4 than the principal of the school attended by the minor, the protocol shall direct that the  
 5 school official designated to receive notification shall notify the principal of the school  
 6 attended by the minor as soon as is reasonably practicable to do so.

7 (i) When information is disclosed to a school official under (c)(3) or (f) of this  
 8 section,

9 (1) the school official shall disclose the information to the appropriate  
 10 teacher, and may otherwise disclose the information only to persons employed by that  
 11 school district or to the chief administrative officer of a school district or school to  
 12 which the minor transfers;

13 (2) the school district or school may not use the information or the  
 14 record as the basis of the minor's expulsion, suspension, or denial of admission to the  
 15 school; however, the limitation of this paragraph does not prevent a suspension or  
 16 denial of admission under AS 14.30.045(5).

17 (j) Notwithstanding (c)(3) of this section, a state or municipal law enforcement  
 18 agency is not required to notify the appropriate school official of a school district or  
 19 school under (c) of this section if the agency determines that notice would jeopardize  
 20 an ongoing investigation.

21 (k) In this section, "school" means a public or private elementary or secondary  
 22 school.

23 \* Sec. 3. TIME DEADLINE FOR ADOPTION OF PROTOCOLS AFFECTING SCHOOL  
 24 DISTRICTS. A school district and the appropriate law enforcement agency and the  
 25 Department of Health and Social Services, division of family and youth services, shall develop  
 26 and enter into the protocols required by AS 47.10.093(h), added by sec. 2 of this Act, not later  
 27 than 90 days after the effective date of this Act.

28 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

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9-LS0499G  
Chenoweth  
2/21/95

CS FOR HOUSE BILL NO. 125( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GREEN, Toohey, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures to school officials of information about certain  
2 minors."

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

4 \* Section 1. AS 47.10.060(e) is amended to read:

5 (e) A person who has been tried as an adult under this section, or the department  
6 on the person's behalf, may petition the superior court to seal the records of all criminal  
7 proceedings, except traffic offenses, initiated against the person, and all punishments  
8 assessed against the person, while the person was a minor. A petition under this  
9 subsection may not be filed until five years after the completion of the sentence imposed  
10 for the offense for which the person was tried as an adult. If the superior court finds that  
11 the punishment assessed against the person has had its intended rehabilitative effect and  
12 further finds that the person has fulfilled all orders of the court entered under  
13 AS 47.10.080(b), the superior court shall order the record of proceedings and the record  
14 of punishments sealed. Sealing the records restores civil rights removed because of a

1 conviction. A person may not use these sealed records for any purpose except that the  
2 court may order their use for good cause shown or may order their use by an officer of  
3 the court in making a presentencing report for the court. The court may not, under this  
4 subsection, seal records of a criminal proceeding

5 (1) that are subject to disclosure under AS 47.10.090(f);

6 (2) initiated against a person if the court finds that the person has not  
7 complied with a court order made under AS 47.10.080(b); or

8 (3) [(2)] commenced under AS 47.10.010(e) unless the minor has been  
9 acquitted of all offenses with which the minor was charged or unless the most serious  
10 offense of which the minor was convicted was not an offense specified in  
11 AS 47.10.010(e)(1) or (2).

12 \* Sec. 2. AS 47.10.090(c) is amended to read:

13 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains  
14 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which  
15 the court releases jurisdiction over the minor, the court shall order all the court's official  
16 records pertaining to that minor, except the records that are subject to disclosure  
17 under (f) of this section, sealed. The court order directing that the records be sealed  
18 must include the [ , AS WELL AS] records of all driver's license proceedings under  
19 AS 28.15.185, of all criminal proceedings against the minor except the records of  
20 criminal proceedings that are subject to disclosure under (f) of this section, and of  
21 all punishments assessed against the minor, except records of punishments that are  
22 subject to disclosure under (f) of this section. A person may not use these sealed  
23 records for any purpose except that the court may order their use for good cause shown  
24 or may order their use by an officer of the court in making a presentencing report for the  
25 court. The provisions of this subsection relating to the sealing of records do not apply  
26 to records of traffic offenses.

27 \* Sec. 3. AS 47.10.090(d) is amended to read:

28 (d) Except as provided by (f) of this section, the [THE] name or picture of a  
29 minor under the jurisdiction of the court may not be made public in connection with the  
30 minor's status as a delinquent child or a child in need of aid unless authorized by order  
31 of the court.

1 \* Sec. 4. AS 47.10.090(e) is amended to read:

2 (e) The court's official records that, under this chapter, are required to be  
3 confidential or that have been sealed may be inspected only with the court's permission  
4 and only by persons having a legitimate interest in them. A person with a legitimate  
5 interest in the inspection of an official record maintained by the court includes a victim  
6 who suffered physical injury or whose real or personal property was damaged as a result  
7 of an offense that was the basis of an adjudication or modification of disposition. If the  
8 victim knows the identity of the minor, identifies the minor or the offense to the court,  
9 and certifies that the information is being sought to consider or support a civil action  
10 against the minor or against the minor's parents or guardians under AS 34.50.020, the  
11 court shall, subject to AS 12.61.110 and 12.61.140, allow the victim to inspect and use  
12 the following records and information in connection with the civil action:

13 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court  
14 declare the minor a delinquent;

15 (2) a petition filed under AS 47.10.080 seeking to have the court modify  
16 or revoke the minor's probation;

17 (3) a petition filed under AS 47.10.060 requesting the court to find that  
18 a minor is not amenable to treatment under this chapter and that results in closure of a  
19 case under AS 47.10.060(a); and

20 (4) a court judgment or order entered under AS 47.10.010 - 47.10.142  
21 that disposes of a petition identified in (1) - (3) of this subsection.

22 \* Sec. 5. AS 47.10.090 is amended by adding a new subsection to read:

23 (f) If a minor who has been adjudicated delinquent is enrolled in school, the clerk  
24 of the court in which the adjudication order is entered

25 (1) shall transmit a copy of the court's adjudication order to the principal  
26 of the minor's school if

27 (A) the minor has been adjudicated delinquent for committing an  
28 offense on the school's property; or

29 (B) the minor has been adjudicated delinquent for committing one  
30 or more of the following acts that, if committed by an adult, would be a violation  
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(i) AS 11.41 and the violation is punishable as a felony;  
(ii) AS 11.46.100 - 11.46.490 and the violation is punishable as a felony;

(iii) AS 11.71 and the violation is punishable as a felony;  
or

(iv) a statute defining a criminal offense if the offense involved the possession or use of a deadly weapon, as that term is defined by AS 11.81.900(b);

(2) shall provide with the copy of the adjudication order a notice to the principal that the copy of the order may not be disclosed except as provided in AS 47.10.093(h); and

(3) shall maintain a record of the adjudication order released to the principal under this subsection and the basis for its release.

\* Sec. 6. AS 47.10.093(a) is amended to read:

(a) Except as specified in AS 47.10.092 and (b) - (f), and (h) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

\* Sec. 7. AS 47.10.093(c) is amended to read:

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) shall notify the principal of the school attended by a minor who is subject to AS 47.10.010 - 47.10.142 and [MAY] disclose to that school official information

1                   (A) about an incident occurring within the agency's  
2                   jurisdiction if the law enforcement agency has probable cause to believe that  
3                   the minor has committed an offense that would be a crime if committed as  
4                   an adult and

5                   (i) that the victim of the offense is a student or staff  
6                   member of the school and that notice to the school is reasonably  
7                   necessary for the protection of the victim; or

8                   (ii) is an offense described in AS 47.10.090(f)(1)(B); or

9                   (B) [OFFICIALS INFORMATION] regarding a case not  
10                  required to be disclosed under (A) of this paragraph [AS MAY BE  
11                  NECESSARY] to protect the safety of school students and staff;

12                  (4) may disclose to the public information regarding a case as may be  
13                  necessary to protect the safety of the public; and

14                  (5) may disclose to a victim information, including copies of reports, as  
15                  necessary for civil litigation or insurance claims pursued by or against the victim.

16 \* Sec. 8. AS 47.10.093 is amended by adding new subsections to read:

17                  (h) When information or a record is disclosed to a school principal under (c)(3)  
18                  of this section or under AS 47.10.090(f), the school principal may disclose the  
19                  information only to persons employed by that school district or to the chief administrative  
20                  officer of a school district to which the minor transfers.

21                  (i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement  
22                  agency is not required to notify the principal of a school under (c) of this section if the  
23                  agency determines that notice would jeopardize an ongoing investigation.

24                  (j) In this section, "school" means a public or private elementary or secondary  
25                  school.

MAT-SU EDUCATION ASSOCIATION

465-3834

MSEA

P. O. BOX 780 PALMER, AK

PH # (907) 373-5204

FAX # (907) 373-5194

TO: House Judiciary Committee

FROM: Lucy Hope



NOTE: Testimony for Teleconference  
on HB 125.

Please, I'd like my testimony  
entered into the record. I was going  
to be on the teleconference, but it  
is not working - Thanks -

Lucy Hope



Box 780, Palmer, Alaska 99645

### Testimony House Bill 125

My name is Lucy Hope. I am president of the Mat-Su Education Association, which represents 800 teachers here in the Mat-Su School District.

I'd like to speak in favor of this bill. We have lots of concern about safety in our schools. We in the Mat-Su school district have expelled 56 students so far this year, which is a huge and dramatic increase in numbers of expulsions over last year. Students who are attending our schools are for the most part good kids, who are here to learn, and are doing their best. We as teachers want to provide a safe environment for them to do just that. But increasingly, we have students who are enrolled in our schools who are violent and have committed violent crimes, and we have no mechanism to know about these offenses. These offenses include armed robbery, sexual abuse of a minor, assault, and others. Currently, the law enforcement agencies MAY disclose this information, but are not required to do so. This results in a haphazard sharing of information.

As far as confidentiality is concerned, we as professionals keep confidences all of the time, and this is one more instance where we need to know information about kids sitting in our classrooms. This is in order to provide a healthy and safe learning environment for all the students.

I urge that you pass House Bill 125 out of committee today. Thank you.

PROPOSED JUDICIARY CS FOR  
HB 125 (DISCLOSURES TO SCHOOL OFFICIALS)

A BILL

FOR AN ACT ENTITLED

"An Act relating to disclosures to school officials of information about certain minors."

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

1     \* Section 1. AS 47.10.093(a) is amended to read:

2             (a) Except as specified in AS 47.10.092 and (b) - [(F)] (h) of this section, all  
3             information and social records pertaining to a minor who is subject to this chapter or  
4             AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or  
5             employee in the discharge of the agency's or employee's official duty, including driver's  
6             license actions under AS 28.15.185, are privileged and may not be disclosed directly or  
7             indirectly to anyone without a court order.

8     \* Sec. 2. AS 47.10.093 is amended by adding a new subsection to read:

9             (h) The department and affected law enforcement agencies shall adopt  
10            procedures for the disclosure to school officials of information regarding a case  
11            as may be necessary to protect the safety of school students and staff.

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 3, 1995

**SUBJECT:** Draft CSHB 125 (Jud)

**TO:** Representative Joe Green  
ATTN: Melinda Gruening

**FROM:** Jack Chenoweth  
Legislative Counsel 

I appreciate that the Judiciary Committee adopted a different draft than the one I provided to you.

As to that draft --

-- I opted to treat the material in proposed AS 47.10.093(h) as an uncodified provision because, as I think you would agree, the necessity of "develop[ing] procedures" and putting them in place within 90 days is intended to be a one-time requirement. Why carry that provision as permanent law when, in 90 days, the agencies and school districts should have met that obligation and moved on? The committee did not decide to "develop and maintain"-- it simply said, as I understand, "develop" and "put in place within 90 days."

-- In (h), as presented, how should I understand the reference to "under (b)(c)"? As typed, it doesn't make sense. In the draft I sent you, I thought it was an error and ignored it. Doesn't anyone proofread the material before presenting it?

-- In AS 47.10.093(c)(3) of current law, there is no requirement of mandatory notification. Notification is discretionary. Now, in (i), to say "is not required to notify the appropriate school official" implies that notification of school district personnel in some instances is required. But, as you and I both know, the current statute doesn't say that.

-- In section 3, reference to "the procedures required under Sec. 1 of this Act" is just flat out wrong.

I appreciate that the committee members may have reached agreement on the bill, so I provided you a draft that attempted to fix these problems and concerns.

Representative Joe Green

April 3, 1995

Page 2

The House Judiciary Committee may ask for a final of a committee substitute in whatever form it may prefer. I cannot provide a final of the committee substitute to them (or to you) on your request.

JBC:klb

95-228.klb

# Alaska House of Representatives

Post-It™ brand fax transmittal memo 7671 # of pages ▶

To: <u>Arnold</u>	From: <u>Melinda</u>
cc: <u>None</u>	Co: <u>Rep Green</u>
Dvpt: <u>Judiciary</u>	Phone: <u></u>
Fax #: <u></u>	Fax #: <u>Don't have info</u>



**Representative Joe Green**

House District 10

Ph (907) 465-4931 Fax 465-4316 Address: Room 24, Capitol Building, Juneau, Alaska 99081

## FACSIMILE COVER SHEET

TO Jack Chonowick

ORGANIZATION Legislative Legal

FAX NUMBER 465-2029

1 PAGES AFTER THIS COVER

MESSAGE Jack - the committee did not consider  
drafted, but passed this version out.  
Chairman Porter wanted the version that  
had the approval of all parties concerned. We  
need a final draft of the enclosed to be  
delivered to Anne Carpenter at House Judiciary.

Signed \_\_\_\_\_

Thanks for all your hard work - it has been  
appreciated. Melinda Guerin

CSHB 125 (Final) Version 1/10/11

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in this  
form

CSHB 125 BY REPRESENTATIVE GREEN

"AN ACT RELATING TO THE DISCLOSURES TO SCHOOL OFFICIALS OF INFORMATION ABOUT CERTAIN MINORS; AND PROVIDING FOR AN EFFECTIVE DATE"

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

Section 1. AS 47.10.093(a) is amended to read:

(a) Except as specified in AS 47.10.092 and (b)-(f), and (h) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.10 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license action under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

Sec. 2. AS 47.10.093 is amended by adding new sub-sections to read:

(h) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of information to school officials under (b)(3) and (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonable practicable.

(i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement agency is not required to notify the appropriate school official of a school district or school under (c) of this section if the agency determines that notice would jeopardize and ongoing investigation.

(j) In this section, "school" means a public or private elementary or secondary school.

Sec. 3. TIME DEADLINE FOR ADOPTION OF PROCEDURES AFFECTING SCHOOL DISTRICTS. The procedures required under Sec. 1 of this act will be developed no later than 90 days after the effective date of this act.

Sec. 4. This act takes effect immediately under AS 01.10.070(c).

## WORK DRAFT CSHB 125 JUDICIARY

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(h) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of information to school officials under (b)(c) and (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as it is reasonable practicable.

(i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement agency is not required to notify the appropriate school official of a school district or school under (c) of this section if the agency determines that notice would jeopardize an ongoing investigation.

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Post-It™ brand fax transmittal memo 7671		# of pages ▾
To: <i>Jennie</i>	From: <i>Melinda</i>	
Co:	Co:	
Dept:	Phone #	<i>hope this does</i>
Fax # <i>3834</i>	Fax #	<i>H - m e</i>

(h) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for <sup>(b)(3)</sup> the disclosure of information to school officials under <sup>and</sup> (c)(3) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school the student attends as soon as is reasonably practicable.

\*Sec. 3. TIME DEADLINE FOR ADOPTION OF PROCEDURES AFFECTING SCHOOL DISTRICTS. The procedures required under sec. 1 of this act will be developed no later than 90 days after the effective date of this Act.

**FACSIMILE TRANSMISSION COVER SHEET**

**STATE OF ALASKA, DEPARTMENT OF LAW  
CRIMINAL DIVISION CENTRAL OFFICE  
P.O. Box 110300  
Juneau, Alaska 99811  
(907) 465-3428 [Office] (907) 465-4043 [Fax]**

DATE: 3-29-95

TIME: \_\_\_\_\_

Number of Pages  
Including this Cover Sheet 2

( ) \_\_\_\_\_  
Fax Number

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Anne Carpenetti

LOCATION: \_\_\_\_\_

FROM: Margot

INRE/SUBJECT/FILENO: \_\_\_\_\_

REMARKS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The information contained in this FAX is confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.*

If you do not receive all the pages or have any problems, please call:  
\_\_\_\_\_ at (907) 465-3428.

PROPOSED JUDICIARY CS FOR  
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9 (h) The department and affected law enforcement agencies shall adopt  
10 procedures for the disclosure to school officials of information regarding a case  
11 as may be necessary to protect the safety of school students and staff.

**HB 125**

House Judiciary Teleconference 3/29/95

These Participants to call in on the bridge

(Ak Council of School Administrators)

Chuck Coons	Seattle	360-387-1810	1st Please
Dorothy Oetter	Service H.S.	346-2111	
Steve Cline	Chugiak H.S	696-9671	
Richard Hebbardt	Haines H.S.	766-2411	
Steve Jones	Kiana	475-2115	
Lou Matheson	Dillingham	842-5287	
Larry LeRoux	LeDoux Kodiak	486-9212	
Brad Snodgrass	King Career Ctr.	278-9631	

Committee Aide to call on speaker phone

Randy Rosenkrantz (NEA Alaska)	Homer P.D.	235-3150	<del>615-2015</del>
John Cyr	Mat-Su	<del>373-5204</del>	745-2015
Lucy Hope	Mat-Su	373-5204	
<u>Li. Bachman</u>	State Troopers	269-5412	

Mike Tomco *available to answer questions, but no testimony*  
249-0323

Barrow L10

Mat-Su L10

Soldotna L10

(1-2)

**HB 237**

Willie VanHemert  
 Kevin Dougherty  
 Steve Cohn - AKPIRG  
 Mike Schneider

562-3252  
 276-1640 ✓  
~~278-9300~~ → 278-9300  
 277-9306

2-3  
will call in

# DRAFT

## MEMORANDUM

State of Alaska

TO: Maj. Thomas T. Stearns  
Deputy Director  
Alaska State Troopers

DATE: 3/29/95

FILE NO:

TELEPHONE NO: (907) 269-5412

FAX NO: (907) 269-5033

FROM: Lt. Ted Bachman  
Administrative Support Services Unit  
Alaska State Troopers

SUBJECT: Disclosure of Juvenile Records  
To School Officials

## DRAFT

Recent developments have made it necessary to immediately implement a policy concerning the disclosure of juvenile records to school officials in certain cases that may present an increased level of threat to school staff or students. Every detachment and post should immediately develop protocols with their local school districts and schools to implement the following procedures.

### Authority to Release Certain Information:

AS 47.10.093 **Disclosure of agency records.** In pertinent part:

(b) A state or municipal agency or employee may disclose information regarding a case to

...

(3) school officials as may be necessary to protect the safety of school students and staff;

...

(c) A state or municipal law enforcement agency

...

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

School officials are prohibited from inappropriate release of information and are responsible to insure that the information is not released to anyone not authorized to have it and they are responsible to insure that the knowledge of this information is not used in an inappropriate manner within the school setting.

# DRAFT

Law enforcement now has clear authority to release juvenile case information to school officials under these circumstances without fear of violating the law. This is a very different approach to how most persons in law enforcement have thought about and handled juvenile case information in the past. In the past there was a strict prohibition under penalty of law against the release of any juvenile case information, the law now allows the release of information under certain circumstances.

## When Should Notification be Made?

Notification should be made when

1. there is probable cause to believe a juvenile has committed a violation of one of the following offenses, and
2. the circumstances of the case suggest that disclosure of the information to school officials may be necessary to protect school students or staff.

## Types of Cases Where Notification Should Be Made:

- Felony violations of AS 11.41:

- Murder I
- Murder II
- Manslaughter
- Criminally Negligent Homicide
- Assault I
- Assault II
- Assault III
- Stalking I
- Kidnapping
- Custodial Interference I
- Sexual Assault I
- Sexual Assault II
- Sexual Assault III
- Sexual Abuse of a Minor I
- Sexual Abuse of a Minor II
- Sexual Abuse of a Minor III
- Incest
- Unlawful Exploitation of a Minor
- Robbery I
- Robbery II
- Extortion
- Coercion
- Attempt, Solicitation or Conspiracy to commit most of the above.

- Felony violations of AS 11.46.100 - 11.46.490:

- Theft I
- Theft II

# DRAFT

## Theft III

All of which include theories under -

Theft Defined

Theft of Lost or Mislaid Property

Theft by Deception

Theft by Receiving

Theft of Services

Theft by Failure to Make Required Disposition of Funds

Concealment of Merchandise

Removal of Identification Marks

Unlawful Possession

Issuing a Bad Check

Fraudulent Use of a Credit Card

Obtaining a Credit Card by Fraudulent Means

Burglary I

Burglary II

Arson I

Arson II

Criminal Mischief I

Criminal Mischief II

Criminal Mischief III

Misconduct Involving a Controlled Substance I

Misconduct Involving a Controlled Substance II

Misconduct Involving a Controlled Substance III

Misconduct Involving a Controlled Substance IV

Attempt, Solicitation or Conspiracy to commit most of the above.

- Any statute defining a criminal offense if the offense involved the possession or use of a deadly weapon (defined as - "any firearm or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive")

Some examples of offenses not previously listed where notification may be necessary because of the involvement of a deadly weapon:

Attempt, Solicitation or Conspiracy to commit any crime involving a deadly weapon.

Assault IV

Reckless Endangerment

Unlawful Exploitation of a Minor (weapon used in (a)(7))

Possession of Burglary Tools

Criminally Negligent Burning

Criminal Mischief IV

Escape I

Escape II

Promoting Contraband I

Interference With Official Proceedings

Resisting or Interfering With Arrest

Harming a Police Dog I

Harming a Police Dog II

Hindering Prosecution I

Hindering Prosecution II  
Misconduct Involving Weapons I  
Misconduct Involving Weapons II  
Misconduct Involving Weapons III  
Misconduct Involving Weapons IV  
Misconduct Involving Weapons V  
Criminal Possession of Explosives  
Unlawful Furnishing of Explosives  
Interference With Constitutional Rights

- Any case involving any offense where it may be necessary to inform school officials in order to protect students or staff.

### Who Should Be Notified?

The statute only allows disclosure of juvenile case information to school officials. Disclosure should not be made to anyone except a district superintendent, assistant superintendent, school principal, vice principal, or their designees. They may not designate students to receive the information on their behalf.

### When Should Notification be Made?

Notification should be made as soon as practical in much the same manner as you would make notification to DFYS. In most cases notification should be made as soon as enough information exists to determine that notification will be necessary. In some cases it will be necessary to make immediate notification to insure the safety of students or staff either during the same school day or prior to the next school day.

### When Should Notification Not be Made?

Notification should not be made or should be carefully controlled whenever the disclosure of case information will compromise an on-going criminal investigation. Most cases of this type will involve drug/alcohol investigations and other offenses where the juvenile's offenses are part of a larger investigation or conspiratorial scheme and will not likely involve the threat of violence to others.

Care should be taken to insure that, even when there is an on-going investigation that has not been completed, any known threat or other need to protect school staff and students is given first priority in the decision of whether to notify or not. Under this circumstance, it may be appropriate to make personal contact with the school administrator or their designee and explain the situation and the special need surrounding the release of information on cases such as this.

### Who Should Make the Notification?

When possible, the investigating officer should make the initial notification. Local schools should be contacted and the best system should be devised for secure and expeditious transfer of the necessary information. If that is not possible, the form may have to be passed on to the next shift or be held until a secure transfer can be accomplished.

# DRAFT

If at all possible, the school should provide a fax machine that is in a physically secure location so that notifications can be transmitted at all hours of the day and night. These types of arrangements can be made with local schools, however, on occasion it will be necessary to notify schools in other communities. It may be necessary to make telephonic contact with the school directly or contact the local law enforcement agency for guidance.

Village Public Safety Officers (VPSO's) will provide the case information to a Trooper and the Trooper will be responsible to see that appropriate notification is made. This does not preclude a VPSO from taking necessary action in an emergency situation.

## How Should Notification be Made?

Whenever a member investigates a case involving a circumstance as previously described and notification will be necessary, the first part of the attached form will be completed and faxed to the appropriate school official.

It will be the responsibility of the school official to:

1. Insure that their fax machine is in a secure location and that the information provided will not be disclosed to unauthorized persons;
2. Complete the second part of the form verifying receipt of the information and fax it back to our office; and
3. Follow up by telephone or personal contact if additional case information is needed.

Keep in mind that notification of the school where the juvenile is registered, or any school where it may be necessary to protect the students or staff, may or may not be in your local area. The notification must still be made.

## How do I Know Where the Juvenile is Registered?

The best and quickest way to determine this is to ask the juvenile. While this may not be entirely reliable, it will give you some place to start. When you make the notification to the school official they will be asked to verify that the information is about one of their students.

Other methods of making this determination may require having to wait for normal business hours:

- Contact the school or school district office in the area.
- Contact DFYS
- Contact the Department of Education
- Contact the juvenile's parents or guardian

## What if the Juvenile is Not a Student?

If you determine the juvenile is not a student at any school, that does not relieve you of the responsibility to make notification if there is a potential danger to the safety of the staff or student of any school.

If, as a result of your investigation, you have reason to believe that the juvenile poses a threat to the safety of the staff or students of any school you should make a notification to that school regardless of whether or not the juvenile is registered at that school. Under certain circumstances you may be required to notify more than one school.

## What Should Be Done During the Summer and During School Closures?

Most schools are closed during the summer months and during various holiday seasons and do not have staff available nor can they provide any guarantee of security for their fax machines. Most school district offices, on the other hand, are staffed during the summer.

Getting notification information to school administrators is not as urgent when school is not in session. Procedures should be developed to maintain a point of contact at the school district offices during school closure periods and notifications should be made through that contact.

It will be the responsibility of the school district contact to insure that the notification information is forwarded to the appropriate school official once the schools re-open.

## What Should I Do With the Notification Form?

Notification of the school official should be made part of the case report and should be part of what gets transmitted to DFYS with the rest of the case report.

After you fax the notification to the school, the school official should complete the verification part of the form and fax the form back. The verified form should be made part of the case report.

If for some reason you do not receive the verification portion back, you should still make the notification form part of the case report. In this case some telephonic follow up to insure accountability for the information may be necessary.

**Alert to possible safety issue for students or staff at your school.**

Notice: The information contained in this form is confidential under AS 47.10.093 and may only be disclosed to school officials as is necessary to protect the safety of staff or students at your school. Any dissemination or other use of this information for purposes other than those stated is prohibited by law.

Date \_\_\_\_\_ Time \_\_\_\_\_ Agency \_\_\_\_\_ Agency Case # \_\_\_\_\_

Case Officer \_\_\_\_\_ Agency Telephone # \_\_\_\_\_ Agency Fax # \_\_\_\_\_

School \_\_\_\_\_ Principal \_\_\_\_\_

School Telephone # \_\_\_\_\_ School Fax # \_\_\_\_\_

Juvenile Subject Name \_\_\_\_\_ DOB \_\_\_\_\_

The juvenile subject is alleged to have committed one or more of the following offenses:

Murder  Robbery  Assault  Sexual Assault  Stalking  Criminal Mischief  Arson

Sexual Abuse of a Minor  Misc. Involving Weapons  Theft  Burglary

Misc. Involving a Controlled Substance

Other Offense: \_\_\_\_\_

Victim is Another Student or Staff Person  Offense Involved Use of a Deadly Weapon

Please notify the reporting agency if you have any information at all about this or any crime involving this subject.

**Receipt and Verification**

**Please complete and fax immediately back to law enforcement agency.**

Date \_\_\_\_\_ Time received \_\_\_\_\_

Name of person receiving information \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_

You may receive notification of an incident even if the juvenile subject is not a student at your school if there is a threat to the safety of your staff or students. If the person is a student at your school please verify their status.

Is this person a student at your school?  Yes  No  Unknown

Student Identification Number \_\_\_\_\_

If not a student at your school, do you know where this person is registered? \_\_\_\_\_

§ 47.10.093 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.093

(b) The disclosure right under (a) of this section is in addition to, and not in derogation of, the rights of a parent or legal guardian of a minor.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 2 ch 98 SLA 1994)

Cross references. — For effect on Alaska Child in Need of Aid Rule 22 of enactment of this section, see § 3, ch. 98, SLA 1994. Effective dates. — Section 4, ch. 98, SLA 1994 makes this section effective June 9, 1994, in accordance with AS 01.10.070(c).

Sec. 47.10.093. Disclosure of agency records. (a) Except as specified in AS 47.10.092 and (b) — (f) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee may disclose information regarding a case to

(1) a guardian ad litem appointed by the court or to a citizen review panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

(2) a person or an agency requested to provide consultation or services for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

(3) school officials as may be necessary to protect the safety of school students and staff;

(4) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a child;

(5) a state or municipal law enforcement agency as may be necessary for a specific investigation being conducted by that agency or for disclosures by that agency to protect the public safety; and

(6) a victim as may be necessary to inform the victim about the disposition or resolution of a case involving a minor.

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

(5) may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

(d) Upon request of a victim the department shall make every reasonable effort to notify the victim as soon as practicable in writing when a delinquent minor is to be released from placement in a juvenile facility under AS 47.10.080(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

(e) A person may authorize the department to release information to the military or to a prospective employer about the existence of a delinquency adjudication against that person under AS 47.10.010 and the offense on which it was based.

(f) The department may release to a person with a legitimate interest information relating to minors not subject to the jurisdiction of the court under AS 47.10.010. The department shall adopt regulations governing the release of information and identifying a sufficient legitimate interest.

(g) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor. (§ 13 ch 113 SLA 1994)

Revisor's notes. — A reference to "AS 47.10.092" was inserted in (a) of this section in 1994 to harmonize the amendments to AS 47.10 made by ch. 98, SLA 1994, and ch. 113, SLA 1994.

Effective dates. — Section 17, ch. 113, SLA 1994 makes this section effective September 1, 1994.

Editor's notes. — Section 16(2), ch. 113, SLA 1994 provides that this section, as added by § 13, ch. 113, SLA 1994 "applies to offenses committed on or after September 1, 1994."

**Sec. 47.10.097. Fingerprinting of minors.** (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

Effect of amendments. — The 1991 amendment, effective September 9, 1991, rewrote the section.

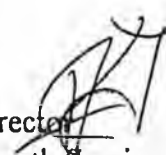
# STATE OF ALASKA

# MEMORANDUM

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF FAMILY AND YOUTH SERVICES

**Date:** March 29, 1995

**To:** Regional Administrators  
All Probation Officers

**From:** Kathy Tibbles, Acting Director   
Division of Family and Youth Services

**Subject:** Policy: Disclosure of Records to School Districts

This memo is a policy change regarding disclosure of information to school districts regarding youth who are alleged to have committed violent offenses and who may pose a danger to students or staff.

**Policy:** Effective immediately, probation officers are to notify school administrative staff if there is probable cause to believe that a youth has committed one of the following offenses and may pose a danger to students or staff:

Murder	Robbery	Criminal mischief
Assault	Theft	Misconduct w/ a weapon
Sexual Assault	Burglary	Felony drug violation
Sexual abuse of a minor	Arson	Disorderly conduct

**Background:** As you are aware, AS 47.10.093, enacted in the 1994 legislative session, made significant changes in statutes related to disclosure of DFYS records. The confidentiality changes were part of SB54, along with the waiver bill, and grew out of increasing concerns that juveniles are committing violent offenses and that the public has a right to protection. School districts are very concerned that students, teachers and administrative staff may be at risk from youth who may pose a danger on school grounds. Whereas there had been severe restrictions on release of information in the past, DFYS now has the authority to release records on a need to know basis in a number of situations [See AS 47.10.093 (b)-(f)]. The authority to release records was effective September 1994. We are working with the Department of Law to amend confidentiality regulations; in the meantime, the law takes precedence over regulations if there is a conflict.

**Procedures:** A simple half-page form has been developed to implement the Safety Alert policy change (see attached 06-9539). A supply of the forms is being printed and will be forwarded to you along with the names of individuals within each school district to be notified. In the meantime, if you should become aware of a youth who poses a danger to students or staff and has committed one of the named offenses, please either copy the form for immediate use or phone the school the youth attends.

March 29, 1995

Policy Memo: Disclosure of Information to School Districts

Page 2

This form may also be used to notify school of any other safety concerns a probation officer may have.

School districts are required to maintain the confidentiality of the information provided and may only release it on a need to know basis. We are working with the Department of Education who will advise school districts that we will be sharing this information and what steps they must take to protect the confidentiality of this information.

**Manual Change:** Through this memo, I am also requesting that the Youth Corrections Manual Committee amend the Field Services Manual to incorporate these changes and to review AS 47.10.093 for other changes that may be needed in the manual.

Thank you all for your cooperation.

attachments: AS 47.10.093  
06-9539

§ 47.10.093 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.093

(b) The disclosure right under (a) of this section is in addition to, and not in derogation of, the rights of a parent or legal guardian of a minor.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 2 ch 98 SLA 1994)

Cross references. — For effect on Alaska Child in Need of Aid Rule 22 of enactment of this section, see § 3, ch. 98, SLA 1994.

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(b) A state or municipal agency or employee may disclose information regarding a case to

(1) a guardian ad litem appointed by the court or to a citizen review panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

(2) a person or an agency requested to provide consultation or services for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

(3) school officials as may be necessary to protect the safety of school students and staff;

(4) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a child;

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(6) a victim as may be necessary to inform the victim about the disposition or resolution of a case involving a minor.

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

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(5) may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

(d) Upon request of a victim the department shall make every reasonable effort to notify the victim as soon as practicable in writing when a delinquent minor is to be released from placement in a juvenile facility under AS 47.10.080(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

(e) A person may authorize the department to release information to the military or to a prospective employer about the existence of a delinquency adjudication against that person under AS 47.10.010 and the offense on which it was based.

(f) The department may release to a person with a legitimate interest information relating to minors not subject to the jurisdiction of the court under AS 47.10.010. The department shall adopt regulations governing the release of information and identifying a sufficient legitimate interest.

(g) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor. (§ 13 ch 113 SLA 1994)

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## Safety Alert to School Districts

To: Designated Contact of \_\_\_\_\_ School

From: \_\_\_\_\_ Probation Officer, phone # \_\_\_\_\_

Youth's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Youth is alleged to have committed the following:

- |   |                                   |   |
|---|-----------------------------------|---|
| <input type="checkbox"/> Murder                     | <input type="checkbox"/> Robbery  | <input type="checkbox"/> Crim. Mischief     |
| <input type="checkbox"/> Assault                    | <input type="checkbox"/> Theft    | <input type="checkbox"/> Miscon. Weapon     |
| <input type="checkbox"/> Sexual Assault             | <input type="checkbox"/> Burglary | <input type="checkbox"/> Felony Drug        |
| <input type="checkbox"/> Sexual Abuse of a minor    | <input type="checkbox"/> Arson    | <input type="checkbox"/> Disorderly Conduct |
| <input type="checkbox"/> VICTIM IS STUDENT OR STAFF |                                   |   |

Other: \_\_\_\_\_

Date and place of offense (e.g. school?): \_\_\_\_\_

Placement this date \_\_\_\_\_

→ *If the school has any information that may assist the Probation Officer in handling this case, please call.* ←

**CONFIDENTIAL:** The information set out in this form is confidential by law (AS 47.10.093) and can only be placed in the student's record and disclosed to school officials as necessary to protect the safety of school students and staff. Any other dissemination of this information is a class B misdemeanor offense.

To: Members of the House Judiciary Committee  
From: John Cyr, Teacher, Wasilla High  
Re: HB 125

My name is John Cyr. I started teaching in 1971. The young people that I work with now are more violent and more callous than I could have imagined in the early days of my career.

I teach U.S. and World History at Wasilla High. I started the year with over 160 students on my class rolls. More than fifty per cent of them come from non traditional homes, nearly fifteen percent of them are on their own. They share apartments with friends or move from house to house as the occasion arrives. Some of my students have probation officers and more than a few have been through the juvenile court system. I have had more than one student this year who has had to wear a court ordered bracelet that allows the court to monitor their activities at all times. The days of Ozzie and Harriet are long over.

How do I know about probation officers and ankle bracelets? --- The kids tell me and they brag to each other. --- But what about the violent young adults who don't brag to their friends? Which ones are they? How many hand guns are taken from students in Anchorage who later end up in my history classes?

To some extent I am worried about these young offenders, but, my primary concern must be the education and safety of all the students that I see everyday. Schools must be a sanctuary. Young people must be safe in the school environment. The only way for our young people to be safe is for those of us who are in the trenches, teachers and classroom aides, to know who we are dealing with. If a student has a history of violent behavior we must be made aware of the situation. We must be given the opportunity to educate and to protect everyone in our classes.

(b) The disclosure right under (a) of this section is in addition to, and not in derogation of, the rights of a parent or legal guardian of a minor.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 2 ch 98 SLA 1994)

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(g) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor. (§ 13 ch 113 SLA 1994)

**Revisor's notes.** — A reference to "AS 47.10.092" was inserted in (a) of this section in 1994 to harmonize the amendments to AS 47.10 made by ch. 98, SLA 1994, and ch. 113, SLA 1994.

**Effective dates.** — Section 17, ch. 113, SLA 1994 makes this section effective September 1, 1994.

**Editor's notes.** — Section 16(2), ch. 113, SLA 1994 provides that this section, as added by § 13, ch. 113, SLA 1994 "applies to offenses committed on or after September 1, 1994."

**Sec. 47.10.097. Fingerprinting of minors.** (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 9, 1991, rewrote the section.

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impartial investigation of all apparent violations. If it reasonably appears upon investigation that a person has violated AS 14.30.010, the governing body of a district school or regional educational attendance area, or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation. (§ 37-7-3 ACLA 1949; am § 1 ch 32 SLA 1949; am § 38 ch 98 SLA 1966; am § 55 ch 6 SLA 1984; am § 23 ch 85 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective June 2, 1988, deleted the former last sentence, which read "The judge or magistrate may issue a warrant for the arrest of the person and may act upon the complaint."

**Legislative history reports.** — For an analysis of the amendment of this section

by § 23, ch. 85, SLA 1988 (HCS CSSB 413 (Jud)), see 1988 House & Senate Joint Journal Supplement No. 18, May 10, 1988, p. 5.

**Collateral references.** — Privilege in reports or statements about school pupils. 12 ALR 147.

*Sec. 14.30.040. Extension of provisions to United States public schools for aborigines. [Repealed, § 59 ch 98 SLA 1966.]*

**Sec. 14.30.045. Grounds for suspension or denial of admission.** A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

- (1) continued wilful disobedience or open and persistent defiance of reasonable school authority;
- (2) behavior that is inimicable to the welfare, safety, or morals of other pupils;
- (3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
- (4) a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;
- (5) conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils. (§ 39 ch 98 SLA 1966)

NOTES TO DECISIONS

Quoted in Breese v. Smith, 501 P.2d 159 (Alaska 1972).

**Collateral references.** — Regulations forbidding pupils to leave school grounds during school hours. 32 ALR 1342; 48 ALR 659.

Smoking as ground for expulsion or sus-

pension of pupil. 33 ALR 1180.

Personal liability of school authorities for dismissal or suspension of pupil. 42 ALR 763.

Expulsion or suspension from private



# QUICK SURVEY RESULTS

BACKGROUND: A survey was sent to all districts on March 14, 1995 to determine what the school's needs and concerns are regarding information sharing on delinquent youth. Thirty-nine (39) districts responded by March 22, 1995. Here are the results:

When a student who is enrolled in your school commits a crime do you receive any information?

(8) yes (28) no (3) sometimes

If yes, who do you receive information from:

(4) DFYS (10) Law Enforcement (3) other (specify):  
local VPSO  
probation  
community member

Is your working relationship with that agency such that you would share information about the student with each other?

(10) yes (1) yes, but no mechanism to report (1) no (currently do not have VPSO)

If you currently DO NOT receive information, would you like information on the student?

(28) yes (0) no

Would initial information such as: *name of offender, offense and date of offense* assist you in your efforts to provide a safe school environment?

(38) yes (1) no (Would be helpful in addition to conditions of probation & name of probation officer)

Who is the most appropriate person to receive this information?

(37) principal (1) teacher (3) counselor (6) other (specify):  
(5) superintendent  
(1) Special Services Director

Do you have a policy that addresses the dissemination of confidential information?

(36) yes (3) no

When would you want the information?

(28) immediately (when student is suspect) (6) when case is concluded (5) both

Are you currently set up to receive information from other agencies via E-mail?

(10) yes (20) no (9) not currently but can be easily

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To <i>Melinda</i>	From <i>AASD</i>
Co.	Co.
Dept.	Phone #
Fax # <i>465-4316</i>	Fax #

*Association of Alaska School Boards*

AASB Quick Survey

Topic: Disclosure of Information on Minors

page two

The following thirty-nine (39) school districts responded:

√	Adak		Nome
	Alaska Gateway		Northwest Arctic
	Anchorage	√	North Slope
	Annette Islands		Pelican
	Bering Strait	√	Petersburg
√	Bristol Bay		Pribilof
	Chatham	√	Sitka
	Copper River		Skagway
	Delta/Greely		Southeast Island
	Denali-Borough		Southwest Region
	Dillingham		St. Mary's
	Haines	√	Tanana
√	Hoonah		Unalaska
√	Hydaburg		Valdez
	Iditarod		Wrangell
	Juneau		Yakutat
	Kashunamiut		Yukon Flats
	Kenai		Yukon-Koyukuk
	Kuspuk		Yupit
	Mat-Su		

√ these districts currently receive information

*Provided by:*

*The Association of Alaska School Boards  
316 W. 11th Street  
Juneau, Alaska 99801  
907-586-1083*

**DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

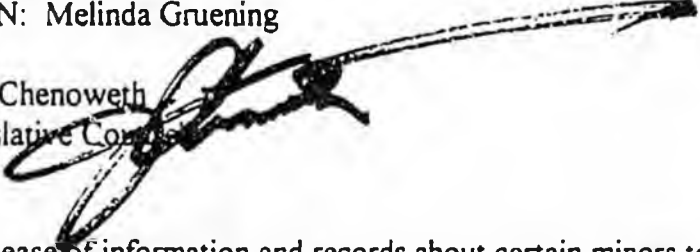
**MEMORANDUM**

February 21, 1995

**SUBJECT:** Draft CSHB 125( ), relating to disclosure of information about minors to school officials: sectional analysis (Work Order No. 9-LS0499\G)

**TO:** Representative Joe Green  
ATTN: Melinda Gruening

**FROM:** Jack Chenoweth  
Legislative Counsel



The bill proposes to allow release of information and records about certain minors to school officials, and sets new limitations on the further release of that information or those records. The information and records that may be disclosed derive from two sources, records of the Alaska Court System and records compiled and maintained by law enforcement agencies.

\*

The first five sections of the bill speak to information and records of the Alaska Court System.

The principal operative provision is bill section 5. Under that bill section, if the courts have entered an order adjudicating a minor a delinquent, the clerk of the court in which that order is entered is directed to transmit a copy of the adjudication order to the principal of the minor's school under the following circumstances:

(1) the offense for which the minor was adjudicated a delinquent occurred on school property; or  
(2) the offense involved one of the following offenses that, if committed by an adult, would be a criminal offense:

(A) a crime against a person (AS 11.41) punishable as a felony;  
(B) a property crime (AS 11.46.100 - 11.46.490) punishable as a felony;  
(C) a controlled substance offense (AS 11.71) punishable as a felony; or  
(D) an offense, however classified, involving the possession or use of a deadly weapon.

Additionally, the clerk of the court is to give notice to the school principal receiving the copy of the order as to the limitations on the order's further release, and is to maintain a record of the release and the basis for that release.

Representative Joe Green

February 21, 1995

Page 2

Disclosure of court system records under AS 47.10.090(f) implicates existing laws relating to confidential treatment of court records concerning minors and the possibility of eventual closure and sealing of records about a minor. The changes proposed by bill sections 1 - 4 recognize the exception for the records disclosable under AS 47.10.090(f) from existing provisions generally applicable to continued confidential treatment and sealing of those records.

The last three sections of the bill speak to the manner of handling information and records of agencies.

Bill section 6 makes a collateral change to recognize that AS 47.10.093(h) is a further exception to the general rule that agency records concerning minors are to be confidentially handled.

Bill section 7 amends AS 47.10.093(c) the first change directs a law enforcement agency to release information to a school principal relating to an offense alleged to have been committed by a minor if the law enforcement agency has probable cause to believe that the minor committed an offense described in AS 47.10.090(f)(1)(B)--these are enumerated above--or committed an offense in which the victim was a student or staff member of the school and the giving of the notice is reasonably necessary for the protection of that victim. The second change amends current law to make mandatory the permission disclosure of information about a case in order "to protect the safety of school students and staff." These mandatory disclosures are in addition to the optional or discretionary disclosure currently allowed by law.

Bill section 8 amplifies the law enforcement disclosure provisions:

-- subsection (h) permits the school principal to whom information had been disclosed to re-disclose within the limitations noted;

-- subsection (i) makes an exception to law enforcement agency disclosure if a disclosure would jeopardize an ongoing investigation;

-- subsection (j) sets out a definition for the term "school."

JBC:glc

95-152.glc

# ALASKA

## CIVIL LIBERTIES UNION

*An Affiliate of the American Civil Liberties Union*  
P. O. Box 201844 Anchorage, AK 99520-1844  
Phone: 1-807-258-0044 Fax: 1-907-258-0288

March 7, 1995

The Honorable Con Burde and Cynthia Toohey  
Co-Chairs -- House Health, Education,  
and Social Services Committee  
Alaska House of Representatives  
State Capitol Building, Room 104  
Juneau, AK 99801-1182

re: House Bills 104 and 125

Dear Representatives Toohey and Burde:

I am writing to you on behalf of the Board of Directors and the members of the Alaska Civil Liberties Union (AKCLU) in regards to two related bills currently pending before your committee: HB 125 and 104 relating to the disclosure of information regarding juvenile offenders. These bills would expand the disclosure of information regarding juvenile offenders. House Bill 125 provides for release of information to school officials and HB 104 provides release of the minor's name, address and offense, if the minor is over 14 and the offense would have been a felony if the minor was an adult.

The AKCLU opposes these changes. One of the most serious problems faced by a person who has a juvenile record is the possibility that it will be discovered by prospective employers. For this reason, juvenile records are purportedly made confidential by statute in every state. Many states including Alaska provide procedures by which a juvenile record may be sealed or expunged upon the individual reaching the age of majority. The underlying philosophy of these laws is that young people who have not fully matured, should not be stigmatized for acts of indiscretion which could have a permanent impact on their lives. Instead, Alaska and other states have passed laws to guard the privacy of juveniles and to make rehabilitation, not punishment, the primary focus of the juvenile justice system.

Our opposition to these bills rests primarily on the privacy clause (section 22) and the right of rehabilitation (section 12) of the Alaska Constitution. We believe that these bills will certainly impede the juveniles ability to be rehabilitated. Release of information about juvenile offenses will also interfere with the juvenile's right of privacy.

Page Two -- Representatives Toohy and Bunde -- March 7, 1995

There is little or nothing to be gained from changing the law as it currently exists, and much to lose. Under current law, juvenile records may be released for "good cause." It is typical practice under the current system for judges, prosecutors, probation officers, social workers and even school officials to have information about a juvenile offense. For example, if a juvenile is charged with an offense it is normal for prior offenses to be considered by the judge or magistrate when setting release conditions. Prosecutors frequently hinge charge bargaining decisions on whether juveniles have records. Juveniles who wish to be considered for probation are often required to cooperate with school officials or rehabilitation programs which involves divulging information about the offense to such people. In those situations where it is necessary to release a juvenile's record (e.g. where "good cause" exists), the current law permits for that information to be distributed.

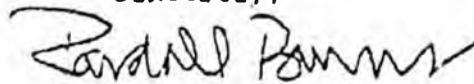
By changing the law, two things will happen. First, the media will have access to information about any juvenile felony level offense of children over the age of 14. This could have a potentially devastating impact on the lives of children. Information about any felony level offense, no matter how minor, can be distributed to the public at large impacting that child's life dramatically by hampering his or her ability to seek employment, participate in community activities, and exposing him or her to community animosity. In this atmosphere, a child is more likely to suffer permanent consequences of what may have been a stupid mistake and less likely to be rehabilitated and reintegrated into the community. By stigmatizing a child, we greatly reduce the probability that the youth will see any value in attempting the hard work of putting his or her life back together. Having been already branded "criminal" he or she is likely to continue the same patterns and associate with the same people that led to involvement with the justice system. By giving up on our young people so early, we are effectively agreeing to "throw away" our youth.

Secondly, by automatically informing the school authorities about certain juvenile offenses, the juvenile will likely suffer adverse consequences. He or she may be suspended from school, forbidden to participate in extra-curricular activities, and suffer the criticism and ostracism of his peers, all of which will also hinder his or her likelihood of rehabilitation. Again, there is no reason to change the current law to allow for protection of the school community. If the prosecuting authorities or the court determine that there is "good cause" to release this information to school authorities, then the current law provides for the release of that information.

Page Three -- Representatives Toohay and Bunde -- March 7, 1995

Thank you for your attention to this matter. We ask you to consider our concerns and reject these proposed bills.

Sincerely,

A handwritten signature in cursive script that reads "Randall Burns".

Randall Burns  
Executive Director

RCK:RFB

CONFIDENTIALITY IN JUVENILE DISCLOSEURE IN OTHER STATES.

Attachment B is a copy of a 1994 publication, "Confidentiality of Juvenile Court Records Statutes Analysis," conducted by Linda Szymanski of the National Center for Juvenile Justice (NCJJ), an independent, nonprofit research group. According to Ms. Szymanski's summaries, as of 1993, juvenile statutes provided specifically for the following:

- 36 states and the District of Columbia provide for the release of records to persons having a legitimate interest;
- 4 states provide specifically for release of information to persons in danger from the child;
- 25 states provide specifically for release of information to victims of the crime;
- 13 states provide for release of juvenile records to school officials;
- 2 states provide specifically for release of information to the news media under some limited circumstances; and
- 24 states provide for release of information about certain crimes to the general public under special circumstances.

---

<sup>2</sup>The state Division of Family and Youth Services (DFYS) and the DHHS consider Title IV-B--child welfare services--funding to be at risk along with funding for Title IV-E programs. According to Kathy Tibbles, acting director of DFYS, although the major share comes from the IV-E programs, funding from the two sources totals nearly \$7 million dollars annually.

Representative Green

February 8, 1995

Page 4

Of the 24 states Ms. Szymanski cites as providing for release of information about certain crimes to the general public under special circumstances, 4 refer specifically to records of juveniles who have been transferred to adult courts. Although the particulars vary, another 12 states provide specifically for public access to records of juveniles charged with or adjudicated for crimes that would be considered felonies if committed by adults. (Since Ms. Szymanski published the report, at least one other state--Illinois--has passed a similar law, and at least one additional state--Utah--is considering a similar law.) Louisiana appears to be unique in requiring that the name of a serious violent offender be released only after the entire appeal process has been exhausted. The following states' provisions may be of particular note.

**California, WI.676.** The names of minors having committed serious violent offenses shall not be confidential, unless the court, for good cause, so orders. Any party may petition the court to prohibit disclosure, and the court shall grant the petition if it appears that the harm to the minor, victims, witnesses, or public from the disclosure outweighs the benefit of public knowledge.

**Colorado, 19.1.119 (1)(b.5).** Basic information in the court records of a juvenile charged or convicted of an act that would have constituted a class 1,2,3, or 4 felony if committed by an adult shall be open to the public.

**Florida, 39.045 (9).** A law enforcement agency may release for publication the name and address of a child of 16 or more years who has been taken into custody for a violation of law which, if committed by an adult, would be a felony, or the name and address of any child 16 or older who has been found to have committed at least three or more violations which, if committed by an adult, would be misdemeanors, or the name and address of any child who has been adjudicated guilty of a capital felony, life felony, first degree felony, or a second degree felony involving violence against a person.

**Montana, 41.5.601(2).** Publicity may not be withheld regarding any youth formally charged with an offense that would be punishable as a felony if the youth were an adult.

**New Jersey, 2A.4A.60(d).** Information as to the identity of a juvenile, the offense, the adjudication and the disposition of a case shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent, if committed by an adult, would constitute a crime of the first, second, or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500, or the manufacture or distribution of a narcotic drug, unless upon application at the time of disposition the juvenile can demonstrate a substantial likelihood that specific harm would result from such disclosure.

**Oklahoma, 10.51.1125.3.** Confidentiality restrictions shall not apply if a juvenile is adjudicated for a serious act or for certain habitual criminal acts.

**Virginia, 16.1.309.1.** Where consideration of public interest requires, the judge may make public the name and address of a child and the nature of the offense for which the child has been adjudicated delinquent if for an act which would be a class 1,2, or 3 felony, forcible rape or robbery if committed by an adult, or in any case where a child is sentenced as an adult.

**Wyoming, 14.6.240 (d).** The court may release to the news media the name of a child who has been adjudicated a delinquent for a second or subsequent time pursuant to a petition filed under this act alleging the commission of a delinquent act constituting a felony.

I spoke with program representatives in Colorado, Florida, and Wyoming about Title IV-E funding in relation to the release of juvenile court records. **These states have experienced no funding problems in connection with access to juvenile justice records.**

- Sharen Ford, program administrator with the Division of Child Welfare Services in Colorado, notes that a few months ago, the juvenile justice and child welfare services functions were consolidated into a single department. The state's Title IV-E and IV-B funding has not been impacted--either before or after consolidation--by the release of juvenile records.
- Janet Ferris, general counsel for Florida's youth services program, notes that in the past, Florida has not sought Title IV-E and IV-B funding for delinquent youth. Thus, Florida has not had occasion to test the compatibility of Title IV-E confidentiality requirements and the state's release of juvenile records provision. With a potential of approximately \$39 million annually, however, IV-E funding is currently a high priority. Ms. Ferris is not anticipating a problem in regard to confidentiality requirements.
- Jim Mitchell, management consultant for Wyoming's Division of Youth Services, Department of Family Services, notes that a law similar to their current one has been in effect in Wyoming since 1957. Mr. Mitchell, who is the former administrator of the division, states that both children's services and juvenile justice are administered within the Division of Youth Services, and that the IV-E funds serve delinquent children on a regular basis. Wyoming has never experienced a problem with their Title IV-E funding.

I also spoke with Dan Lewis, at the Children's Bureau, the Administration for Children, Youth, and Families, US DHHS. Mr. Lewis suggested that I submit a formal request for an interpretation of the confidentiality requirements in regard to this issue to the associate commissioner of the Children's Bureau. I will forward copies of my request and the response when it arrives.

Representative Green  
February 8, 1995  
Page 6

### **Legislative History and Intent--Confidentiality of Juvenile Court Proceedings**

The Laws of Alaska in 1957 provided that the public be excluded from all juvenile hearings. Certain persons could be permitted to attend if, in the judge's opinion, such attendance was in the best interest of the minor. This aspect of the law has not changed, although in 1966 the legislature added a provision allowing for the presence of a "young adult advisory panel," and in 1991, the legislature passed a provision granting a victim the unlimited right to attend a hearing. The addition of the advisory panels was intended to allow for some measure of peer pressure for juveniles, as well as to provide a wider range of young adults with a look at the potential consequences of criminal behavior. The right to be present allowed to victims is in keeping with the victims' rights movement across the country.

Attachment C is a copy of Linda Szymanski's recent NCJJ publication, "Confidentiality of Juvenile Court Delinquency Proceedings (1994 Update)." As of 1994, 20 states admit the general public to juvenile hearings, at least under some circumstances. According to the summary provided, **hearings in nine states--California, Delaware, Kansas, Louisiana, Maine, Minnesota, Montana, Oklahoma, and Utah--are open if the crimes are serious.**

The general rule has always been that juvenile hearings, like juvenile records, should be kept confidential because children can change their behavior, have their records sealed, and go on to lead productive lives. Public sentiment, however, is changing in this regard.

The possibility of open juvenile court hearings raises questions about eligibility for Title IV-E funding similar to those raised by access to or publication of juvenile court records. I will include this issue in my request to the Children's Bureau.

I hope this information is helpful. If you have questions or need further information, please let me know.

Attachments



# NEA-ALASKA

*affiliated with the National Education Association*

## NEA-ALASKA POSITION STATEMENT

### HB 125

NEA-Alaska supports passage of HB 125 to strengthen reporting of the names of students who commit incidents that would be crimes if committed by adults. In a quick survey of large and small school districts, NEA-Alaska found that teachers and school employees are not informed of the names of students who commit violent acts within the community. Those responding to the survey indicated that the superintendent, counselors and building principals where students are enrolled should be informed. Administrators should then inform teachers and teacher aides who are working with the student.

Concerning when information should be provided teachers or aides, most respondents indicated that it should be provided right away particularly if the student has committed an act that would be considered violent.

Even though only eight districts responded to the survey that was distributed Monday, it appears that the consensus among large and small districts, based on early results of our survey, is that violence is increasing in school districts. Based on other reports from school employees we believe violent behavior is increasing and poses a threat to students and school employees in classroom settings.

NEA-Alaska views HB 125 as a vehicle to open communication between agencies and school districts concerning students who demonstrate inimicable behavior in the public.

3-16-95



# NEA-ALASKA

Affiliate of the National Education Association

To: Local Association Presidents      RAW RESPONSES

From: Vernon Marshall                      TOTAL RESPONSES: 17

Re: School Violence Survey              MARCH 27, 1995

*Please take a few minutes to complete the survey. Please return the survey by fax (586-2744) by Wednesday, March 22, 1995. Your responses are strictly confidential and will be used by NEA-Alaska to assist us formulate legislation on various school violence and disruptive student issues.*

*Even if you cannot complete the survey for your entire district, please complete for your school site and return.*

1. Do you feel that student violence has increased within your school district this year? (Please circle one)

- a. Not increased    9
- b. Increased somewhat    8
- c. Increased dramatically    1
- d. Decreased    0

2. Concerning students who may commit violent acts within the community, are teachers or school employees informed of the names of students who have demonstrated or committed violent acts within the community?

Yes 2    No 15

Who informs you?

- a. Probation officer
- b. School Principal
- c. School Superintendent
- d. Another teacher
- e. Parent
- f. Other (Please specify) \_\_\_\_\_

3. Which individual(s) employed in the school district do you feel should be informed about students who are on probation for or have been convicted of violent acts?

Please specify the name of the person(s) who should receive such information

Responses: Superintendent    3  
 Principal                      17  
 Counselor                      4

Teacher 9  
Playground supervisor 1  
Special ed. teacher 1  
Teacher aide 1

4. When do you feel a school employee should receive information about violent students who are either on probation or have been convicted of committing a violent act?

When the student enters the class or when the event occurs

At the time the student returns to school

As soon as possible

Prior to interacting with that student

When the student returns

Upon return to school

Immediately

Right away (2 respondents)

Upon return to school environment unless there is a safety issue beyond the school

Upon enrollment in school

Anytime the school employee is required to supervise the student

ASAP

5. Does your school district offer an alternative school program for students with discipline problems? Yes 5 No 12 Not sure \_\_\_\_\_

Does the program emphasize stress management, conflict resolution, violence prevention or substance abuse control? Yes 3 No 4  
Not sure 2

Are parents involved in any phase of an alternative program designed to address a child's discipline problem? Yes 3 No 3 Not sure 2

6. Does your school district have a policy on pupil discipline?  
Yes 16 No \_\_\_\_\_ Not sure 1 Has the policy been published in the newspaper or been distributed to parents of the school district within the last year? Yes 10 No 2 Not sure 2

(b) The disclosure right under (a) of this section is in addition to, and not in derogation of, the rights of a parent or legal guardian of a minor.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 2 ch 98 SLA 1994)

**Cross references.** — For effect on Alaska Child in Need of Aid Rule 22 of enactment of this section, see § 3, ch. 98, SLA 1994. **Effective dates.** — Section 4, ch. 98, SLA 1994 makes this section effective June 9, 1994, in accordance with AS 01.10.070(c).

**Sec. 47.10.093. Disclosure of agency records.** (a) Except as specified in AS 47.10.092 and (b) — (f) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee may disclose information regarding a case to

(1) a guardian ad litem appointed by the court or to a citizen review panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

(2) a person or an agency requested to provide consultation or services for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

(3) school officials as may be necessary to protect the safety of school students and staff;

(4) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a child;

(5) a state or municipal law enforcement agency as may be necessary for a specific investigation being conducted by that agency or for disclosures by that agency to protect the public safety; and

(6) a victim as may be necessary to inform the victim about the disposition or resolution of a case involving a minor.

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020;

(2) may disclose to the public information regarding a criminal offense in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

3) (may) disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

5) may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

(d) Upon request of a victim the department shall make every reasonable effort to notify the victim as soon as practicable in writing when a delinquent minor is to be released from placement in a juvenile facility under AS 47.10.080(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

(e) A person may authorize the department to release information to the military or to a prospective employer about the existence of a delinquency adjudication against that person under AS 47.10.010 and the offense on which it was based.

(f) The department may release to a person with a legitimate interest information relating to minors not subject to the jurisdiction of the court under AS 47.10.010. The department shall adopt regulations governing the release of information and identifying a sufficient legitimate interest.

(g) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor. (§ 13 ch 113 SLA 1994)

**Revisor's notes.** — A reference to "AS 47.10.092" was inserted in (a) of this section in 1994 to harmonize the amendments to AS 47.10 made by ch. 98, SLA 1994, and ch. 113, SLA 1994.

**Effective dates.** — Section 17, ch. 113, SLA 1994 makes this section effective September 1, 1994.

**Editor's notes.** — Section 16(2), ch. 113, SLA 1994 provides that this section, as added by § 13, ch. 113, SLA 1994 "applies to offenses committed on or after September 1, 1994."

**Sec. 47.10.097. Fingerprinting of minors.** (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 9, 1991, rewrote the section.

## Reflections . . .

by Esther Cox, NASSP President and Principal, King Career Center

Idaho invited me to their annual state conference in Boise, so I spent the last couple of days with new friends and many old friends I met through Region VII. Gene Soderquist from Pocatello, K.C. Albright from Moscow — Region VII's new lead coordinator now that John Lewis from Oregon will be the Region's new NASSP Board member at the conclusion the San Antonio conference — Judy Drake from Coeur d'Alene, and Executive Director Mike Friend all made for a warm welcome. Felt like I was in the banana belt as it was 57 degrees. Must admit that I didn't miss the feet and feet of snow I'd left at home!

Principals in Idaho are a tad uneasy with the change in the administration of their State Superintendent of Public Instruction. Dr. Anne Fox (we both spoke at the last session and it sounded like an old vaudeville dance team—Cox and Fox) has been a principal, superintendent, and a professor at Gonzaga University and has just been elected Chief State School Officer for Idaho. If she does what she indicated in her presentation — "won't meddle in their lives," "will be there to give assistance," "will cut down as much bureaucratic red tape as she can so principals can get on with being educational leaders," "will suggest and not mandate," —

Idaho principals will be in good shape. They are skeptical, but Dr. Fox feels that is because she has been quoted out of context by the Idaho media. Idaho principals are like you: hardworking, dedicated, fighting for time to provide instructional leadership, frustrated by mandates and regulations that prohibit their getting the job done.

This became very apparent when principals spoke out at a Juvenile Justice panel at one of the general sessions. The panel consisted of principals, a State House and a Senate member, a member of juvenile justice system, and a police sergeant who deals with juveniles. An Idaho legislative panel had just completed hearings across the state on juvenile crime and

***Frankly, I believe juveniles must understand that there are consequences for felonious actions and age isn't going to relieve them of the responsibilities of their actions.***

justice, and the two legislators represented on the guest panel had served on that statewide committee. The same issues were raised statewide: the need to encourage if not force parent responsibility for their juveniles; timeliness of the perpetration of a crime and the court action (right now the Meridian principal complains that the average time was 8 months—8 months that a student is back in school); confidentiality rules that protect the perpetrator but hinder the attempts of school personnel to serve that student as well as the rest of the student body; the need for a shared

data information system on these juveniles, which again runs amuck with the confidentiality rules; a balanced approach which really means a move from a medial approach to a change of behavior; and great concern on how the juvenile justice system and the school system can work together.

Boise schools have police officers housed on all secondary school campuses, and many principals are asking that a probation officer be assigned to and housed on each campus. Terry Kluever, principal at Meridian High School, was adamant that the lack of information coming from the court regarding juvenile offenders contributes to the lack of security she can

provide for the other students in her school.

The legislature did pass a law that allows information to flow from the court to the schools, but Court Rule #32 has been invoked prohibiting that flow, so the new law is in jeopardy. The legislature says the law supersedes the court rule, and visa versa; the debate rages until some body settles it. In the meantime, the schools are not receiving any information on juvenile offenders. They have never gotten out of square one!

Many principals echoed that Idaho schools are being inundated with people looking

for "safe havens" for their children. Lots of refugees from California are moving in. Together with an upsurge of gangs into their schools and many Idaho communities having no local law enforcement, principals are feeling frustrated and angry over what they are asked to face with little or no help to do it. Pat Valliant, principal at Pocatello, flat stated that it is imperative to exercise consistency: when juveniles break the law, they are punished; that more accountability must be expected from juveniles; that confidentiality regulations must be relaxed; that assaulting school personnel must be a felony.

The legislators present had gotten their ears full at the statewide hearings, and the IASSP group was vociferous here. The legislators were quick to say that juvenile justice was moving from Health and Welfare to the Department of Corrections. Rep. Gould stated that funding for education detention centers needed immediate legislative attention. The bottom line is that the legislature is going to have to provide the resources before the rhetoric can become reality.

Frankly, I believe juveniles must understand that there are consequences for felonious actions and age isn't going to relieve them of the responsibilities of their actions. Last fall four sixteen year old KCC students shot and killed a



## Reflections (cont. from page 12)

former student for \$157. They shot him 22 times with three different guns. When Brad Snodgrass and I talked with the police detective, he said these young men thought they would spend a couple of years in McLaughlin, would be released, and would then "get on with their lives." Thanks to the new conspiracy law passed by the Alaska legislature last session, these 16 year olds will be tried as adults and while awaiting trial have been spending time in the big boys' jail. Chief O'Leary told me they may "get on with their lives," OK, but in 70 or 80 years. Had the boys known those consequences, they many not have been so eager to destroy a life.

The difficulty in obtaining records from schools when students transfer into Idaho schools was a topic of some discussion. Terry Kluever said they absolutely hold the line with "No records—no



entry." She said it gives real impetus to parent involvement! Pat's right! We get so involved doing everything for parents and kids that we lose sight of letting them be responsible for what they should be responsible for.

*Ralph told a story about his absentmindedness that really tickled my funny bone. He said several years ago they found a bigger house for the family, so they moved about a mile and a half from where they had lived for years. As he was leaving for work on that first morning in the new house, his wife gave him a slip of paper with the new address on it. Ralph said he was offended, but she insisted that he put it in his pocket because he would forget.*

*That evening, he could not get the key into the door lock no matter how hard he tried. It finally dawned on him that they had moved and he was at the wrong house. He began going through his pockets looking for the address his wife had given him. Of course he couldn't find it.*

*A little girl came up to him as he stood on the sidewalk going through his pockets. He thought that he would be cagey and get the information that he needed without letting her know about his forgetfulness.*

*"Young lady, do you know the people who lived in this house?"*

*"Yes."*

*"Would you know where they have moved?"*

*To which the little girl answered, "Come on home, Daddy. Momma said you'd forget!"*

For humor, a good word, and a kind thought, Ralph Hood from Huntsville, Alabama, spoke at two sessions. His home-spun humor, his poking fun at himself and the principals sitting closest to him, his uncompromising optimism always make time spent with Ralph delightful. Ralph is a pilot and a former airplane salesman, and he uses the air traffic weaverman's "it's clear on top" as a theme to wind his comments around. It's an apt theme for school people because when a student or a teacher has a success; when kids turn into real and caring people; or when a student throws an arm you and says, "You're an OK principal," you, too, know that it's "clear on top."

San Antonio (the NASSP Convention) is not far away. Hope you have your denims and boots and are ready for networking with principals from all over this nation, new ideas, conversation, and just plain fun. You deserve all those things.

See you in Texas!



**SCHOOL VIOLENCE**

By Veronica O. White

*School crimes have become more violent.*

Violence and the threat of violence are escalating in many of our public schools, once considered safe havens for learning. Many teachers and students endure intimidation and fear of violence every day. Nearly one in four students and one in 10 teachers have been victims of violence. About 3 million crimes occur on or near school property each year. Approximately 135,000 guns are brought into school every day.

Look at how times have changed: In 1940 the top seven problems in public schools identified by teachers were talking out of turn, chewing gum, making noise in the classroom, running in the halls, cutting in line, littering and disobeying the dress code. Compare this with what educators considered problems in 1993: assaults by students on teachers and other students, weapons in school, racial or ethnic attacks, gang disruptions, shootings, knifings and drive-by shootings. Struggling to learn and educate under such conditions create a severe emotional burden for many students and teachers.

Behavior	Teachers Who Believe it Is a Major Problem		Students Who Believe it Is a Major Problem	
	Urban	Suburban or Rural	Urban	Suburban or Rural
	Verbal Insults	36 %	22 %	40 %
Threats to Students	22	9	28	21
Threats to Teachers	8	2	19	13
Pushing, Shoving, Grabbing or Slapping	39	24	39	29
Kicking, Biting or Hitting with a Fist	20	10	31	26
Threatening Someone with a Knife or Gun	5	2	23	17
Using Knives or Firing Guns	4	2	24	16
Stealing	28	15	38	38

*Source: The Metropolitan Life Survey of The American Teacher: Violence in America's Public Schools. Louis Harris & Associates Inc., 1993.*

*Violence in schools is not merely a school problem.*

School violence arises from a combination of variables that influences children to be perpetrators or victims. Behind the rash of school violence are deeply rooted social problems including poverty, the increase of single-parent households, race and ethnic tensions, the glorification of violence by television and movies, and the easy availability of guns and drugs.

Because the causes of school violence are complex, states are trying a variety of solutions. Some of them are alternative schools, conflict resolution and peer mediation programs, and strengthening laws regarding truancy, expulsion and carrying weapons on school property.

*Alternative schools may help.*

Alternative schools offer students who are in danger of dropping out various opportunities to stay in school. They may be campus programs, schools within schools, separate facility schools, community programs or intervention programs. Through a smaller, flexible learning environment, alternative schools serve students with discipline problems, academic problems or long-term

absences. An important component of alternative schooling is improving students' self-esteem and self-confidence. Rather than simply expelling a difficult student from a regular classroom and sending him out on the streets, alternative schools offer a second change through individualized instruction and counseling and accelerated learning programs. Alternative programs for disruptive youth share some characteristics that make them successful:

- ✓ Direct supervision of all activities.
- ✓ Mandatory parent and student counseling.
- ✓ Daily attendance and progress reports.
- ✓ High standards and expectations of performance.

In **TENNESSEE**, districts must provide an alternative school for students with discipline problems. This year, **GEORGIA** is funding 88 alternative programs to serve chronically disruptive students. One-half of the funding comes from lottery revenues and the other half from the general fund for up to \$16 million. The goal is to make one alternative school available in every school district. Next year, the Department of Education will assess the progress to see if more funds are necessary and allow schools that were not funded previously to apply for money.

Most alternative schools operate on private contributions or money from foundations. However, states can encourage schools and districts to design mediation programs. **NORTH CAROLINA's** Safe Schools Act appropriates approximately \$2.5 million for conflict resolution and peer mediation programs. School districts can apply for up to \$100,000 a year for mediation programs. In a typical program, teachers and classmates select a student to be a conflict manager. The manager receives training in problem-solving and communication skills. The peer managers work in pairs and act as mediators for disputing students. They impose no settlement, but offer a problem-solving process to help the students devise their own solutions.

*Conflict resolution and peer mediation teach students positive ways to resolve conflict.*

### State Actions

Nearly all states have enacted stricter laws to address violence and children. Legislation prohibiting handguns on school property has been passed in **ALABAMA, CONNECTICUT, DELAWARE, KENTUCKY, NEVADA, SOUTH CAROLINA, VIRGINIA** and **WASHINGTON**. Several states such as **COLORADO, KANSAS, NEVADA** and **WEST VIRGINIA** are lengthening school suspension times. A new law in **MICHIGAN** requires students who commit rape or arson or knowingly possess a dangerous weapon on or near school property to be permanently expelled from all public schools in the state. Many school districts are using metal detectors. Although providing metal detectors is a local decision, a provision of the Goals 2000: Educate America Act authorizes approximately \$50 million in FY 1994 for grants for such equipment to school districts with a high rate of violent crime. **ALABAMA, ARKANSAS, CALIFORNIA, CONNECTICUT, DISTRICT OF COLUMBIA, FLORIDA, INDIANA, KANSAS, MISSISSIPPI, NEVADA, NORTH CAROLINA** and **SOUTH CAROLINA** have hand-held metal detectors in various school districts. In **PENNSYLVANIA** public schools, fixed metal detector stations are in place, and in **ILLINOIS, LOUISIANA, MASSACHUSETTS, MICHIGAN, NEW YORK, TEXAS** and **VIRGINIA** many school districts use both hand-held and fixed-station metal detectors.

### Selected References

- Louis Harris and Associates Inc. *The Metropolitan Life Survey of The American Teacher 1993: Violence in America's Public Schools*. New York, N.Y., 1993.
- National School Boards Association. *Violence in the Schools*. NSBA Best Practices Series, 1993.

### Contact for More Information

Veronica O. White  
NCSL—Denver  
(303) 830-2200



ASSOCIATION OF ALASKA SCHOOL BOARDS

316 W. 11th St. • Juneau, Alaska 99801-1510  
(907) 586-1083 • Fax (907) 586-2995

February 16, 1995

The Honorable Joe Green  
House of Representatives  
Alaska State Legislature  
Capitol Building  
Juneau, AK 99811

SUPPORT FOR HB 125  
INFORMATION DISCLOSURE ABOUT MINORS

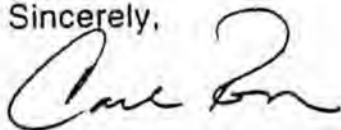
Dear Rep. Green

The Association of Alaska School Boards supports HB 125—An Act relating to disclosures to school officials of information about certain minors.

**Bill Review:** HB 125 directs the court to notify the principal of the minor's school if the offense was committed on school property or the minor has committed offenses that, if committed by an adult, would be considered a serious felony such as murder, assault, kidnapping, etc. The bill also requires law enforcement to notify the principal if there is *probable cause* to believe a minor attending their school has committed a serious felony. The school principal is allowed to disclose this information to other persons in the district, and also to a chief administrator of a school district to which a minor transfers. Law enforcement agencies are not required to notify the school if the agency determines it would jeopardize an ongoing investigation.

The Association of Alaska School Boards believes this Act will help ensure the safety of students and staff alike. As an association we endeavor to work cooperatively with agencies of government in the transfer of information on behalf of kids. In the past, however, the deterrent to meaningful intra-agency cooperation regarding severe school violence has been the issue of confidentiality. This is a welcome piece of legislation that will further help to maintain a safe school environment.

Sincerely,



Carl Rose, Executive Director



# Willard L. Bowman Elementary School

Preschool Art

"People"

by Taylor

11700 Gregory Rd.  
Anchorage, AK 99516  
345-8110

FEB 24 1995

February 20, 1995

Representative Joe Green  
Capitol Building  
Juneau, Alaska 99801-1182

Dear Representative Green:

As I consider the issues facing the children of Alaska, I'm glad you're in Juneau working to ensure that their tomorrow is a bright one. The Willard L. Bowman community would like to thank you for your continued support of the education agenda and also for taking time prior to the session to visit our school and talk to our young people. It means a lot to us to know that we have a voice in Juneau.

This letter is being written to solicit your support for early funding of the education budget and for support of an increase in the foundation formula to at least \$63,000. As I'm sure you know, this is the amount recommended by the Governor's Education Transition Team. This increase in funding will go a long way in helping to meet some of the needs we discussed when you visited our school. I urge you to support HB114, Full Funding for Education and HB139, Inflation Adjustment for the Instructional Unit Value.

Thank you for your sponsorship of HB125, Disclosure of Information on Minors, dealing with the sharing of information with school personnel about those involved in violent juvenile crime in our community. This is an important piece of legislation that will go a long way to ensure the safety of children in our schools.

If I can be of assistance to you, do not hesitate to call. I will be in Juneau later in the session representing the issues that are important to elementary school principals. I'm looking forward to chatting with you at that time.

Sincerely,

Tony Harduar, Principal  
Willard L. Bowman Elementary School



POSITION STATEMENT

HOUSE BILL NO. 125

"An Act relating to disclosures to school officials of information about certain minors."

The Alaska Council of School Administrators supports House Bill #125.

Incidents of violence seem to be increasing at an alarming rate among or involving Alaska's youth. This includes reports of gang activities, incidents of students bringing illegal weapons into the schools and youth committing acts of violence which could be considered a felony if they were adults.

Parents and the community rightfully expect schools to be a place students can work and learn in a safe environment. Yet, principals are experiencing increasing concern over being able to assure parents and the community that the school setting is secure and safe because of the lack of information from other agencies involved with youth who have been adjudicated delinquent.

To help ensure some safety of students, it is necessary to be aware of those students who have committed acts of violence and crime outside the school as well as inside the school. The laws of confidentiality have prevented the sharing of such information with school personnel in the past, thereby preventing school personnel from being able to take action to protect the rights of other innocent students in the school.

School administrators across Alaska believe this information is necessary to ensure proper supervision. It is also necessary to provide a relevant intervention program and this information will help provide a safer environment for all students.

Again, The Alaska Council of School Administrators supports HB #125

Stephen McPhetres  
Executive Director

# ACSA EDUCATION BULLETIN

ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SECONDARY SCHOOLS PRINCIPALS  
ALASKA ASSOCIATION OF SCHOOL BUSINESS OFFICIALS  
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS



ALASKA COUNCIL OF SCHOOL ADMINISTRATORS

JANUARY, 1995

## VIOLENCE IN ALASKAN SCHOOLS

by Spike Jorgensen  
President, AASA

One of the leading concerns of Alaska principals is violence. Violence in the form of guns, gangs, disease, abuse, and neglect. Every imaginable form of human indignity violence and crime as a part of student behavior. Student to student, adult to student, and student to adult violence takes place in the schools and communities of the state.

A major concern is that schools are being left out of the information loop. Students who commit serious crimes are in the schools and school officials are not informed by social services, law enforcement, the courts, or other schools about the situation. School can not provide help to the individual who has

committed the crime and can not safeguard the balance of the student body and staff from the dangers of seriously affected students.

If schools are held responsible as parents for the students while they are in school, the school must have the necessary information. Schools have more resources to help than any other agency in the state and the schools should not be held without information.

Just last week the number of homicides caused by firearms alone exceeded the number of deaths in automobile accidents. We are living in an ever more violent and permissive society. There is more and

more evidence to show that students learn problem solving strategies from TV violence, talk show, and soaps. It may appear real to a child, but any reasonable adult would never choose the tragedy that Arnold Schwarzenegger or Rambo would bring to family problem solving.

Please let your legislators know that schools need information about student violence from other agencies, that young students need to have less exposure to violence and school rules on anti-gang dress codes and behavior need to be supported through legislation. As you have more and better ideas, please contact Steve McPhetres. \*

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February 16, 1995

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SUPPORT FOR HB 125  
INFORMATION DISCLOSURE ABOUT MINORS

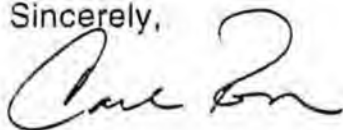
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The Association of Alaska School Boards believes this Act will help ensure the safety of students and staff alike. As an association we endeavor to work cooperatively with agencies of government in the transfer of information on behalf of kids. In the past, however, the deterrent to meaningful intra-agency cooperation regarding severe school violence has been the issue of confidentiality. This is a welcome piece of legislation that will further help to maintain a safe school environment.

Sincerely,



Carl Rose, Executive Director

# Alaska State Legislature

LEGISLATIVE COUNCIL  
STATE OF ALASKA  
1000 EAST 14TH AVENUE  
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FINANCE SUBCOMMITTEES  
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DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT  
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green  
District 12

## Memorandum

**TO:** Members, House Judiciary Committee

**FROM:** Representative Joe Green 

**DATE:** March 29, 1995

**RE:** HB 125, "An act relating to disclosures to school officials of information about certain minors."

Violence is one of the leading problems facing Alaskan schools. Currently, there is no requirement that a school principal be given felonious records regarding a delinquent who is attending that school. Last session, the legislature passed SB 54, which addressed among other issues, the discretionary disclosure of agency records. However there has been little progress over the past 9 months to develop a protocol for the sharing of information; and there is a broad level of confusion over who may disclose what information to whom. Two statewide surveys of school officials and teachers conducted just last week indicate that very little school disclosure is taking place even though school officials are strongly in favor of such disclosure taking place as soon as possible. Some juvenile offenders who have committed violent, felonious crimes are in schools where officials and affected teachers are left out of the information loop. HB 125 was crafted and amended to help address this serious problem by requiring law enforcement and DFYS to disclose these records to appropriate school officials who are charged with providing a safe school environment for students and staff.

On March 13th and March 24th meetings were held between DFYS and various representatives from the Department of Education, the Alaska

Council of School Administrators, NEA Alaska, the Alaska Association of School Boards, the Legislature, the Department of Law, the Department of Public Safety, and the Court System. We discussed the needs and concerns of school administrators and teachers as far as information sharing about delinquent youth. From the perspective of the people representing teachers, school districts and school administrators, disclosure is not happening with any degree of regularity. They strongly expressed their desire that this necessary disclosure be mandatory. The Departments of Law and Public Safety felt that since disclosure is possible under the law passed last year, some additional time should be granted to work out this notification on a discretionary basis. All parties involved agreed that whether or not disclosure is mandatory or discretionary an effective protocol must be established to facilitate disclosure of violent youth behavior to our schools.

I agreed to propose amendments to HB 125 that would remove the mandatory disclosure portion of the bill and add language that would mandate mutually agreeable protocols be set up between DFYS, law enforcement agencies, and school officials to ensure effective methods for juvenile disclosure of felonious records to schools. It is my intent to expedite this bill as quickly as possible. It was agreed that a follow-up survey in late fall would be taken to see if the discretionary nature of the information disclosure is working. If not, it was determined that I will introduce a new bill at the beginning of next session mandating such disclosure.

HOUSE COMMITTEE REPORT

3/17/95

Judiciary

(7)  
Date Referred: January 26, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/16/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 125

HOUSE BILL NO. 125

JUVENILE CRIMINAL RECORDS TO SCHOOLS

"An Act relating to disclosures to school officials of information about certain minors."

recommends it be replaced with the following committee substitute CS HB 125 (HESS)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) AK Court System  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Education  zero fiscal note(s) \_\_\_\_\_  
H+SS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> <u>Roberta</u>				<input checked="" type="checkbox"/>
<i>[Signature]</i> <u>G. Davis</u>			<input checked="" type="checkbox"/>	
<i>[Signature]</i> <u>Bunde</u>	<input checked="" type="checkbox"/>			
<i>[Signature]</i> <u>TOOHEY</u>	<input checked="" type="checkbox"/>			
<i>[Signature]</i> <u>ROBINSON</u>				<input checked="" type="checkbox"/>
	(a)		(1)	(2)

CHAIR'S SIGNATURE *[Signature]*  
Bunde

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Bill Version: CSHB 125(HES)  
(H) Publish Date: 3/17/95

Revision Date: \_\_\_\_\_  
Title: Relating to Disclosures to school officials  
of information about certain minors  
Sponsor: Representatives Green, Toohy, Bunde  
Requestor: House (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): 255,258,254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact for the Division if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved By Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02.22/95  
Date: 2/22/95

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# FISCAL NOTE

No. 2

Bill Version: CSHB 125(HES)

(H) Publish Date: 3/17/95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Title: Juvenile Criminal Records to Schools

Department Affected: Education

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Green

Requester: Representative Green

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

**ANALYSIS: (Attach a separate page if necessary.)**

House Bill 125 clarifies when state and municipal law enforcement agencies and the Alaska Court System are required to disclose information to public or private elementary and secondary schools regarding minors who commit offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: 2/1/95

Approved by Commissioner: \_\_\_\_\_

Jerry Covey

Agency: Education

Date: \_\_\_\_\_

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# FISCAL NOTE

No 1

Bill Version: CSHB 125(HES)

(H) Publish Date: 3/17/95

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_  
Title: Disclosures to school officials  
Sponsor: Rep. Green  
Requestor: \_\_\_\_\_

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Components: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	7.5	7.5	7.5	7.5	7.5	7.5
TRAVEL						
CONTRACTUAL	0.1	0.1	0.1	0.1	0.1	0.1
SUPPLIES	0.1	0.1	0.1	0.1	0.1	0.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.7	7.7	7.7	7.7	7.7	7.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>	<b>7.7</b>

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *[Signature]* Phone: 264-8228  
Agency: Alaska Court System Date: 02/22/95

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]* Date: 02/22/95  
Agency: Alaska Court System

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Alaska Court System  
Fiscal Analysis  
HB 125

HB 125 provides that if a minor who has been adjudicated delinquent is enrolled in school, the clerk of the court in which the adjudication order is entered shall transmit a copy of the court's adjudication order to the principal of the minor's school if the minor has been adjudicated delinquent for committing an offense on the school's property, or if the minor has been adjudicated delinquent for certain felonies or misdemeanors. These include felonies under AS 11.41; felonies under AS 11.46.100 - 11.46.490; felonies under AS 11.71; and felonies or misdemeanors involving the possession or use of a deadly weapon.

The clerk of court is further required to provide a notice to the principal that the copy of the order may not be disclosed except as provided in AS 47.10.093(h), and is required to maintain a record of the release.

According to statistics provided by the Division of Family and Youth Services (DFYS), in FY 94 approximately 295 minors were adjudicated delinquent for the offenses listed above. An large but indeterminate number were also adjudicated delinquent for offenses committed on school property; these include a variety of misdemeanors such as minor consumption and trespass. This note assumes that clerks of court will be required to determine if a minor is subject to HB 125 and notify school principals approximately 350 times per year.

Alaska Court System

Fiscal Analysis

HB 125

Amount

Personal Services

This legislation will require clerical staff to research case files, prepare forms and mail notices to school officials. The procedures required by this legislation will not require additional staff, but will require the payment of overtime to the clerical staff. The current personal services authorization is not adequate to cover the cost of the additional overtime compensation.

\$7,500

Contractual

Postage to mail 350 notices

112

Supplies

Envelopes, forms and duplicator supplies

100

Total estimated cost

\$7,712