

**HB**

**125**


# Alaska State Legislature

ALASKA STATE LEGISLATURE  
OFFICE OF THE CLERK  
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SENATE COMMITTEES  
LEGISLATIVE COUNCIL  
HOUSE COMMITTEES  
GOVERNMENTAL COOPERATION

## Representative Joe Green Memorandum

**TO:** Senator Lyda Green

**FROM:** Representative Joe Green 

**DATE:** April 12, 1995

**RE:** CSHB 125 (Judiciary), "An act relating to disclosures to school officials of information about certain minors; and providing for an effective date."

Violence is one of the leading problems facing Alaskan schools. Currently, there is no requirement that a school principal be given criminal 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 effort so far to develop a procedure for the sharing of information, and there is a broad level of confusion over who may disclose what information to whom. Two polls taken last week surveying school officials and teachers state-wide indicate that very little school disclosure is taking place and that school officials are strongly in favor of such disclosure taking place as immediately as possible in order to provide a safe school environment for students and staff. CSHB 125 was crafted to help address this serious problem by requiring law enforcement and DFYS to work together with local school districts to develop a procedure for the sharing of juvenile criminal records.

I respectfully request that CSHB 125 be scheduled for a hearing before the Senate HESS Committee as soon as possible. The need for disclosure is immediate. and I would appreciate your expediting the bill's passage. Thank you for your consideration.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSHB 125 (JUD)

Revision Date: 03/20/95

Date Affected: Alaska Court System

Title: Disclosures to school officials

BRU: Trial Courts

Components: \_\_\_\_\_

Sponsor: Reps. Green, Tooney, Bunde, Phillips

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 768

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
<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						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<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 current year (FY 95) cost: \$ None

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

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 03/20/95

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 03/20/95

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# FISCAL NOTE

STATE OF ALASKA

BILL NO: CSHB 125 (JUD)

1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to discipline in school BRU: Alaska State Troopers  
Officials of information about certain minors Component: Detachments  
 Sponsor: Representative Green  
 Requestor: H) Judiciary COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

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-
<b>CAPITAL EXPENDITURES</b>	0-	0-	0-	0-	0-	0-
<b>CHANGE IN REVENUES ( )</b>	0-	0-	0-	0-	0-	0-
<small>Revenue Code</small>						

**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-

Estimate of current year (FY 95) impact: \$ 0-

**POSITIONS:**

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

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

No significant fiscal impact is anticipated for the Alaska State Troopers

Prepared By: Francis C. Allan Phone: 269-5891  
 Division: Alaska State Troopers Date: 03/31/95  
 Approved by Commissioner: [Signature] Date: 3/31/95  
 Agency: Ronald L. Otte, Dept. of Public Safety

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB125

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

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: DFYS Central Office  
 COMPONENT SERIAL NO: 259  
 See also (SN#): 258, 259, 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/MMTA						
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: 30.0

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 Petzold, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 02/22/95  
 Date: 2/22/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 125

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

Department Affected: Education

Title: Juvenile Criminal Records in Schools

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>	00	001	00	00	00	00

**CAPITAL**

**REVENUE FUND SOURCE:**

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	00	001	00	00	00	00

**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: [Signature] Date: Jerry Coyne  
 Agency: Education Date: \_\_\_\_\_

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# Alaska State Legislature

Representative Joe Green

## SPONSOR STATEMENT, CSHB 125(JUD)

"An act relating to disclosures to school officials of information about certain minors; and providing for an effective date"

Violence is one of the leading problems facing Alaskan schools. Currently, there is no requirement that a school principal be given criminal 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 procedures 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 three weeks ago indicate that very little school disclosure is happening 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 originally 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.

In March, 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. The participants 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 procedure must be established to facilitate disclosure of violent youth behavior to our schools. An agreement was reached to amend HB 125, removing the mandatory disclosure portion of the bill and adding language that would mandate mutually agreeable procedures be set up between DFYS, law enforcement agencies, and school officials to ensure effective methods for disclosure of juvenile criminal records to schools. Additionally, 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 discretionary disclosure is not working, then Representative Green will sponsor a new bill making disclosure mandatory.

The information provided by this disclosure would protect the victims of juvenile crime, protect students, protect teachers, and give the principal information that would allow him or her to use the school's resources to provide help for the juvenile offender. If schools are held responsible for the safety of the students and faculty, school officials must have the necessary information about student violence to do the job properly.

Disclosure of criminal records to school officials needs to begin taking place as soon as possible. Because of the urgent nature of the needed information Representative Green would like to see the passage of HB 125 this year. HB 125 passed the House unanimously and has the strong support of school administrators, teachers, law enforcement, parents, as well as the general public. Thank you for your consideration.

# Dangerous kids

## Schools need to know the facts

Schools always have been home to bullies and troublemakers. Big kids have been beating up little kids in the wild lanes of the playground since before the first swing set went up. But many schoolyard bullies nowadays aren't content to just dish out black eyes.

As always, the young troublemakers are a step ahead of the system. Principals and teachers find themselves attempting to discipline students who've committed crimes that would be felonies if committed by adults.

Consider these two situations that occurred in Anchorage:

• Police came to a school and asked to interview a student known to be a gang member. The officers ended up arresting him on suspicion of attempted murder and took him out of the school in handcuffs.

The next day he reappeared in school. The principal didn't know if charges had been dropped, if the student had escaped or what. It turned out charges had been reduced, but having the accused turn up with no explanation from authorities unnerved staff and students alike.

• In another case, one young man beat another so badly that the victim had to be hospitalized. Later, they both ended up in the same school, in the same classroom. The victim was traumatized again and, eventually, dropped out of school.

These situations could have been handled better if school administrators had been informed of the students' criminal records.

Despite an Alaska statute that went into effect in September that allows police and the Division of Family and Youth Services to release information on potentially dangerous juveniles to school officials, many agencies aren't doing so.

Since much information on young offenders is confidential by law, some police departments figure it's safer if they don't give out any information. Some don't know what information they can release. Some don't even know about the statute.

Principals and teachers often have to rely on the rumor mill to find out which students are threats to others. School staff frequently are unaware when youngsters who have committed brutal crimes are sent to their schools.

Rep. Joe Green introduced a bill last month that addresses these concerns. The current version of the bill requires that procedures be set up between schools, police, probation officers and the Division of Family and Youth Services to get the word out on dangerous students.

In the meantime, DFYS is alerting its social workers who deal with youthful offenders. The Department of Public Safety is alerting law enforcement agencies around the state, too.

The DFYS forms say, among other things:

"Safety Alert to School Districts youth is alleged to have committed the following: murder, assault, sexual assault, sexual abuse of a minor, robbery, theft, burglary, arson, criminal mischief, misconduct weapon, felony drug and disorderly conduct. The information set out on this form is confidential by law and can only be disclosed to school officials as necessary to protect the safety of school students and staff."

The Public Safety form is similar.

These forms say more about our society than we might want to hear. Who would have guessed 20 years ago that measures like this would be necessary in the public schools?

If these voluntary efforts aren't sufficient, Rep. Green is ready. He has a bill all set for next year that will make it mandatory for law enforcement agencies and the court system to let school officials know

## Anchorage Daily News

Fuller A. Cowell  
Publisher



Howard Weaver  
Editor

Michael Carey, Editorial Page Editor

Patrick Dougherty, Managing Editor

Anchor Daily Publisher: 1984-1993  
Anchorage Evening Evening Publisher: 1971-1983  
Anchorage Evening Evening Publisher: 1967-1971  
Anchorage Evening Evening Publisher: 1912-1967

Monday, April 10, 1995

For Your Information  
Representative Joe Green

HB 125

§ 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. (AS 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 29.15.185, 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 J2 SLA 1991)

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



# 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?

(29) 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>AAAB</i>
Co.	Co.
Dept.	Phone #
Fax # <i>1166 11711</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
Ancorage	North Slope
Annette Islands	Pelican
Bering Strait	Petersburg
Bristol Bay	Pribilof
Chatham	Sitka
Copper River	Skagway
Delta/Greeley	Southeast Island
Denali Borough	Southwest Region
Diillingham	St. Mary's
Haines	Tanana
Hoonan	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

NEA-Alaska survey March 14, 1995

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To: Local Association Presidents	RAW RESPONSES
From: Vernon Marsnail	TOTAL RESPONSES: 15
Re: School Violence Survey	MARCH 20, 1995

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*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 8
- b. Increased somewhat 7
- 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 13

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: Superinter 3  
Principal 15  
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 10 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 14 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

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

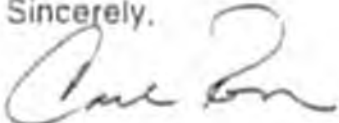
Dear Rep. Green

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



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



# NEA-ALASKA

Member of the National Education Association

## NEA-ALASKA POSITION STATEMENT

### HB 125

NEA-Alaska supports passage of HB 125 to strengthen the requirements for reporting names of students who commit violent acts in our communities. We feel that reporting is critical to the protection of the health and safety of students and to develop alternative programs to confront the root causes of student violence.

Based on 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 a felony if committed by an adult.

Based on survey results from seventeen of our affiliates, it appears that the consensus among large and small districts 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 the safety of students and school employees in classrooms.

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

We realize that just identifying students who demonstrate violent behavior will not make the problem go away. As teachers and school employees, we want to work to keep children in school. Our efforts to keep students in

school requires that alternative systems must be professionally developed and funded to address the issue of child violence. We support programs designed to involve parents of violent students in alternative programs designed to help parents and students deal better with anger in family life and in relationships with school employees and peers.

In closing, we thank the sponsor and his staff for bringing this legislation forward at this important time. We support your efforts to pass this bill.

3-28-95

**HEB**

**182**



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES


REPRESENTATIVE CYNTHIA TOOHEY

DISTRICT 13

State Capitol  
Juneau, AK 99801-1182

## MEMORANDUM.

TO: Senator Green, Chairman  
Senate HESS Committee

FROM: Representative Toohey 

IN RE: scheduling of CSHB 182 (HESS) before  
the Senate HESS Committee

DATE: May 1, 1995

Please schedule CSHB 182 (HESS) for a hearing before the Senate HESS Committee at soon as it is possibly convenient. Attached are a copy of the bill, a sponsor statement, a 'zero' fiscal note, and a letter of support. If you require any other information or documents, please have your committee aide contact Benjamin Brown in my office at 4919.

Thank you very much for your consideration of this scheduling request.

ROBERT J. BAUDER, D.M.D.  
36275 Kenai Spur Hwy.  
Soldotna, Alaska 99669  
(907) 262 8404

May 3, 1995

Senator Lyda Green, Wasilla  
Chairman, Senate HESS Committee

**Re: House Bill 182**

Dear Senator:

I want to be on record that I support House Bill 182. Passage of this bill will help dentists in this state to provide cost effective treatment to their patients and curb escalating health care costs.

I understand the opposition feels only hygienists are able to provide this treatment due to their training. I strongly disagree and can assure you that all ethical dentists would and do monitor their staff to provide high quality care to their patients. In fact the dentist is legally and morally responsible for their employees whether they are hygienists or assistants. No dentist would want anything but the best for their patients.

Please consider the benefit of this legislation to the Alaskan public and vote YES on House Bill 182.

Sincerely,



Robert J. Bauder, D.M.D.  
President  
Kenai Kodiak Dental Society

Valerie Suttles  
with  
Kanakanak Dental Clinic  
P.O. Box 816  
Certified Dental Assistant

HB 182 : calling in Support

(907) 842-5245

from:

Dillingham, AK 99576

SENATOR LYDA GREEN  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600 FAX (907) 465-3805

Constituent Contact Report

Name: Dr. Ken Crooks Date: 5/2/95  
Address: P.O. Box 180  
DILLINGHAM 99576 SSN or DOB: \_\_\_\_\_  
Phone: 842-5245

ISSUE/REGARDING: SUPPORT HB 182  
PROS: COASTAL DISTRICT SCENIC SOCIETY

ACTION/RESPONSE: \_\_\_\_\_  
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Date Resolved: \_\_\_\_\_  
Staff Member: Paul

SENATOR LYDA GREEN  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600 FAX (907) 465-3805

Constituent Contact Report

Name: Henry ROEHL Date: 5/2/91  
Address: P.O. Box 953  
Dillingham 99576 SSN or DOB: \_\_\_\_\_  
Phone: 842-5245

ISSUE/REGARDING: SUPPORT HB182  
SENATE ASSISTANT

ACTION/RESPONSE: \_\_\_\_\_  
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Date Resolved: \_\_\_\_\_  
Staff Member: PAUL



JIM H. CASE D.M.D. 880 "N" STREET, ON THE PARK STRIP, ANCHORAGE, ALASKA 99501

TO SENATOR LYDA GREEN:

THIS MESSAGE IS IN SUPPORT OF THE NEED FOR H.B. 182

#### ASSISTANTS' SKILLS NEEDED

In the continued improvement of America's oral health, the value of placing sealants on children's teeth has been widely recognized. The National Institute of Health has recommended that all children have their permanent molars sealed. We will not be able to even come close to meeting this if the providing of this service is limited to dentists and hygienists and does not include qualified and supervised dental assistants.

#### HISTORY

In Alaska from the late 60's to the late 80's, topical preventive agents and sealants became increasingly important parts of the improvement of the oral health of children. Services by qualified dental assistants were an important part of this improvement. In the late 80's, an adverse statute interpretation limited the services provided by assistants. HB 182 would overcome this adverse interpretation and get us back on track with assistants contributing more to children's health.

#### DELEGATION

The U.S. dental profession and industry has been well recognized for being very successful at improving America's oral health year by year and decade by decade. A part of this improvement has been the development of expanded dental teams and the delegation of tasks from dentists to auxiliaries. Current restrictive interpretation of the statutes slows the improvement that we can offer. HB 182 removes this impediment.

#### QUALITY

Delegation can improve quality. E.g., if I see a just placed sealant that meets minimum standards, but could be improved, the improvement will more likely be made if I could order it done by an assistant rather than use my time to do it.

#### TURF PROTECTION

Opposition to HB 182 does not serve Alaska's children, but rather serves to protect the professional pride and turf of dental hygienists. The public and profession are undersupplied with hygienists. We need more of them and it would be helpful if they would share the fringes of their professional domain with assistants. However, excessive professional pride prevents many of them from so sharing and leads them to sincerely oppose HB 182 in the name of public protection.

HB 182 will again allow the Board of Dental Examiners to allow delegation of some duties as was done before the late '80's. There are other provisions in the current dental statutes which will allow the Board to fine tune certification and standards for this delegation without burdensome legislative constraint which robs dentists of their ethical and clinical responsibilities.

This simple legislation has been needed and started in past years. Please don't let it again get lost or defeated in the end of session rush of weighty matters which you must consider.

Please do not hesitate to call me if I might answer questions about the meaning of this needed legislation.

Respectfully and Sincerely,

Jim H. Case, D.M.D.

DENTISTRY FOR CHILDREN, INC.

(907) 274-2525

May 3, 1995

We unanimously support HB 182 and urge you to vote yes for its passage. It is to be heard in the Senate at 9:00am Thursday, 5/4/95.

Sincerely yours,

*Jan Maness*

Jan Maness  
Dental Assistant

*Marilyn Gogolowski*

Marilyn Gogolowski  
Dental Assistant

*Gay Lee Anthony*

Gay Lee Anthony  
Dental Assistant

*Rosemary Rogers*

Rosemary Rogers  
Dental Assistant & Receptionist

*Anjie Reisinger*

Anjie Reisinger  
Dental Assistant

*Rose E. Reed*

Rose E. Reed  
Certified Dental Assistant & Practice Administrator

522-2555



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

REPRESENTATIVE CYNTHIA TOOHEY

State Capitol  
Juneau, AK 99801-1182

DISTRICT 13

### SPONSOR STATEMENT

*Committee Substitute for House Bill 182 (HESS): "An act allowing a dentist to delegate certain duties to a dental assistant."*

This bill will allow dentists practicing in Alaska to delegate to a dental assistant the ability to perform three very specific tasks: application of topical preventive agents, application of prophylactic agents, and application of pit and fissure sealants. These practices by dental assistants have been judged to be technically illegal by an opinion issued by the Attorney-General, which has made the provision of dental care to Alaskans more difficult to effect. Enabling dentists to delegate certain specific duties to assistants whom they trust, and on whom they rely, is a step that must be taken in order to give dentists as much flexibility as possible in doing their jobs. CSHB 182 will help dentists throughout the State, but will be most helpful to dentists who serve the rural population. The lack of practical discretion currently available to dentists hinders their ability to see as many patients as possible. For practitioners in rural settings, especially for itinerant dentists traveling from village to village, this problem is acute enough that it can result in a patient not being seen due to time constraints. For the sake of Alaskans' oral health, CSHB 182 must be passed by the Nineteenth State Legislature.

CSHB 182 is supported by the Alaska Dental Society, the Alaska Native Health Board, Tanana Chiefs Conference, Inc., the Coastal District Dental Society, Bristol Bay Area Health Corporation, the Southeast Alaska Regional Health Consortium, and numerous dental health professionals across the State.

Please support and vote for CSHB 182.

INTERIM ADDRESS: 716 West 4th Avenue, Suite 330, Anchorage, 99501-2133

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 182

Revision Date: February 28, 1995 Department: Commerce and Economic Development  
 Title: An Act allowing a dentist to delegate certain BRU: Occupational Licensing  
duties to a dental assistant. Component: Operations  
 Sponsor: Reps. Toohy, and Nicholia  
 Requestor: Representative Toohy COMPONENT SERIAL #: 1844

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	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>	00	00	00	00	00	00

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	00	00	00	00	00	00
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	00	00	00	00	00	00

Estimate of any current year (FY 95) cost: \$ 00

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Funding is not required to implement HB 182.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144  
 Division: Occupational Licensing Date: 2/28/95  
 Approved by Commissioner: William L. Hensley Date: 3/2/95  
 Agency: Commerce and Economic Development

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## **Alaska Dental Society**

3400 Sponard Road, Suite 10  
Anchorage, Alaska 99503  
(907) 277-4675 • FAX: 274-2960

APR 13 1995

**April 13, 1995**

**Dear Representative Toohey:**

**The Alaska Dental Society represents eighty-four percent of licensed practicing dentists in Alaska. The ADS Executive Council has unanimously voted support for House Bill 182, introduced by Representatives Toohey and Nicholia. This bill will allow efficient delivery of preventive treatment for the utmost benefit of the public - most importantly, to those people residing in rural Alaska.**

**Along with community water fluoridation and daily oral hygiene measures, dental sealants and topical fluoride applications are effective dental disease prevention measures. Dental diseases in rural areas of this state are currently at epidemic levels. Prevention programs are our only answer for curbing the costs of conventional treatment.**

**The safety record for dental assistants performing these procedures is well established. Assistants nationwide, including Alaska prior to 1988, have provided hundreds of thousands of these services.**

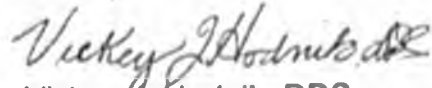
**HB 182 will allow supervised dental assistants in Alaska to resume providing pit and fissure sealants and topical preventive agents. The loss of authority for assistants to perform these procedures was an inadvertent consequence of the revision of statutes which enabled dental hygienists to begin providing the services. The 1988 attorney general's interpretation that any function in the scope of hygiene practice cannot be performed by dental assistants set up the present conflict - at the expense of limiting the public's access to preventive regimens.**

**In the dental office setting, the doctors have the legal, ethical and clinical responsibility for all care provided. Dentists are highly trained professionals with state mandates toward maintaining clinical competency and continuing education requirements. Certainly, they are qualified and motivated to evaluate auxiliaries' skill and training levels for appropriate delegation of services. Further, the Board of Dental Examiners has the statutory power (AS 08.36.070) to establish certification standards for any procedure requiring specific training.**

**Dentistry is committed to the passage of HB 182 in the interests of public health and commends Representatives Toohey and Nicholia for having the foresight to see a need and create positive pro-prevention legislation. Please support this issue.**



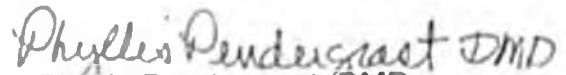
Arne Pihl, DMD  
President  
Alaska Dental Society



Vickey J. Hodnik, DDS  
Treasurer  
Alaska Dental Society



Thomas Hipster, DDS  
President  
Anchorage District Dental Society



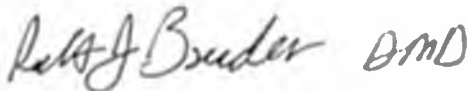
Phyllis Pendergrast, DMD  
President-elect  
Alaska Dental Society



Kenneth Crooks, DDS  
President  
Coastal District Dental Society



Ronald I. Glaeser, DDS  
Secretary  
Alaska Dental Society



Robert J. Bauer, DMD  
President  
Kenai-Kodiak District Dental Society



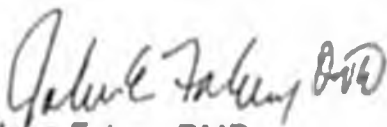
Julie M. Robinson, DDS  
Legislative Chairman  
Alaska Dental Society



Daniel Keir, DDS  
President  
North Central District Dental Society



David L. Nielson, DDS  
Alaska Dental Society



John Fahey, DMD  
President  
Southeast District Dental Society

*Jerry W. Chernik, DMD*

Jerry W. Chernik, DMD  
Matanuska-Susitna District Dental Society

*James A. Cerney, DDS*

James A. Cerney, DDS  
Delegate  
Alaska Dental Society

*Robert S. Matthews, DDS, MHS*

Robert S. Matthews, DDS  
Treasurer  
Matanuska-Susitna District Dental Society

*Timothy J. Walker, DDS*

Timothy J. Walker, DDS  
North Central District Dental Society

*David G. Logan, DDS*

David G. Logan, DDS  
President  
Juneau District Dental Society