

HB

551

23-LS1889D
Craver
4/26/04

CS FOR HOUSE BILL NO. 551(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the issuance of teacher certificates to and revocation of teacher
2 certificates of persons convicted of certain felony drug offenses and to the issuance of
3 limited teacher certificates to persons convicted of certain crimes involving a minor and
4 felony drug offenses."

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

6 * Section 1. AS 14.20.020(f) is amended to read:

7 (f) The department may not issue a teacher certificate to a person who has
8 been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime,
9 involving a minor under AS 11.41.410 - 11.41.460, or misconduct involving a
10 controlled substance under AS 11.71.010, 11.71.020, 11.71.030(a)(2),
11 11.71.030(a)(3), or 11.71.040(a)(4), or a law or ordinance in another jurisdiction with
12 elements similar to an offense described in this subsection.

13 * Sec. 2. AS 14.20.025 is amended to read:

14 Sec. 14.20.025. Limited teacher certificates. Notwithstanding

1 AS 14.20.020(b), a person may be issued a limited certificate, valid only in the area of
2 expertise for which it is issued, to teach Alaska Native language or culture, military
3 science, or a vocational or technical course for which the board determines by
4 regulation that baccalaureate degree training is not sufficiently available. A limited
5 certificate may be issued under this section only if the school board of the district or
6 regional educational attendance area in which the person will be teaching has
7 requested its issuance. A person who applies for a limited certificate shall
8 demonstrate, as required by regulations adopted by the board, instructional skills and
9 subject matter expertise sufficient to assure [ENSURE] the public that the person is
10 competent as a teacher. The board may require a person issued a limited certificate to
11 undertake academic training as may be required by the board by regulation and make
12 satisfactory progress in the academic training. To be eligible for a limited teacher
13 certificate, a person shall have submitted fingerprints to the department to be
14 used for a criminal history background check and have been found by the
15 department to be suitable for employment as a teacher under AS 14.20.020(f).

16 * Sec. 3. AS 14.20.030(b) is amended to read:

17 (b) The commissioner or the Professional Teaching Practices Commission
18 shall revoke for life the certificate of a person who has been convicted of a crime, or
19 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under
20 AS 11.41.410 - 11.41.460, or misconduct involving a controlled substance under
21 AS 11.71.010, 11.71.020, 11.71.030(a)(2), 11.71.030(a)(3), or 11.71.040(a)(4), or a
22 law or ordinance in another jurisdiction with elements similar to an offense described
23 in this subsection.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



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House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 23, 2004
Re: CS Request

Please create a work draft House Judiciary Committee Substitute for work order # 23-LS1889\A, HB 551, incorporating the attached amendment as amended. I hope the amendment is decipherable. It is conceptual for the purpose of being grammatically and structurally correct and making sense of course☺. The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

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H.B. 551

Amendment 1 - PASSED

At page 1 line 10 ^{and page 2, Line 20} ~~replace~~
~~insert~~
delete

"-11.71.040" after the following:

At page 1 line 11 after "subsection," insert
", or under AS 11.71.020-.040

if the ~~single~~ conviction is for

Distribution* or for possession or

manufacturing with the intent to

distribute, or in violation of
AS 11.71.030(a)(2),

AS 11.71.030(a)(3) ~~(3)~~, ^{or} ~~AS 11.71.030(a)(3)~~

AS 11.71.040(a)(4)

~~AS 11.71.030(a)(3)~~

Alaska State Legislature

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Representative Lesil McGuire
Chair, Judiciary Committee

HB 551

"An Act relating to the issuance of teacher certificates to and revocation of teacher certificates of persons convicted of felony drug offenses and to the issuance of limited teacher certificates to persons convicted of certain crimes involving a minor and felony drug offenses."

SPONSOR STATEMENT

Children are our most valuable asset and should be allowed to grow and learn in a safe environment free from the influences of drugs and crime. Currently a person who has been convicted of a felony drug offense can apply for and receive a teaching certificate in Alaska. Similarly a person who currently has a certificate can be convicted of a felony drug offense and continue to teach Alaska's children. By allowing this to continue we are setting a bad example for our children in regards to drug use and are putting them at considerable risk.

HB 551 addresses this issue by requiring the Department of Education revoke the teaching certificate of a person convicted of felony drug charges and also disallows a person from being granted such a certificate if they have been convicted of these charges.

While this bill was being drafted it was also noticed that people applying for a limited teaching certificate weren't held to the same standards as regular teachers in regards to their criminal history. HB 551 corrects this oversight by requiring people applying for a limited teaching certificate to submit to a criminal background check prior to receiving the certificate.

By making these simple, but effective changes, HB 551 promotes a positive educational environment while keeping Alaska's children safe.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 551
 (H) Publish Date: 4/19/04

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title An Act relating to the issuance of RDU Teaching & Learning Support
teacher certificates Component Teacher Certification
 Sponsor House Judiciary Committee
 Requester _____ Component No. 1240

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual	30.0	30.0	30.0	30.0	30.0	30.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	30.0	30.0	30.0	30.0	30.0	30.0

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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Receipt Supported Services	30.0	30.0	30.0	30.0	30.0	30.0
TOTAL	30.0	30.0	30.0	30.0	30.0	30.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Sections 1 and 3 describe a new reason for the department to deny issuance of a teacher certificate and for the Professional Teaching Practices Commission to revoke a certificate, for life. Whenever a certificate is denied or revoked, the applicant then may request a hearing on the matter, or take advantage of other due process rights. This legal recourse will result in additional hearings on the certificate denials/revocations and department costs related to the hearings and our attorney's time.

State law required the Teacher Certification unit to be self-supporting. The department may need to adjust the teacher certification fees to accommodate any increases related to this legislation.

Prepared by: Barbara Thompson Phone 465-8727
 Division Teaching & Learning Support Date/Time 4/13/04 8:53 AM
 Approved by: Karen Rehfeld Date 4/13/2004
 Agency Commissioner's Office



<p>DEA Offices & Telephone Nos. Anchorage—907-271-5033 Fairbanks —907-455-1818</p>	 <p>Alaska</p>
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<p>State Facts Population: 626,932 Law Enforcement Officers: 1,293 State Prison Population: 4,577 Probation Population: 4,517 Violent Crime Rate National Ranking: 10</p>	<p>2002 Federal Drug Seizures Cocaine: 37.2 kgs. Heroin: 0.1 kgs. Methamphetamine: 1.9 kgs. Marijuana: 0.9 kgs. Clandestine Laboratories: 33 (DEA, state, and local)</p>
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Drug Situation: Due to its close proximity to the Pacific Rim and shared border with Canada, Alaska is both a transshipment point for controlled substances to the continental United States and a consumer state. Historically, drug trends documented in the other states are eventually documented in Alaska. This includes the growing threat of methamphetamine, Ecstasy, GHB and other "Predatory Drugs." Alaska has the highest per capita incident of alcoholism, rape, and suicide in the United States, partially attributable to controlled substance abuse.



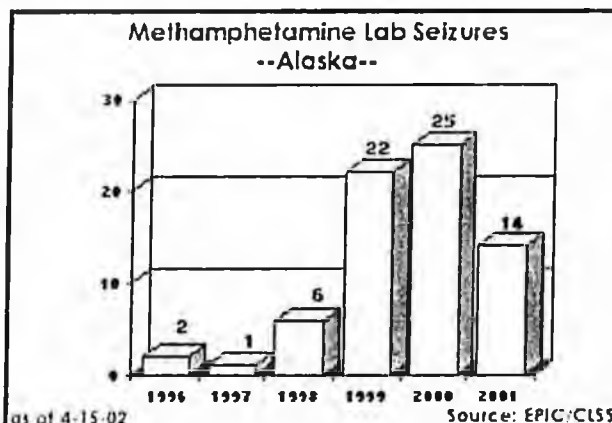
Cocaine: There are many different cocaine trafficking organizations in Alaska, although some of the largest ones are predominantly Mexican groups and Dominican groups. Eastern Europeans are also involved. Most cocaine appears to come into Alaska from the West Coast of the U.S. One cocaine smuggling organization in Alaska offered to sell one kilogram of cocaine for as high as \$39,000. Cocaine and other drugs are distributed throughout the State mainly from Anchorage and Fairbanks, all the way to remote fishing villages and northern rural areas.



Heroin: Evidence of heroin has declined due to much of the user population now illegally acquiring and using OxyContin. Opium continues to be transshipped through Alaska from the Far East/Pacific Rim countries.



Methamphetamine: Small toxic labs continue to be found throughout the state. The pseudoephedrine reduction method is the common manufacturing method used. Availability seems to be increasing, both from local labs and from methamphetamine mailed or shipped into the state by various methods, mostly from the Western U.S.

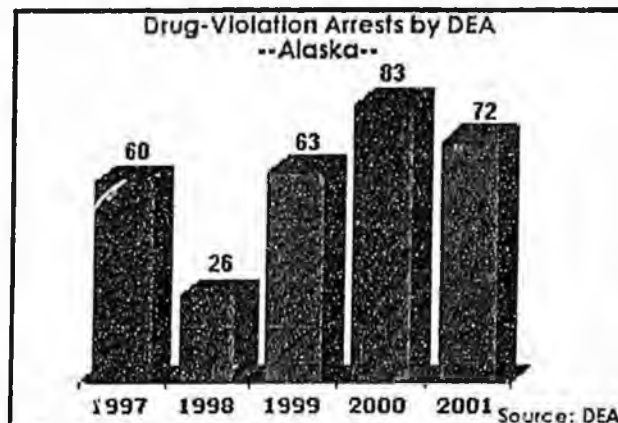


Club Drugs: There is recent evidence of large quantities of GBL being transshipped through Alaska from Thailand to various "lower 48" states. MDMA (methylene-dioxy-methamphetamine), also known as Ecstasy, is a growing threat throughout the state. Prior to 1999, there were no reports or direct evidence of large quantities of MDMA in any form. In the recent years, MDMA seizures have increased dramatically. Raves continue to occur in Alaska, with the accompanying use of Predatory Drugs found at these events.



Marijuana: Marijuana is the most abused and widespread illegal drug in Alaska. Local law enforcement can only estimate the extent of marijuana abuse because less than 5% of the marijuana in Alaska is grown outdoors. This makes detection much more difficult.

Other Drugs: The diversion of various controlled substances regulated by prescription is growing. Alaska is one of the top five purchasing states for five of the top twelve diverted drugs, to include Fentanyl, D-Amphetamine, Oxycodone, Methadone and Meperidine. Benzodiazepine is also widely abused. Internet purchases of controlled substances, from both domestic and international sites, are on the rise.



DEA Mobile Enforcement Teams: This cooperative program with state and local law enforcement counterparts was conceived in 1995 in response to the overwhelming problem of drug-related violent crime in towns and cities across the nation. There have been 381 deployments completed resulting in 15,731 arrests of violent drug criminals as of March 2003. There have been no MET deployments to this state.

DEA Regional Enforcement Teams: This program was designed to augment existing DEA division resources by targeting drug organizations operating in the United States where there is a lack of sufficient local drug law enforcement. This Program was conceived in 1999 in response to the threat posed by drug trafficking organizations that have established networks of cells to conduct drug trafficking operations in smaller, non-traditional trafficking locations in the United States. Nationwide, there have been 18 deployments completed resulting in 548 arrests of drug trafficking criminals as of March 2003. There have been no RET deployments in this state.