

SB

179

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/10/03

REPORTED OUT
MAR 08 2004
SENATE FINANCE
COMMITTEE

FURTHER:

DATE TURNED
IN TO OFFICE: 8 March 2004

Finance Committee considered

SENATE BILL NO. 179

SB 179 TEACHER CERTIFICATION : FINGERPRINTS

"An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

and recommends:

- be replaced with _____ CS SB 179 (FIN)
- adopt previous _____ CS CS forthcoming (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
 new title

House Bill:

- same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DPS	3/8/04		✓	
EED	3/8/04		✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
Ben Stevens	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT

MAR 08 2004

SENATE FINANCE
COMMITTEE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 179 (HES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
Title "An Act relating to criminal history records and background checks; allowing persons..." RDU Teaching and Learning Support
Component Teacher Certification
Sponsor Senator Therriault
Requester Senate HESS 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						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This is a zero fiscal note.

Prepared by: Barbara Thompson, Director Phone 907-465-8679
Division Teaching and Learning Support Date/Time 3/8/04 8:41 AM
Approved by: _____ Date 3/8/2004
Agency Education & Early Development

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

REPORTED OUT
MAR 08 2004

Fiscal Note Number: SB179CS(FIN)-DPS-CRI-3-3-04
Bill Version: CSSB 179(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____
Title: Teacher Certification: Fingerprints

SENATE FINANCE
COMMITTEE

Dept. Affected: DPS
BRU: Statewide Support
Component: Criminal Records & ID

Sponsor: Senator Therriault
Requester: Senate Finance Component No. 1190

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						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill clarifies DPS' current practices for fingerprint-based criminal record checks in order to (1) ensure that DOE accepts a name-based criminal record check in lieu of a fingerprint-based check when an applicant for a teaching license is physically incapable of being fingerprinted; and (2) ensure that Alaska remains eligible to submit fingerprints to the FBI for national criminal record checks for persons applying for sensitive positions or licenses, by rewording certain statutes to meet requirements in federal law (Public Law 92-544). If the statutes are not reworded, the FBI will no longer accept fingerprints for national criminal record checks for certain licenses/positions after June 30, 2004. Since the bill preserves the status quo, there is no fiscal impact to DPS.

Prepared by: Diane Schenker, Criminal Justice Planner Phone 907-269-5092
Division: Statewide Services Date/Time 3/8/04 8:40 AM
Approved by: William Tandeske, Commissioner Date 3/8/2004
Agency: Department of Public Safety

Final for SB 179

called in 9: am

3/8/04.

Packet with "CS Forthcoming"
delivered to S. Secretary 10:10 am

REPORTED OUT

MAR 08 2004

SENATE FINANCE
COMMITTEE

23-LS0938\U
Luckhaupt
2/25/04

CS FOR SENATE BILL NO. 179()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATOR THERRIAULT

A BILL

. ACT ENTITLED

1 **"An Act relating to criminal history records and background checks; allowing persons**
2 **to teach in the public schools for up to five months without a teaching certificate if the**
3 **person has applied for a certificate and the application has not been acted upon by the**
4 **Department of Education and Early Development due to a delay in receiving criminal**
5 **history records; allowing teacher certification for certain persons based on a criminal**
6 **history background check without fingerprints; and providing for an effective date."**

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

8 *** Section 1. AS 04.11.295(a) is amended to read:**

9 (a) An applicant for the issuance or transfer of a license or a conditional
10 contractor's permit under this title shall submit to the board, with the application, the
11 applicant's fingerprints and the fees required by the Department of Public Safety
12 under AS 12.62.160 for criminal justice information and a national criminal history
13 record check. The board may require an applicant for renewal of a license or a

1 conditional contractor's permit under this title to submit fingerprints and pay fees as
2 required by this subsection. The board shall submit the fingerprints to the Department
3 of Public Safety to obtain a report of criminal justice information under AS 12.62 and
4 a national criminal history record check under AS 12.62.400. The Department of
5 Public Safety may submit the fingerprints to the Federal Bureau of Investigation for a
6 national criminal history record check. The board shall use the information obtained
7 under this section in its determination of an applicant's qualification for issuance,
8 transfer, or renewal of a license or a conditional contractor's permit.

9 * Sec. 2. AS 04.11.295(b)(1) is amended to read:

10 (1) "applicant" means all individuals whose names and addresses are
11 required to be provided with an application for a new license or permit under
12 AS 04.11.260;

13 * Sec. 3. AS 08.08.137 is amended to read:

14 Sec. 08.08.137. **Fingerprints.** The Board of Governors shall require an
15 applicant for admission to be fingerprinted and provide the fees required by the
16 Department of Public Safety under AS 12.62.160 for criminal justice information
17 and a national criminal history record check. The fingerprints and fees shall be
18 forwarded to the Department of Public Safety to obtain a report of criminal
19 justice information under AS 12.62 and a national criminal history record check
20 under AS 12.62.400 [USED TO DETERMINE WHETHER THE APPLICANT HAS
21 A RECORD OF CRIMINAL CONVICTIONS IN THIS STATE OR ANOTHER
22 JURISDICTION]. The Board of Governors may use the information obtained from
23 the fingerprinting only in its official determination of the character and fitness of the
24 applicant for admission to the Alaska Bar Association.

25 * Sec. 4. AS 08.24.120 is amended to read:

26 Sec. 08.24.120. **Application for operator's license.** (a) An application for
27 an operator's license shall be made on forms furnished by the department and must
28 contain the information required in AS 08.24.110 and the following:

29 (1) a complete set of fingerprints and the fees required by the
30 Department of Public Safety under AS 12.62.160 for criminal justice information
31 and a national criminal history record check;

- 1 (2) a 2" x 3" photograph showing a front view of head and shoulders;
2 (3) if it is an original application, the application fee;
3 (4) the biennial license fee.

4 (b) The department may make a complete investigation of applicants,
5 including inquiry of police agencies as to the applicant's record of arrest or conviction
6 of crime. The department shall submit the fingerprints and fees received under
7 (a)(1) of this section to the Department of Public Safety for a report of criminal
8 justice information under AS 12.62 and a national criminal history record check
9 under AS 12.62.400.

10 * Sec. 5. AS 08.68.100(a) is amended by adding a new paragraph to read:

11 (10) require applicants under this chapter to submit fingerprints and the
12 fees required by the Department of Public Safety under AS 12.62.160 for criminal
13 justice information and a national criminal history record check; the department shall
14 submit the fingerprints and fees to the Department of Public Safety for a report of
15 criminal justice information under AS 12.62 and a national criminal history record
16 check under AS 12.62.400.

17 * Sec. 6. AS 12.62.160 is amended by adding a new subsection to read:

18 (e) When an interested person requests information under (b)(9) of this
19 section, the department may also obtain a national criminal history record check under
20 AS 12.62.400 if the person submits the fingerprints and fees required for that check
21 under (d) of this section.

22 * Sec. 7. AS 12.62 is amended by adding a new section to read:

23 **Article 1A. National Criminal History Record Check.**

24 **Sec. 12.62.400. National criminal history record checks for employment,**
25 **licensing, and other noncriminal justice purposes.** To obtain a national criminal
26 history record check for determining a person's qualifications for a license, permit,
27 registration, employment, or position, a person shall submit the person's fingerprints to
28 the department with the fee established by AS 12.62.160. The department may submit
29 the fingerprints to the Federal Bureau of Investigation to obtain a national criminal
30 history record check of the person for the purpose of evaluating a person's
31 qualifications for

1 (1) a license or conditional contractor's permit to manufacture, sell,
2 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
3 under AS 04.11;

4 (2) admission to the Alaska Bar Association under AS 08.08;

5 (3) licensure as a collection agency operator under AS 08.24;

6 (4) licensure to practice nursing or certification as a nurse aide under
7 AS 08.68;

8 (5) a position involving supervisory or disciplinary power over a minor
9 or dependent adult for which criminal justice information may be released under
10 AS 12.62.160(b)(9);

11 (6) a teacher certificate under AS 14.20;

12 (7) licensure as a security guard under AS 18.65.400 - 18.65.490;

13 (8) a concealed handgun permit under AS 18.65.700 - 18.65.790;

14 (9) licensure as an insurance producer, managing general agent,
15 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
16 broker, or independent adjuster under AS 21.27;

17 (10) serving and executing process issued by a court by a person
18 designated under AS 22.20.130;

19 (11) a school bus driver license under AS 28.15.046;

20 (12) licensure as an operator or an instructor for a commercial driver
21 training school under AS 28.17;

22 (13) registration as a broker-dealer, agent, investment adviser
23 representative, or state investment adviser under AS 45.55.030 - 45.55.060;

24 * Sec. 8. AS 14.20.010 is amended to read:

25 **Sec. 14.20.010. Teacher certificate required.** A person may not be
26 employed as a teacher in the public schools of the state unless that person possesses a
27 valid teacher certificate except that a person who has made application to the
28 department for a teacher certificate, including a preliminary teacher certificate under
29 AS 14.20.015, or renewal of a teacher certificate that has not been acted upon by the
30 department may be employed as a teacher in the public schools of the state until the
31 department has taken action on the application, but in no case may employment

1 without a certificate last longer than three months. A person who has made
2 application for a certificate under this section may teach for an additional 60
3 days beyond three months without a certificate if the department grants a written
4 extension. An extension may be granted under this section for not more than 60
5 days to the person solely due to delay in the department's receipt of criminal
6 justice information under AS 12.62 or a national criminal history record check
7 under AS 12.62.400.

8 * Sec. 9. AS 14.20.020(c) is amended to read:

9 (c) The board may establish by regulation additional requirements for the
10 issuance of certificates. The board shall require teachers to submit fingerprints
11 and the fees required by the Department of Public Safety under AS 12.62.160 for
12 criminal justice information and a national criminal history record check. The
13 board shall submit the fingerprints and fees to the Department of Public Safety
14 for a report of criminal justice information under AS 12.62 and a national
15 criminal history record check under AS 12.62.400. The department shall establish
16 by regulation the fees to be charged for each certificate [, INCLUDING FEES FOR
17 CRIMINAL HISTORY BACKGROUND CHECKS] and for other charges assessed
18 against teachers as part of certification. In establishing the fees to be charged, the
19 department shall establish the fee levels so that the total amount of the fees collected
20 relating to the certification of teachers approximately equals, when added to the other
21 fees collected from teachers, the actual regulatory costs for certifying and disciplining
22 teachers in the state. The department shall annually review each fee level to determine
23 whether the regulatory costs are approximately equal to fee collections. If the review
24 indicates that fee collections and regulatory costs are not approximately equal, the
25 department shall calculate fee adjustments to the fees for certification of teachers and
26 adopt regulations under this subsection to implement the adjustments. In January of
27 each year, the department shall report on all fee levels and revisions for the previous
28 year under this subsection to the office of management and budget. The department
29 shall consider the board's recommendations concerning the fee levels and regulatory
30 costs before revising fee schedules to comply with this subsection. In this subsection,
31 "regulatory costs" means costs of the department that are attributable to regulation of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

the teaching profession, including the portion of the expenses of the board that are attributable to the regulation of the teaching profession and the expenses of the Professional Teaching Practices Commission.

* Sec. 10. AS 14.20.020 is amended by adding a new subsection to read:

(j) Whenever required by a provision of this chapter to submit fingerprints to use for a criminal background check for the purpose of determining a person's suitability for employment as a teacher, the department shall accept a name-based criminal history background check on a person from the agency performing the background check if the

(1) person cannot submit legible fingerprint cards due to a permanent disability that precludes the person's ability to submit fingerprints; or

(2) agency informs the department that its examination of at least two separate sets of fingerprint cards shows that the person's fingerprints are illegible due to a permanent skin condition.

* Sec. 11. AS 14.20.022(b) is amended to read:

(b) To be eligible for a subject-matter expert limited teacher certificate, a person shall

(1) hold at least a baccalaureate degree from an institution of higher education accredited by a recognized regional or national accrediting association or approved by the commissioner and

(A) have majored or minored in the subject that the person will be teaching; or

(B) have at least five years experience in the subject matter that the person will be teaching;

(2) have submitted fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check to the department; the department must have submitted the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400 and the person must [TO BE USED FOR A CRIMINAL HISTORY BACKGROUND CHECK AND] have been

1 found by the department to be suitable for employment as a teacher under
2 AS 14.20.020(f); and

3 (3) be currently enrolled in an approved post-baccalaureate teacher
4 education program at a regionally accredited institution meeting the requirements of
5 AS 14.20.020(b) that provides for completion of the regular teacher certificate
6 education requirements within two years after receipt of a subject-matter expert
7 limited teacher certificate under this section [; AND

8 (4) PAY THE FEE REQUIRED BY THE DEPARTMENT UNDER
9 AS 14.20.020(c) TO DEFRAY THE COST OF THE CRIMINAL HISTORY
10 BACKGROUND CHECK; THE AMOUNT MAY NOT EXCEED THE FEE
11 REQUIRED FOR APPLICATION FOR AN INITIAL REGULAR TEACHER
12 CERTIFICATE].

13 * Sec. 12. AS 18.20.302(b) is amended to read:

14 (b) Within 30 days after employing an individual in a paid position, a nursing
15 facility shall submit to the Department of Public Safety the fingerprints and fees
16 obtained under (a)(3) of this section. The Department of Public Safety shall submit
17 the fingerprints to the Federal Bureau of Investigation for a national criminal history
18 record check. When the results are received, the department shall advise the facility of

19 (1) the date on which the fingerprint background check was completed;

20 and

21 (2) whether the check shows that the individual has committed an
22 offense described in (c) of this section.

23 * Sec. 13. AS 18.65.410(a) is amended to read:

24 (a) Application for a license as a security guard must be made on forms
25 provided by the commissioner. The application must require the furnishing of
26 information reasonably required by the commissioner to carry out the provisions of
27 AS 18.65.400 - 18.65.490, including classifiable fingerprints and the fees required
28 under AS 12.62.160 for criminal justice information under AS 12.62 and a
29 national criminal history record check under AS 12.62.400 to determine if the
30 applicant has a [TO ENABLE THE SEARCH OF CRIMINAL INDICES FOR
31 EVIDENCE OF A PRIOR] criminal record. The application must be accompanied by

1 a nonrefundable application fee of \$50 for a security guard and \$200 for a security
2 guard agency.

3 * Sec. 14. AS 18.65.700(a) is amended to read:

4 (a) The department shall issue a permit to carry a concealed handgun to a
5 person who

6 (1) applies in person at an office of the Alaska State Troopers;

7 (2) qualifies under AS 18.65.705;

8 (3) submits a completed application on a form provided by the
9 department, that provides the information required under AS 18.65.705 and 18.65.710;
10 with each application form provided by the department, the department shall provide a
11 copy of the state laws and regulations relating to concealed handguns, which must
12 include a concise summary of where, when, and by whom a handgun can be carried
13 under state and federal law;

14 (4) submits two complete sets of fingerprints on Federal Bureau of
15 Investigation approved fingerprint cards that are of sufficient quality so that the
16 fingerprints may be processed; the fingerprints must be taken by a person, group, or
17 agency approved by the department; the department shall maintain a list of persons,
18 groups, or agencies approved to take fingerprints and shall provide the list to the
19 public upon request; the fingerprints shall be used to obtain a report of criminal
20 justice information under AS 12.62 and a national criminal history record check
21 under AS 12.62.400;

22 (5) submits evidence of successful completion of a handgun course as
23 provided in AS 18.65.715;

24 (6) provides one frontal view color photograph of the person taken
25 within the preceding 30 days that includes the head and shoulders of the person and is
26 of a size specified by the department;

27 (7) shows a valid Alaska driver's license or identification card at the
28 time of application;

29 (8) does not suffer a physical infirmity that prevents the safe handling
30 of a handgun; and

31 (9) pays the application fee required by AS 18.65.720.

1 * Sec. 15. AS 21.27.040(e) is amended to read:

2 (e) As part of the application required by (a) of this section, an applicant shall
3 furnish to the director a full set of fingerprints and the fees required by the
4 Department of Public Safety under AS 12.62.160 for criminal justice information
5 and a national criminal history record check so that the director may obtain
6 criminal justice information as provided under AS 12.62 about the applicant. The
7 director shall submit the completed fingerprint card and fees to the Department of
8 Public Safety for a report of criminal justice information under AS 12.62 and a
9 national criminal history record check under AS 12.62.400 [. THE
10 DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO SUBMIT THE
11 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR A
12 NATIONAL CRIMINAL HISTORY RECORD CHECK].

13 * Sec. 16. AS 22.20.130(a) is amended to read:

14 (a) The commissioner shall be assisted in the execution of the authority and
15 duty vested by AS 22.20.100 - 22.20.140 by members of the division of state troopers
16 or Alaska state constabulary who the commissioner designates. The commissioner is
17 responsible on official bond for the acts of all persons designated under this
18 subsection. The persons designated under this subsection have the same authority and
19 duty granted to the commissioner and are subject to orders of the courts of the state in
20 the same manner as the commissioner. They are responsible to the commissioner and
21 to the courts, and shall be executive officers of the courts. In order to be designated
22 under this section, the commissioner may require the person to submit the
23 person's fingerprints and the fees required under AS 12.62.160 for criminal
24 justice information and a national criminal history record check. The
25 commissioner may obtain a report of criminal justice information under
26 AS 12.62 and a national criminal history record check under AS 12.62.400.

27 * Sec. 17. AS 28.15.046(b) is amended to read:

28 (b) The department may not issue a license under this section unless the
29 applicant

30 (1) is at least 21 years of age;

31 (2) has had a license to operate a motor vehicle at least three years

1 before the date of application;

2 (3) has successfully completed all required driving, written, and
3 physical examinations;

4 (4) has submitted the applicant's fingerprints, the fees required by
5 the Department of Public Safety under AS 12.62.160 for criminal justice
6 information and a national criminal history record check, and other information
7 sufficient to complete a background check consisting of a fingerprint check of national
8 criminal records and state criminal records of the state or states in which the applicant
9 has resided for the past two years; the department shall submit the fingerprints and
10 fees to the Department of Public Safety for a report of criminal justice
11 information under AS 12.62 and a national criminal history record check under
12 AS 12.62.400;

13 (5) has completed a state approved school bus driver training course
14 established under AS 14.07.020(a)(14) or has for the previous two years been licensed
15 by the state to operate a school bus.

16 * Sec. 18. AS 28.17.031 is amended by adding a new subsection to read:

17 (c) The department shall require an applicant for a license under this chapter
18 to submit the applicant's fingerprints and the fees required by the Department of
19 Public Safety under AS 12.62.160 for criminal justice information and a national
20 criminal history record check. The department shall submit the fingerprints and fees
21 to the Department of Public Safety for a report of criminal justice information under
22 AS 12.62 and a national criminal history record check under AS 12.62.400.

23 * Sec. 19. AS 45.55.040 is amended by adding a new section to read:

24 (k) The administrator shall require an applicant for registration under
25 AS 45.55.030 - 45.55.060 to submit the applicant's fingerprints and the fees required
26 by the Department of Public Safety under AS 12.62.160 for criminal justice
27 information and a national criminal history record check. The administrator shall
28 submit the fingerprints and fees to the Department of Public Safety for a report of
29 criminal justice information under AS 12.62 and a national criminal history record
30 check under AS 12.62.400.

31 * Sec. 20. This Act takes effect immediately under AS 01.10.070(c).

SENATE FINANCE COMMITTEE
3/8/2004 COMMITTEE ACTION

Bill Number	SB 179		
Amendment	CS "U"		
Motion	adopt		
<u>Motion by</u>	Green		
<u>Objection by</u> <u>Removed</u>	Wilken ✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Bunde			
Senator Dyson			
Senator Hoffman			
Senator Olson			
Senator Stevens			
Co-Chair Green			
Co-Chair Wilken			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

Senate

Senate Bill 179: "An Act relating to criminal history records and background checks; allowing persons to teach in the public schools for up to five months without a teaching certificate if the person has applied for a certificate and the application has not been acted upon by the Department of Education and Early Development; allowing teacher certification for certain persons based on a criminal history background check without fingerprints; and providing for an effective date."

Sponsor: Senator Gene Therriault

To receive a teaching certificate in the State of Alaska an applicant must meet several criteria including a criminal background check to ensure the safety of our children. The criminal background check, by statute, is required to be verified by fingerprints submitted by the applicant. In the past, teachers have moved out of state or retired and then attempted to come back to teach in Alaska's schools. Unfortunately, in many cases their fingerprints have eroded over time from the years of handling paperwork.

Fingerprint experts state that the two most common professions where fingerprints erode to the point of illegibility are teachers and nurses. The problem is that when these teachers try to re-obtain their teaching certificate they run into the problem of not passing a background check because their fingerprints have been worn to the point that they are unreadable by examiners. Conditional certificates are then issued every three months when a new set of prints are submitted. The teachers are then required to go through a cycle of resubmitting fingerprints and receiving conditional certificates every three months and never actually having a criminal background check completed.

Senate Bill 179 will create an alternative for people who submit two separate sets of fingerprints in which the state fingerprint examiner determines to be illegible due to permanent skin condition. The applicant would then be allowed to have a background check performed based on their name, thus giving parents some assurance that a criminal background check is performed on all teachers and allow teachers without fingerprints to avoid the hassle of resubmitting fingerprints and paperwork every three months.

SB 179 creates the same alternative process for an applicant with a permanent disability that makes it impossible to submit fingerprints.

HESS Amendments

On April 16, 2003 Senate Bill 179 was brought before the Senate HESS committee and there were two conceptual amendments made. The following is an outline of the conceptual changes made in HESS that are contained in the HESS version and finalized and clarified in the ()CS before you.

Conceptual Amendment #1 by Senator Wilken by request of Senator Therriault:

This amendment is required by the Department of Justice to get Alaska Statute in compliance with federal law in order for the State to submit fingerprints to the Department of Justice to get federal background checks done on people in Alaska. If not included, the State of Alaska risks losing its ability to get federal background checks performed after July 30, 2004.

The majority of the changes accomplished with the amendment to come in compliance with Federal Law are included in Section 7 with a list of all state authorized reasons that a person is allowed to perform a "national criminal background check" with references to the individual corresponding statutory authority.

Upon creating this list it was noted that many sections of licensing authority and supervisory authority of minors and the elderly didn't contain authorization for fingerprinting. Much of the authorization was listed in regulation and never codified.

Conceptual Amendment #2 by Senator Wilken by request of Senator Therriault:

This amendment was suggested by teachers who were not getting their fingerprints returned in a timely manner. The teachers were being requested to submit additional prints even though their prints were not denied but were still being processed. In addition, some of the teachers who were not getting fingerprints processed within three months were being put on leave and were forced to be classified as a substitute teacher with lower pay and no benefits. The amendment would authorize the Department of Education to grant an additional sixty-day extension if the fingerprints are not returned within the three-month timeframe. This language is in section eight of the bill.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

April 11, 2003

Ms. Diane Schenker
Manager
Criminal Records and Identification Bureau
Department of Public Safety
5700 East Tudor Road
Anchorage, AK 99507-1225

Dear Ms. Schenker:

Reference is made to your facsimile dated March 25, 2003, requesting an extension of the grace period to amend Alaska statutes, that were found defective during the comprehensive review conducted by the Access Integrity Unit (AIU).

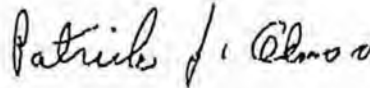
As requested we have changed the grace period from the original date of June 30, 2003, to June 30, 2004, to permit the amended statutes to be reviewed during the 2004 legislative cycle. However, should the defective statutes not be amended during your next legislative session, an additional grace period will not be granted and fingerprint submissions under the defective statutes will no longer be accepted.

Again, we appreciate your efforts to make the necessary changes to bring Alaska statutes into compliance with established Public Law 92-544 criteria. Please remember that the AIU stands ready to assist you by reviewing any proposed legislation.

Ms. Diane Schenker

Should you have further questions regarding this matter, please do not hesitate to contact Ms. Sandra Layman of the AII at (304) 625-2182.

Sincerely yours,



Patrick J. Adams
Chief
Programs Support Section
Criminal Justice Information
Services Division

Enclosure

1 - Ms. Kathryn M. Monfreda - Enclosure
Chief
Criminal Records and Identification Bureau
Department of Public Safety
5700 East Tudor Road
Anchorage, AK 99507-1225

STATE OF ALASKA

MEMORANDUM

State of Alaska
Department of Education
& Early Development

To: Zach Warwick, Legislative Aide
For Senator Therriault

Date: March 13, 2003

Phone:

File:

From: Linda Judd *Linda Judd*
Supervisor, Teacher Certification

Subject: Fingerprint Submissions

Per your request, Teacher Education & Certification has collected the following data for fiscal year 2003, to date.

Total number of applicants who submitted fingerprints:	1,567	
Applicants who were required to resubmit at least two times* for Alaska Department of Public Safety clearance	9	.6%
Applicants who were required to resubmit at least two times* for F.B.I. clearance	33	2.1%
Total number of applicants who were required to resubmit at least two times* (D.P.S. and F.B.I. combined)	42	2.7%

* "resubmit at least two times" means a total of at least three submissions (initial submission plus two resubmissions)

Regarding WORK DRAFT SB 179 (HES) : Finance \U\sec 10.

Honorable Senator Therriault and members of the Finance Committee:

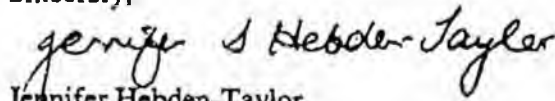
Please consider my testimony regarding Section 10:

I have been certified as an Alaskan teacher since 1981. Every subsequent five years it has been necessary to repeat fingerprint processing (rolling) numerous times at the only locally available agency, the Craig Police Department. The ridges normally required for finger print identification, are not well enough defined on my fingers to suit the Alaska Department of Education requirements. Home remedies such as soaking my hands in lotion and corn starch, avoiding all housework, and splitting of firewood, merely leave my home dirty and my children cold, and still do not promote better-defined prints. I had 8 finger print cards rolled for me, on three occasions, by the Craig Police Department in the past seven months. Chief See took the time to write a department letter to the Dept. of Education explaining that my particular fingerprints would likely consistently be illegible because my ridges were not well enough defined. He was upset with me that his letter was essentially ignored. This is not theoretically a medical condition, nor a disability, though apparently it is permanent and has not been cured by replacing our wood stove with a toyo stove.

My concern is that the language in Section 10 allows for the inclusion of public safety and police officers trained and familiar with fingerprint processing (rolling) as experts, in addition to medical doctors for purposes of determining that cases such as my own, where prints are repeatedly illegible, be included as "a permanent skin condition". Such is especially important considering the lack of access in rural Alaska to other than public safety officers as agencies to obtain prints. My Alaskan teaching certification fees already cost me seven times that of my Washington teaching certificate, and without health insurance, I cannot afford the added expense of a medical office visit to explain my non-medical skin "condition".

Thank you for your consideration,

Sincerely,


Jennifer Hebdon-Taylor

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 4/8/03

FURTHER: Finance

Date of 5-Day Notice: 4/10/03
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 5.9.03

Health, Education and Social Services Committee considered

SENATE BILL NO. 179

SB 179 TEACHER CERTIFICATION : FINGERPRINTS

"An Act allowing teacher certification for certain persons based on a criminal history background check without fingerprints."

and recommends:

- be replaced with _____ CS _____ SB 179 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
EED	4/14		x	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Wilkens</i> <i>Davis</i> <i>Gayle</i>	✓			
<i>Beth Davis</i>			X	
<i>Dyson</i> CHAIR: <i>Paul Dyson</i>	✓			

