

HB

551

SENATE COMMITTEE REPORT

DATE: 5/2/04

FURTHER: Health, Education and Social Services

DATE TURNED IN TO OFFICE: 5/7/04

State Affairs Committee considered CS FOR HOUSE BILL NO. 551(JUD) am

HB 551 DRUG FELONY DISQUALIFIES TEACHER

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

and recommends:

- be replaced with Sen. CS HB 551 (STA)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<i>H. Rules</i>	<i>4/29/04</i>			<input checked="" type="checkbox"/>	<i>2</i>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Carideo</i>			<input checked="" type="checkbox"/>	
<i>Robert M. ...</i>			<input checked="" type="checkbox"/>	
CHAIR: <i>[Signature]</i>			<input checked="" type="checkbox"/>	

23-LS1889I
Craver
5/6/04

SENATE CS FOR CS FOR HOUSE BILL NO. 551()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

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

8 (1) has been convicted of a crime, or an attempt, solicitation, or
9 conspiracy to commit a crime, involving a minor under AS 11.41.410 - 11.41.460 or a
10 law or ordinance in another jurisdiction with elements similar to an offense described
11 in this paragraph; or

12 (2) within the preceding 10 years, has been convicted of
13 misconduct involving a controlled substance under AS 11.71.010, 11.71.020(a)(1),
14 11.71.030(a)(2), or 11.71.030(a)(3), or a law or ordinance in another jurisdiction

1 with elements similar to an offense described in this paragraph [SUBSECTION].

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

3 **Sec. 14.20.025. Limited teacher certificates.** Notwithstanding
4 AS 14.20.020(b), a person may be issued a limited certificate, valid only in the area of
5 expertise for which it is issued, to teach Alaska Native language or culture, military
6 science, or a vocational or technical course for which the board determines by
7 regulation that baccalaureate degree training is not sufficiently available. A limited
8 certificate may be issued under this section only if the school board of the district or
9 regional educational attendance area in which the person will be teaching has
10 requested its issuance. A person who applies for a limited certificate shall
11 demonstrate, as required by regulations adopted by the board, instructional skills and
12 subject matter expertise sufficient to assure [ENSURE] the public that the person is
13 competent as a teacher. The board may require a person issued a limited certificate to
14 undertake academic training as may be required by the board by regulation and make
15 satisfactory progress in the academic training. To be eligible for a limited teacher
16 certificate, a person shall have submitted fingerprints to the department to be
17 used for a criminal history background check and have been found by the
18 department to be suitable for employment as a teacher under AS 14.20.020(i).

19 * Sec. 3. AS 14.20.030 is amended by adding a new subsection to read:

20 (c) The commissioner or the Professional Teaching Practices Commission
21 shall revoke the certificate of a person who, within the preceding 10 years, has been
22 convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime,
23 involving misconduct involving a controlled substance under AS 11.71.010,
24 11.71.020(a)(1), 11.71.030(a)(2), or 11.71.030(a)(3), or a law or ordinance in another
25 jurisdiction with elements similar to an offense described in this subsection.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 551(JUD)
 (H) Publish Date: 4/29/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title An Act relating to the issuance of teach BRU Teacher & Learning Support
certification Component Teacher Certification
 Sponsor House Judiciary Committee
 Requester House Rules Committee 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						
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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						
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

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Janet S. Seitz, Staff Phone 465-3764
 Division: House Rules Committee Date/Time 4/29/04 10:52 AM
 Approved by: Representative Norman Rokeberg Date 4/29/2004
 Agency: Chairman, House Rules Committee

Alaska State Legislature

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State Capitol
Juneau, AK 99801
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716 W 4th Avenue, Suite 430
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Phone: (907) 269-0250
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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.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



<p>DEA Offices & Telephone Nos. Anchorage—907-271-5033 Fairbanks —907-455-1818</p>	 Alaska
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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.



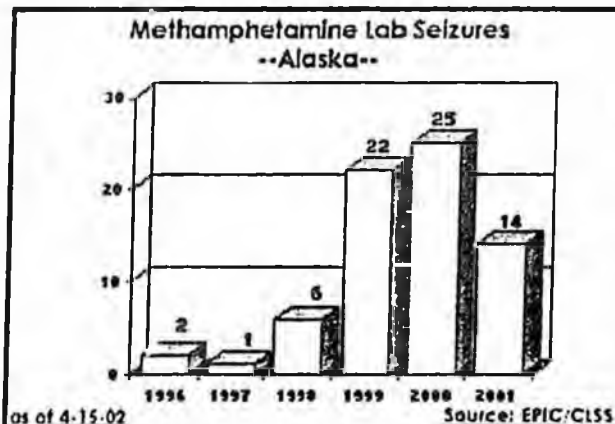
Cocaine: There are many different cocaine trafficking organizations in Alaska, although some of the largest ones are predominantly Mexican groups and Dominican groups. Eastern Europeans are also involved. Most cocaine appears to come into Alaska from the West Coast of the U.S. One cocaine smuggling organization 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.

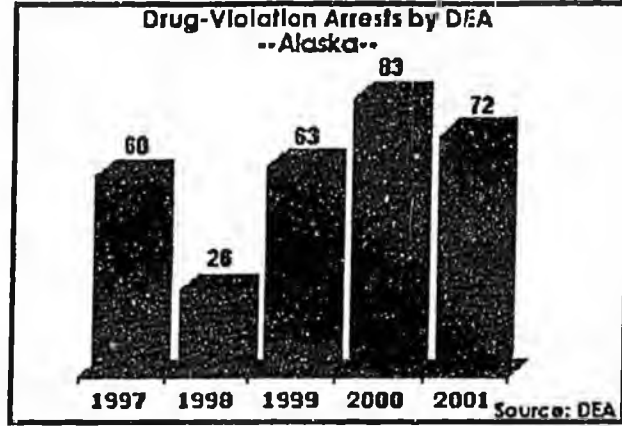


Club Drugs: There is recent evidence of large quantities of GBL being transshipped through Alaska from Thailand to various "lower 48" states. MDMA (methylene-dioxy-methamphetamine), also known as Ecstasy, is a growing threat throughout the state. Prior to 1999, there were no reports or direct evidence 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.

Chapter 11.71. CONTROLLED SUBSTANCES

Article 01. OFFENSES RELATING TO CONTROLLED SUBSTANCES

Sec. 11.71.010. Misconduct involving a controlled substance in the first degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the first degree if the person

(1) delivers any amount of a schedule IA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;

(2) delivers any amount of a schedule IIA or IIIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) engages in a continuing criminal enterprise.

(b) For purposes of this section, a person is engaged in a "continuing criminal enterprise" if

(1) the person commits a violation of this chapter which is punishable as a felony; and

(2) that violation is a part of a continuing series of five or more violations of this chapter

(A) which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person; and

(B) from which the person obtains substantial income or resources.

(c) Misconduct involving a controlled substance in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Sec. 11.71.020. Misconduct involving a controlled substance in the second degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person

(1) manufactures or delivers any amount of a schedule IA controlled substance or possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver;

(2) manufactures any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or

(4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomer.

(b) In this section, "listed chemical" means a chemical described under AS 11.71.200.

(c) Misconduct involving a controlled substance in the second degree is a class A felony.

Sec. 11.71.030. Misconduct involving a controlled substance in the third degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) under circumstances not proscribed under AS 11.71.020 (a)(2) - (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

- (i) on or within 500 feet of school grounds; or
- (ii) at or within 500 feet of a recreation or youth center; or
- (B) on a school bus.

(b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) Misconduct involving a controlled substance in the third degree is a class B felony.

Sec. 11.71.040. Misconduct involving a controlled substance in the fourth degree.

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses

(A) any amount of a schedule IA or IIA controlled substance;

(B) 25 or more tablets, ampules, or syrettes containing a schedule IIIA or IVA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of three grams or more containing a schedule IIIA or IVA controlled substance;

(D) 50 or more tablets, ampules, or syrettes containing a schedule VA controlled substance;

(E) one or more preparations, compounds, mixtures, or substances of an aggregate weight of six grams or more containing a schedule VA controlled substance;

(F) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one pound or more containing a schedule VIA controlled substance; or

(G) 25 or more plants of the genus cannabis;

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or AS 17.30;

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing which prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these upon a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or

(10) affixes a false or forged label to a package or other container containing any controlled substance.

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) Nothing in (a)(5) or (6) of this section precludes a prosecution or civil proceeding brought under any other provision of this section or any other section of this chapter or under AS 17.

(d) Misconduct involving a controlled substance in the fourth degree is a class C felony.

Teacher Certification

State of Alaska > Department of Education & Early Development > Teacher Certification > Professional Teaching Practices Commission

Chapter 010 - Professional Teaching Practices Commission

Professional Teaching Practices Commission Teacher Certification Homepage

Section

- 10. Coverage
- 20. Code of ethics and teaching standards
- 310. Distribution of handbook

20 AAC 10.010. COVERAGE.

All members of the teaching profession (as defined in AS 14.20.370) are obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.
(Repealed 01/30/75)

Authority: AS 14.20.480

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS. (a) The following code of ethical and professional standards governs all members of the teaching profession. A violation of this section is grounds for discipline provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

- (1) repealed 10/25/2000;
- (2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
- (3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
- (4) may not engage in physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator;
- (5) may not expose a student to unnecessary embarrassment or disparagement;
- (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
- (7) may not use professional relationships with students for private advantage or gain;
- (8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;
- (9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator:

- (1) repealed 10/25/2000;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by safeguarding and maintaining the confidentiality of test materials and information;
- (4) repealed 10/25/2000;
- (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
- (6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not accept a gratuity, gift, or favor to obtain special advantage;

Teacher Certification

- (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding before the board for its decision; and
 (8) may not use or allow the use of district resources for private purposes not related to the district programs and operat

(d) In fulfilling obligations to the profession, an educator:

- (1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advancement or participation in any professional organization, and may not discriminate in employment practice, assignment, or person evaluation;
 (2) shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;
 (3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
 (4) may not sexually harass a fellow employee;
 (5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure is for a compelling professional purpose;
 (6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that result in the denial of increments, significant changes in employment, or termination of employment;
 (7) may not deliberately misrepresent the educator's or another's professional qualifications;
 (8) repealed 10/25/2000;
 (9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;
 (10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;
 (11) may not intentionally file a false or malicious complaint with the commission;
 (12) may not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;
 (13) shall cooperate fully and honestly in investigations and hearings of the commission;
 (14) repealed 10/25/2000;
 (15) may not unlawfully breach a professional employment contract;
 (16) shall conduct professional business through appropriate channels;
 (17) may not assign tasks to unqualified personnel;
 (18) may not continue in or seek professional employment while unfit due to (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues; (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;
 (19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities

(Eff. 1/30/75, Register 53; am 8/10/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156)

Authority:

- AS 14.20.030 (a)**
AS 14.20.370
AS 14.20.450
AS 14.20.460
AS 14.20.480

10.035
20 AAC 10.030. MORAL TURPITUDE. For the purpose of **AS 14.20.030(a)(2)**,

- (1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and
 (2) a crime involving moral turpitude includes:
 (A) homicide;
 (B) manslaughter;
 (C) assault;
 (D) stalking;
 (E) kidnapping;
 (F) sexual assault;
 (G) sexual abuse of minor;

Teacher Certification

- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;
- (N) arson;
- (O) criminal mischief;
- ~~(P) forgery;~~
- (Q) criminal mischief;
- (R) forgery;
- (S) criminal impersonation;
- (T) bribery;
- (U) perjury;
- (V) unsworn falsification;
- (W) jury tampering;
- (X) terroristic threatening;
- (Y) possession or distribution of child pornography;
- (Z) unlawful distribution or possession for distribution or possession for distribution of a controlled substance;
- (AA) unlawfully furnishing alcohol to a minor. (Eff 4/8/99, Register 150)

Authority:

AS 14.20.030
 AS 14.20.450
 AS 14.20.460

20 AAC 10.900. DEFINITIONS: In this chapter,

- (1) "sexual conduct" includes solicitations for sex; explicit sexual jokes and stories; discussion of the educator's sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; "sexual penetration" and "sexual contact" as those terms are defined in **AS 11.81.900(j)**.
- (2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student.

PTPC Regs (Eff. 10/25/00)

Revised May 2002



**Anchorage
School
District**

4600 DeBarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(907) 742-4000

SCHOOL BOARD

Jack Metcalfe
President

Tim Steele
Vice President

Mary Marks
Clerk

Macon Roberts
Treasurer

Jeff Friedman

Crystal Kennedy

John Stelner

SUPERINTENDENT

Carol Comeau

May 3, 2004

Dear Senator Gary Stevens:

Attached please find a copy of the following:

1. Anchorage School District letter in opposition to HB 551
2. Professional Teaching Practices Commission letter in opposition to HB 551
3. 20 AAC 10.020 Code of Ethics and Teaching Standards.

The Anchorage School Districts believes and the Professional Teaching Practices Commission concurs that the appropriate place to deal with the concerns of the Legislature in this area are best handled through the Commission itself.

The Commission has asked its executive director to draft a regulation that would expressly include felony level crimes involving possession of a controlled substance to the list of crimes of moral turpitude (20 AAC 10.030). This regulation provides guidance to school districts when making employment decisions regarding immoral conduct. The Commission believes this will address the concern that prompted the proposed amendment to HB 551.

In essence, this legislation is not needed.

Sincerely,

Larry Wiget,
Executive Director, Public Affairs

For additional information, please contact Eric Tollefsen, Executive Director, Human Resources, 907 - 742-4322.

Post-It® Fax Note	7671	Date	5/3/04	# of pages	6
To	SEN STEVENS	From	LARRY WIGET		
Co/Dept.	LEGISLATIVE COUNCIL	Co.	ASD		
Phone #	465-4825	Phone #	742-4322		
Fax #	465-3517	Fax #	742-4411		

Dear Legislator:

I am writing at the request of the Professional Teaching Practices Commission to express its opposition to the proposed amendment to HB 551, which would revoke for life the certificate of an educator convicted of felony misconduct involving a controlled substance. As you know, the Commission is charged with the discipline of certificated educators in the State of Alaska.

Currently, revocation of a teaching certificate for life is reserved for those convicted of crimes of sexual abuse of a minor. See AS 14.20.030(b).

The Commission agrees that teachers convicted of felony level misconduct involving a controlled substance could pose a severe threat to the health and safety of students. However, the Commission believes there may be extenuating circumstances that would warrant a discretionary review of facts presented so as to determine whether a blanket revocation for life would be an appropriate sanction for these offenses. For example, under some circumstances it could be deemed appropriate to consider the length of time that has elapsed since a conviction, as well as any documented history of the successful intervention of drug abuse treatment and rehabilitation.

Moreover, it would appear inconsistent to revoke for life the teaching certificate of someone convicted of felony level possession of a controlled substance, but not also include a lifetime bar for an individual convicted of other very serious crimes. For example, there are numerous unclassified felonies listed in the criminal code for crimes such as first and second-degree murder, kidnapping and first-degree sexual assault, which are not included within the scope of the proposed amendment. See AS 11.41.100; AS 11.41.110; AS 11.41.300; AS 11.41.410. It would appear difficult to harmonize such a legislative statement.

The Commission has a history of investigating, adjudicating and disciplining educators who abuse drugs. The Commission has a broad range of experience with these violations and questions the need for the proposed amendment, which seems to be a response to one recent event.

The Commission has asked its executive director to draft a regulation that would expressly include felony level crimes involving possession of a controlled substance to the list of crimes of moral turpitude (20 AAC 10.030). This regulation provides guidance to school districts when making employment decisions regarding immoral conduct. The Commission believes this will address the concern that prompted the proposed amendment to HB 551.

If you have any questions, please contact me or any of the Commissioners whose names are listed below.

April 2004



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TO: HOUSE JUDICIARY COMMITTEE
FROM: LARRY WIGET, EXECUTIVE DIRECTOR, PUBLIC AFFAIRS
SUBJECT: HB 551: DISQUALIFYING TEACHERS FOR FELONY DRUG
CONVICTIONS

Currently the law prohibits the Department of Education from issuing a teaching certificate to a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor

The proposed revisions in HB 551 would prohibit the Department of Education from issuing a certificate to anyone who has ever been convicted of a felony drug charge. It would also revoke for life the certificate of anyone convicted of a felony drug charge. This seems to presuppose that no one can ever be rehabilitated if they had a drug problem. There are certainly cases where it would be appropriate to revoke for life the certificates of individuals convicted of felonies and not just drug felonies but there may exist situations where circumstances wouldn't warrant banning someone from teaching for life.

PTPC does an excellent job of looking at individual situations and in making a determination whether or not an individual should be issued a certificate or have a certificate revoked. This proposed language would not allow PTPC any flexibility to look at cases individually and make a determination.

The proposed revisions in this bill are a hasty reaction to a specific situation and they may well have unintended consequences.

The law currently prohibits individuals who have committed a crime involving a minor from having a certificate. The proposed revisions to HB 551 would not require that the crime had any connection to a minor or even that there was a nexus to the classroom or teaching. Drug convictions have been singled out from other felonies and put in a class by themselves without any ability to look at the totality of individual situations.

We would suggest that the far reaching effects and the inflexibility this Bill imposes be considered before any action is taken on it.

Contact: Eric Toffelsen, Executive Director, Human Resources - 742-4322