

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3988 SHEP HB 172 - HB 174

Alaska Daily News
Wed, Jan 15, 1986

Sharing ears, sharing lives

Dog gives more than hearing to master

By Tug
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By H



By ANDREW PERALA
Daily News community editor

Lying anesthetized on the operating table like a limp, black, curly-haired throw rug, Tug the poodle twitches slightly as veterinarian Jim Wempe inserts a pair of forceps deep into the ear canal.

"Poodles and terriers grow hair naturally inside their ears," Wempe explains. "It restricts the airflow, moisture builds up and infections begin. In any dog it is detrimental and extremely uncomfortable."

Wempe extracts the forceps, a minuscule bunch of black hair clamped tightly in its tip. "Infection can cause hearing loss, which in this case would be disastrous."

Tug is a hearing guide dog, one of only four in Alaska. A founding turned in last year to the Society for the Prevention of Cruelty to Animals, Tug is now worth at least \$3,000.

But to his partially deaf owner, Jerry Lemmon, Tug is worth a whole lot more.

While Tug sleeps, Lemmon sits in a waiting room outside the operating arena. A former logger, laborer, farm hand and sewer system planner, the 6-2, 300-pounder idles quietly in his chair.

"I can't watch," he says about the surgery. "I'd probably cry."

Lemmon has an 85 percent hearing loss in both ears, the result of a bout with spinal meningitis when he was 5.

Now 45 years old, Lemmon says he spent decades filled with anger at insensitive teachers and employers who called him dumb and retarded because he couldn't hear what was being said to him.

"I withdrew from everything . . ."

he says.

That changed last September, when Tug came into his life. "He and I are pretty close. You might say we're best friends."

Tug's job is to act as Lemmon's ears, to listen and react to sounds that Lemmon cannot hear.

Tug responds to the doorbell by running to the door, then dashes back to Lemmon and runs back to the door again. If Lemmon doesn't follow, Tug returns, jumps up and hits Lemmon with his paws.

"It's something, I tell you," Lemmon says. "In the morning in bed, it's a little like having a heart attack."

After less than a year of training, Tug already knows how to respond to a dozen different sounds and situations.

When the household smoke alarm sounds off, Tug runs to his master. When Lemmon drops his set of car keys, Tug picks them up.

Eventually, says SPCA trainer John Ledum, Tug should be able to learn how to respond up to 90 different sounds.

"But half the service of a guide dog is giving disabled persons a chance to work outside the self," says Ledum, who assisted with Tug's surgery. "Even if the dog were never to work again, he has done his job."

Lemmon and his wife of 28 years, Nancy, moved to Alaska from Oregon in 1983. Throughout his working life, says Lemmon, he was relegated to a series of heavy-lifting jobs and was often fired or laid off because of his hearing loss.

He's unemployed now, and is undergoing job training with the state's vocational rehabilitation department.

See Page J-3, HEARING



Above, a monitor keeps track of Tug's heartbeat while John Ledum helps Dr. Jim Wempe trim Tug's toenails after his ears were cleaned. Left, Dr. Wempe peers 2 1/2 inches into Tug's ear canal.

Hearing dog has ear surgery

Continued from Page J-1

Life in Alaska is much better than other places he has lived, he says. "The people are friendlier here, especially in the smaller towns."

But frustrations with his hearing loss continue. He is often asked to leave local stores and offices because of Tug.

"What's a dog gonna do in a hardware store?" Lemmon asks. "He's well trained. He's not going to piddle. If he does, I'm going to clean it up. Small kids piddle, too. He's never had an accident."

Lemmon has won a few of the standoffs, however.

"I was in one store and they asked me to leave and I told them, 'You're going to have call the police and arrest me 'cause I'm not leaving.'"

"I just want to be accepted for what I am, nothing more, nothing less."

Still, the frustrations continue. Store owners are not legally obligated to give Tug

the same consideration they must give to seeing eye dogs.

But there is a bill pending in the state legislature to allow hearing-impaired people to use guide dogs in public. It is Lemmon's fervent hope that the bill, HB 107, passes quickly.

"All handicapped people have to work twice as hard just to keep up," he says.

"It's not fair. If I can do something to stop the torment, grief and frustration of just one handicapped person — it's all worth it."

Tug's surgery last week was successful, says Wempe, although it will need to be repeated about twice a year.

"It's a funny thing," says Lemmon, after watching his dog recover from the anesthesia. "An animal is unlike people. You can beat a dog — I don't. — but you can beat a dog and he will come back and lick your hand."

"If all people could learn lessons from a dog, wouldn't it be a nice world to live in?"



Backgrounder

States Information Center
The Council of State Governments
Iron Works Pike
P.O. Box 11910
Lexington, KY 40578
(606) 252-2291

Date: June, 1984

Topic: Civil Rights

Infokey: Civil Liberties and Civil Rights

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The Civil Rights Act of 1984: An Anti-Discrimination Law for all 50 States

Over the past 20 years, Congress has enacted four laws to prevent discrimination on the basis of race, color, national origin, sex, disabilities and age. These laws have been made applicable to the states and to private institutions by tying them to federal money. Technically, no state institution is required to obey the civil rights laws, but the cost of disobedience is ineligibility for federal aid. Only a few individualists have chosen to turn down money offered by Washington.

When the U.S. Supreme Court decided the case of Grove City College v. Bell (104 S.Ct. 1211) earlier this year, it narrowly interpreted the coverage of one of the civil rights laws, Title IX. Many observers feared that the case would serve as a precedent that would lead to a restriction on the coverage of the other three acts protecting civil liberties. One member of Congress called the Grove City decision "a telling blow against our national policy of eliminating unfair discrimination,"¹ and another said that it "pierced a gaping hole in Federal civil rights protections".²

The Senate responded quickly to the decision, when 61 of its members co-sponsored S.2568, a bill to amend the first four civil rights acts to avoid the interpretation set down by the Supreme Court in Grove City. Entitled "The Civil Rights Act of 1984," the bill is certain to pass the Senate. A similar bill passed the House on June 26 by a 375 to 32 vote.³

did this pass the Senate?

*This CSG Backgrounder was compiled by Mark Ford, States Information Center.

Note: *Backgrounder* information is the latest available at the time of publication, but for updates, you should contact the appropriate state or federal agency directly. This material does not represent the position of The Council of State Governments. Information is included based on relevance to the topic. Some material, as noted, is copyrighted and may not be reproduced further without permission of the original publisher. Contact the States Information Center or the writer at CSG.

Background

Title VI of the Civil Rights Act of 1964 prohibited discrimination on the grounds of race, color, or national origin in "any program or activity receiving federal financial assistance." The principle "that the federal government should not subsidize those who violate its laws or allow public tax dollars to underwrite discrimination"⁴ was extended later to prevent discrimination on the basis of sex (Title IX of the Educational Amendments Act of 1972), physical or mental disability (section 504 of the Rehabilitation Act of 1973) and age (Age Discrimination Act of 1975). All three acts outlawed discrimination in "any program or activity" that received federal funds.

The Grove City decision came six years after the U.S. Department of Education and a private college in Pennsylvania first clashed over the school's compliance with federal regulations banning sex discrimination (based on Title IX). Grove City College had a policy of rejecting direct federal aid, but some of its students received federally-backed education grants, and so, the government argued that the indirect aid gave it the right to enforce its regulations.⁵ The Supreme Court agreed unanimously with the argument, but it went one step further. It construed the words forbidding discrimination in "any program or activity receiving federal financial assistance" to mean that Title IX applied only to those programs that received federal funding (in Grove City, only the financial aid office was found to be getting federal aid). This meant that any school program that did not receive money from Washington did not have to obey antidiscrimination laws.

Since the "program or activity" language is present in all four civil rights statutes, the narrow reading given to Title IX in Grove City could be applied to the other acts. Fears that "the court's logic would open the door to widespread discrimination,"⁶ prompted Edward Kennedy and Bob Packwood to co-sponsor the Senate act designed to change the language that led to the narrow ruling.

What the Civil Rights Act of 1984 Will Mean

Basically, the new Civil Rights Act alters the words of the laws of 1964, 1972, 1973 and 1975. Where once the acts prohibited discrimination "under any program or activity receiving federal financial assistance," they now will prohibit discrimination "by any recipient of federal financial assistance."⁷

The new definition of "recipient" will include "any state or political subdivision thereof, or any instrumentality of a state or political subdivision thereof" which gets federal aid directly or indirectly, "or which receives support from the extension of Federal financial assistance to any of its subunits."⁸ Money provided from Washington to any state governmental unit could automatically place all state programs under the jurisdiction of federal laws and regulations concerning civil rights. However, the penalty for violating the law is not a total denial of aid; instead, "only the particular assistance supporting noncompliance will be subject to termination."⁹

Arguments in Favor of the Civil Rights Act of 1984

Proponents of the Civil Rights Act of 1984 argue that:

°The four major civil rights statutes that mandate equal treatment for all Americans in programs receiving federal aid, regardless of race, color, national origin, sex, handicap or age "have been among the most proven and effective tools for eliminating discriminatory practices in our society" (Senator Kennedy, D-MA)¹⁰ Their effectiveness, however, has been called into question by Grove City, and can only be restored by corrective legislation.

°The Civil Rights Act of 1984 is necessary if only to restore the civil rights laws to the position they held before the language of Title IX was "misinterpreted" by the Supreme Court in Grove City. "It is now incumbent upon the Congress to do what it should have done 20 years ago when it passed the prototype for these laws, Title VI. The protections afforded by these civil rights provisions are too precious to millions ... for Congress to delay any longer in removing the ambiguity and making explicit its true intent." (Senator Dole, R-Kansas)¹¹

°The act will pave the way for "a full partnership between the States and Federal Government to abolish discrimination in our country," says Senator Bingaman of New Mexico¹², in response to fears of "creeping federalism". Senator Mitchell of Maine adds that "if constitutional rights are to be preserved, then it is up to the National Government to set the example by vigorous enforcement of those laws [which give strength to constitutional guarantees]."¹³ In other words, the Civil Rights Act of 1984 will be a burden only if the individual states choose to make it one.

Arguments Against the Civil Rights Act of 1984

While they are in favor of legislation forbidding discrimination among equally qualified persons on the basis of ethnic background, skin color, gender, handicaps or age, some observers object to the new act, saying that it forces the states to submit to statutes and regulations dictated from Washington, D.C. They argue that:

°The act represents "an unparalleled opportunity to extend the federal regulatory reach much further into the organizations and institutions of American society than ever before," according to Professor Chester Finn of Vanderbilt University.¹⁴ Mike Horowitz, General Counsel of the federal Office of Management and Budget, pointed out that the new act will have the effect of "extending Federal mandates to State and local activities and agencies which receive no federal funds whatever."¹⁵

Nationally-syndicated columnist James J. Kilpatrick says, "The doctrine of federalism is one of the foundation stones on which our whole structure of government rests. This is the doctrine, embedded in the 10th Amendment, that teaches us the value of diversity in political experiment," and he adds, "the trend toward pervasive federal power is eroding the old good stone of federalism."¹⁶

- o The regulatory burden on state and private organizations will increase as the states become subject to differing interpretations of the civil rights laws that will be handed down by federal courts and federal agencies. The agency regulations tend to be more strict than the civil rights laws under which they are passed -- Horowitz notes that while Title VI only prohibits intentional discrimination, Department of Education regulations prohibit practices "having a 'disproportionate impact', regardless of their intent." As a result, those who receive money that can be traced to the federal government will have to design their programs in order to comply with every agency's notion of what is fair or unfair.
- o Finn also notes that, "the new legislation puts powerful new tools into the hands of those opposed to quotas and set-asides as well as those favoring such mechanisms." A host of private and state-sponsored affirmative action programs will become vulnerable to lawsuits inspired by Bakke v. Board of Regents, the famous "reverse discrimination" case.
- o Finally, Horowitz points out that a federal court may award "reasonable attorneys' fees" to a plaintiff who wins litigation brought under one of the civil rights acts. With this existing incentive, combined with the opening of new avenues for suits brought in the name of civil rights, Finn argues that the Civil Rights Act of 1984 "could well turn out to be the largest windfall ever for the legal profession."

CONCLUSION

Whether for good or for bad, the Civil Rights Act of 1984 will increase the role of the federal government in the 50 states. The act is supported by a majority of senators, and an identical bill has already been passed by the House of Representatives. This new civil rights legislation is almost certain to be signed into law by President Reagan before he faces re-election in November.

Offered: 5/3/85
Referred: Finance

Original sponsor: Judiciary Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 393 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:
10 (b) A person is not disqualified to act as a juror solely be-
11 cause of the loss of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.
13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.
16 * Sec. 2. AS 18.06.040 is amended to read:
17 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
18 Enforcement of this chapter shall be by the state Human Rights Commis-
19 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
20 feres with admittance to or enjoyment of the public facilities set out
21 in AS 18.06.020 or otherwise interferes with the rights of a physical-
22 ly or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE] disabled
23 person is guilty of a misdemeanor and upon conviction is punishable by
24 a fine of not more than \$1,000, or by imprisonment for not more than
25 60 days, or by both.
26 * Sec. 3. AS 18.80.255 is amended to read:
27 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
28 SUBDIVISIONS. It is unlawful for the state or any of its political
29 subdivisions

1 (1) to refuse, withhold from or deny to a person any local,
2 state or federal funds, services, goods, facilities, advantages or
3 privileges because of race, religion, sex, color or national origin;

4 (2) to publish, circulate, issue, display, post or mail a
5 written or printed communication, notice or advertisement which states
6 or implies that any local, state or federal funds, services, goods,
7 facilities, advantages or privileges of the office or agency will be
8 refused, withheld from or denied to a physically or mentally disabled
9 person or a person of a certain race, religion, sex, color or national
10 origin or that the patronage of a physically or mentally disabled
11 person or a person belonging to a particular race, creed, sex, color
12 or national origin is unwelcome, not desired or solicited; it is not
13 unlawful to post notice that facilities to accommodate the physically
14 or mentally disabled are not available;

15 (3) to refuse or deny to a person any local, state, or
16 federal funds, services, goods, facilities, advantages or privileges
17 because of physical or mental disability; however, this paragraph may
18 not be construed to require alteration or remodeling of buildings or
19 facilities owned or operated by the state or its political subdi-
20 visions to any extent not required by other law.

SB 168, Rights of deaf, blind and disabled persons.

SB 168 would amend AS 09.02.010, qualifications of jurors, to clarify that a person is not unqualified to act as a juror solely because of deafness, blindness or physical immobility. It would also require that services of an interpreter for a deaf juror be paid by the court, and that the state, its political subdivisions, and the University make available and pay for interpreters for deaf persons seeking access to their services.

SB 168 would also amend AS 18.06.040, interference with the use of a public facility by the blind or physically disabled, to include as punishable interference the use of facilities by deaf persons.

The Human Rights Commission has statutory authority to investigate and prescribe remedies to eliminate discrimination based on conditions such as race, religion, and marital status in the areas of civil rights, employment, housing, and financial practices. SB 186 would include deafness, blindness, and physical and mental disabilities as an inappropriate basis for discrimination, and provide a definition for disability.

SB 230, Relating to education.

SB 230 is a response to an anticipated reduction in the amount of state funding available for schools, and the reduction in district staffs that this may necessitate. Tenured teachers could be "nonretained" (i.e. contracts not renewed) in the event of an anticipated loss of funds, and a reduction in the number of teachers would be matched by a reduction in administrative personnel. The basis for acquiring tenure would be extended from two years to three.

The bill also provides for the legislature to annually advise the Department of Education of the amount it expects to appropriate to the school foundation program for the following fiscal year.

A sectional analysis is attached. The Association of School Administrators will propose an amendment (attached) that would allow for dismissal of teachers in the event of an anticipated loss of funds.

HB 215, State assistance for community health aide programs.

CSHB 215 (Fin) would provide financial assistance to nonprofit health organizations for training and supervising of community health aides. Historically, the community health aide program has been sponsored and funded by the federal Indian Health Service. Since FY 82, selected health corporations have received state grants through direct legislative appropriation. HB 215 would establish an equitable funding formula,

MEMORANDUM

State of Alaska

TO: Representative Jim Duncan
House of Representatives

FROM: F. Pat Young *3*
Deputy Director
Vocational Rehabilitation

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

SUBJECT: House Bill 172

The Division of Vocational Rehabilitation strongly supports House Bill 172 which safeguards the rights of the disabled to full use of public places, public transportation, accommodations, and the right to be accompanied by a service animal. To date, very few disabled individuals within Alaska use service animals. The division is hopeful that legislation protecting an individual's right to use and house a service animal will enhance the opportunity for individuals who desire a service animal to have one. This law would also allow these animals to be insured which is an added incentive.

We appreciate your concern for the handicapped and your continuing support of them.

RECEIVED
FEB 14 1985

MEMORANDUM

State of Alaska

TO: Jim Duncan
Representative

DATE: February 12, 1985

FILE NO:

TELEPHONE NO: (907) 465-2814

FROM: F. Pat Young ^{3/}
Deputy Director
Vocational Rehabilitation

SUBJECT: House Bill 172

In addition to the comments made previously concerning House Bill 172, we are sending a copy of the Congressional Record of January 31, 1985. The subject is the right of mentally retarded persons to live in the community. As in the Clayborne case in Texas, many Alaskan communities including Juneau have zoning ordinances which create problems of group homes for the developmentally disabled. I am mentioning this because your bill particularly addresses physically handicapped in terms of rental or purchase of property but it does not address the developmentally disabled or the mentally retarded. This is a whole other area of concern to us and I am sure that other individuals are concerned about it also.

Good luck with House Bill 172.

RECEIVED
FEB 14 1985

POSITION PAPER

HOUSE BILL 172

"An Act relating to the rights of blind, hearing impaired, disabled, and physically handicapped persons."

SUMMARY OF CURRENT LAW:

AS 18.06 entitles a visually and otherwise physically disabled person full and equal accommodations, advantages, facilities and privileges on all common carriers, airplanes, motor vehicles, trains, buses, street cars, boats or other public conveyance, hotels lodging, places of public accommodation, amusement, or resort and other places to which the general public is invited.

A.S. 18.06 also establishes that blind persons have the right to be accompanied by guide dogs in the above locations and describes rights of blind people (and their guide dogs) as pedestrians.

In addition A.S. 18.06 defines unlawful practices in the sale or rental of real property on the basis of sex, marital status, pregnancy, race, religion, color or national origin.

EFFECT OF HOUSE BILL 172:


House Bill 172 extends A.S. 18.06 by allowing persons with impaired hearing, and otherwise disabled persons to be assisted by "service animals" in the same manner and with the same rights as visually impaired persons currently have in the use of guide dogs.

House Bill 172 also extends the rights of visually impaired pedestrians to include "otherwise disabled" pedestrians.

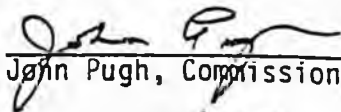
House Bill 172 also expands description of illegal practices in the sale or rental of real property to include illegal practices to a person because of physical handicaps, use of a prosthesis or service animal.

RECOMMENDATION:

The Department of Health and Social Services supports the passage of of House Bill 172.

Recommended by: 
Mel Henry, Ph.D., M.P.A.

Date: 2-15-85

Approved by: 
John Pugh, Commissioner

Date: 2/15/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 172
 Title: An Act relating to the rights blind, hearing impaired, disabled
 Sponsor: Juncan
 Requestor: _____
 Date of Request: 2-07-85

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health & Developmental Disabilities
 BRU, Program or Subprogram(s) Affected: Community Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						


FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

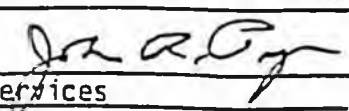
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert P. Gregovich, Ph.D. 
 Division: Mental Health & Developmental Disabilities

Phone: 465-3370

Date: 2-13-85

Approved by Commissioner: 
 Agency: Health & Social Services

Date: 2/15/85

JCC
J

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

POSITION PAPER

CS HB 172

"An Act relating to the rights of physically and mentally disabled persons."

EFFECT OF CS HB 172:

This bill seeks to expand the rights of physically and mentally disabled persons in three areas:

1. It would amend A.S. 09.20.010 to allow persons with visual, hearing and mobility impairments to serve as jurors and require courts to pay for interpreter and/or reader services as needed for such jurors.
2. A.S. 18.06 would be amended to expand protection currently offered to blind persons using guide dogs to "physically and mentally disabled" users of "service animals".
3. Under A.S. 18.80, all areas of the Human Rights Law would be expanded to provide equal protection to "physically and mentally disabled persons" as defined.

RECOMMENDATION:

The Department of Health and Social Services supports passage of CS HB 172.

Recommended by:

Mel Henry, Ph.D., M.P.A.

Date:

4-1-85

Approved by:

John Pugh, Commissioner

Date:

3/31/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB 172
 Title: "An Act relating to the rights of physically & mentally disabled persons"
 Sponsor: HFSS
 Requestor: _____
 Date of Request: 3-22-85

FISCAL DETAIL

Department of Health
 Agency Affected: and Social Services
 Program Category Affected: Division of Mental Health and Developmental Disabilities
 BRU, Program or Subprogram(s) Affected: Community Developmental Disabilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME N/A						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Mel Henry, Ph.D., M.P.A. Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 3-28-85

Approved by Commissioner: John R. By Date: 3/31/85 fcc
 Agency: _____

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 172
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled
 Sponsor: Duncan/Collins/Gruenberg
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Due Process
 Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						-
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		226.3	14.8	15.7	16.7	17.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS					
OTHER					
TOTAL	226.3	14.8	15.7	16.7	17.7

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher
 Division: Alaska Court System
 Approved by Commissioner: [Signature]
 Agency: Alaska Court System

Phone: 264-0561
 Date: 3/20/85
 Date: 3/20/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ALASKA COURT SYSTEM
CSHB 172 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

BILL SHEFFIELD, GOVERNOR

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(907) 274-4692

SOUTHEASTERN REGION:
POUCH AH
314 GOLDSTEIN BUILDING
JUNEAU, ALASKA 99811
(907) 465-3560

April 15, 1985

The Honorable M. Mike Miller
Chair
House Judiciary Committee
Juneau, AK 99811

Dear Representative Miller:

At its annual meeting on February 28 - March 1 in Juneau the Human Rights Commissioners reviewed HB 172 and SB 168 and took the following positions:

HB 172 - The Commissioners supported this bill and agreed "the more comprehensive coverage of SB 168 is preferable in terms of our statute."

SB 168 - "To support that part of the legislation which applies to our agency and the state law and express a concern that the portion which deals with jury duty be permissive but not mandatory."

More recently, we have reviewed CSHB 172 which passed out of House Health Education, and Social Services Committee with significant changes which affect the Commission's position on this bill.

The Commission now offers the following comments on CSHB 172:

1. The Commission does not support the extension of its jurisdiction in Section 18.06.202(a)-(c) and Section 18.06.030 to include streets, highways, sidewalks, walkways and the rights of the disabled as pedestrians. These areas fall outside the parameters of the agency's expertise and are not compatible with our program.

2. The Commission continues to support the extension of its jurisdiction on the basis of disability to include sale or rental of real property, places of public accommodation, financial practices, and practices by the state or its political subdivisions. The Commission presently investigates complaints filed by other protected classes alleging violations of these sections. Based on our experience in investigations of physical handicap discrimination in employment, we are prepared to offer our services giving broader protections for the disabled under the proposed legislation.

Miller
Page 2
April 15, 1985

3. The Commission supports the definition of disability as proposed in SB 168, Section 11, AS 18.80.300. The Commission recommends the substitution of SB 168's definition of disability in CSHB 172.

4. The Commission requests that the fiscal note prepared by the Office of the Governor dated 3/20/85 be reattached to this legislation. The Commission supports added protections from discrimination for the disabled in Alaska; however, the Commission's FY 85 staff is already stretched to the limits as more persons continue to file complaints of discrimination under the present statute. To extend the Commission's jurisdiction without additional resources to enforce those jurisdictions would result in larger caseloads for investigators and delays in processing cases. In 1984, the agency increased case production by 17% despite a 29% increase in the number of new filings. This increase in case resolutions was especially significant in light of the reduction of 2.5 staff investigators since FY 83; the Commission has, in fact, met the challenge to do more with less. Unfortunately, the Commission's increased productivity has now reached its maximum. Adding new protections as the filing rate continues to climb will result in decreased case production. We, therefore urge you to adopt the Office of the Governor's fiscal note dated 3/20/85.

Please do not hesitate to contact me if you or members of your Committee have questions about our position on this bill.

Sincerely,

Janet L. Bradley
Executive Director

JLB/b

ALASKA COURT SYSTEM
SB 168 - RIGHTS OF DEAF, BLIND, AND DISABLED PERSONS
FISCAL IMPACT

This legislation allows deaf, blind, and disabled individuals to serve on juries. Additionally, interpreters are provided for deaf persons while on jury duty. This legislation will impact the Court's travel, contractual, and leasehold improvements budget categories.

Historically, seven percent of all eligible persons are selected for jury service, which typically averages one and one-half days in length. The Division of Vocational Rehabilitation has estimated that 250 deaf persons would be eligible for jury duty. Based on past experience, approximately 17 deaf individuals could be called for service in a year. Each deaf juror would require an interpreter for all activities in the court. Interpreter fees are calculated to cost \$9,900 per year. Depending upon availability, interpreters may have to travel to the court locations around the state. This travel is estimated to cost \$4,100.

Providing access to court facilities and restrooms for disabled individuals will require remodeling of certain courts. The remodeling will provide barrier-free access routes to court buildings, expansion of jury boxes, and enlarged toilet facilities for individuals in wheelchairs. For those locations where remodeling is feasible, the cost is estimated at \$212,300. In a few locations, such as Nome, modifications cannot be made, except at a substantial cost. Many urban courts are already equipped to handle disabled persons.

Cost estimates for subsequent fiscal years reflect inflation at the rate of six percent.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 168
 Title: An Act Relating to Rights of Deaf, Blind, and Disabled
 Sponsor: Rodey/Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: Due Process
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.1	4.3	4.6	4.9	5.2
300 CONTRACTUAL		9.9	10.5	11.1	11.8	12.5
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		212.3				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		226.3	14.8	15.7	16.7	17.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		226.3	14.8	15.7	16.7	17.7
FEDERAL FUNDS						
OTHER						
TOTAL		226.3	14.8	15.7	16.7	17.7

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert G. Fisher Phone: 264-0561
 Division: Alaska Court System Date: 3/20/85
 Approved by Commissioner: [Signature] Date: 3/20/85
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

State of Alaska

(Edie)

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
(Co-Chairman)
HOUSE JUDICIARY
HOUSE COMMUNITY AND
REGIONAL AFFAIRS



POUCH V
JUNEAU, ALASKA 99811
(907) 465-4968

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

May 15, 1985

Senator Bettye Fahrenkamp
Chairman, Senate HESS Committee
Pouch V
Juneau, AK 99811

RE: HB 172 and HB 393

Dear Senator Fahrenkamp:

The above bills, relating to rights of the handicapped, were the two bills I discussed with you and Sandra. They have both passed the House and are intended to be incorporated into one bill. Senator Rodey had a committee substitute prepared to do this, and in the final days of the session, in an attempt to speed passage of the legislation, waived HB 172. I would be very grateful if you would take up HB 172, which is now in your committee, and consider the originally proposed Senate Judiciary Committee substitute, incorporating both bills.

I would be very grateful if you could schedule an early hearing on this legislation at the beginning of the next session. I know I am speaking on behalf of both Representative Duncan and myself.

Cordially,

A handwritten signature in dark ink, appearing to read "Max F. Gruenberg, Jr.", written over a horizontal line.

Max F. Gruenberg, Jr.

MFG/ke

cc: Senator Rodey
Representative Duncan

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 10/15/85

REQUE... FISCAL DETAIL
 Bill/Resolution No.: SB 168 Agency Affected: Due Process
 Title: Rights of Deaf, Blind and Disabled Persons / Josephson Program Category Affected: _____
 Sponsor: Rodey, V. Fischer, Kerttulainen Human Rights Commission
 Requestor: Fahrenkamp BRU, Program or Subprogram(s) Affected: _____
 Date of Request: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING			49.1			
100 PERSONAL SERVICES			7.5			
200 TRAVEL						
300 CONTRACTUAL			.5			
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING			57.1			
CAPITAL			-0-			
REVENUE			-0-			

FUNDING: (Thousands of Dollars)

GENERAL FUND			57.1			
FEDERAL FUNDS			-0-			
OTHER			-0-			
TOTAL			57.1			

POSITIONS:

FULL-TIME			1.0			
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Michael A. Nizich, Director Phone: 465-3616
 Division: Administrative Services Date: 10/15/85

Approved by Commissioner: Laura J. Herman Date: 10-16-85
 Agency: Office of the Governor

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

new position to handle increased caseload of complaints

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



P. O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

SECTIONAL ANALYSIS FOR SCS CSHB 172 (HESS)

Section 1 Provides that persons with sight, hearing, or mobility impairment cannot be disqualified as jurors. Also requires the court system to provide an interpreter or reader for persons with hearing or sight impairment.

Section 2 Includes as an aggravating factor under presumptive sentencing, offense at a victim because of that person's physical or mental disability.

Section 3 Includes mentally disabled persons under the state policy of encouraging and enabling disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Section 4 Replaces the phrase "blind, visually handicapped and otherwise disabled" with a broader term "physically and mentally disabled", which is defined in section 16. Protects the rights of these persons to use public streets, sidewalks, transportation and public accommodations. Also substitutes the term "service animal" in place of "guide dog" and requires that the animal be certified as able to function in a public setting.

Section 5 Extends the rights of pedestrians to include the "physically and mentally disabled" and allows the use of "service animals" and "special equipment for mobility". Deletes the reference to "contributory" negligence in conformity with existing negligence law.

Section 6 Establishes that enforcement of physically and mentally disabled persons' rights is by the state Human Rights Commission. Provides that persons interfering with the rights of disabled persons are guilty of a class B misdemeanor.

Section 7 Deletes the existing definition of "totally blind" or "partially blind" and references the definition in Section 16 for "physically or mentally disabled".

Section 8 Provides that the state Human Rights Commission has the duty to eliminate discrimination based on "physical or mental disability" and has the duty to enforce the rights of disabled persons.

Section 9 Includes "physical or mental disability" among those types of discrimination that are a matter of public concern and should be eliminated from the areas of employment, financing, public accommodations, and transfers of real property.

Section 10 Includes "physical or mental disability" among those things for which a person has a civil right to certain opportunities without discrimination.

Section 11 Prohibits discrimination in employment matters as to those individuals with a "physical or mental disability".

Section 12 Prohibits discrimination in places of public accommodation as to those individuals with a "physical or mental disability".

Section 13 Prohibits discrimination in the sale or rental of real property to those individuals with a "physical or mental disability".

Section 14 Prohibits discrimination in credit and financing matters against those with a "physical or mental disability".

Section 15 Prohibits discrimination by the state or its political subdivisions in providing federal funds, services, goods, facilities, advantages, or privileges, because of a "physical or mental disability". Clarifies that alteration or remodeling of buildings, facilities or vehicles is not required unless required by other law.

Section 16 Defines "physical or mental disability" as a physical or mental impairment that limits or is perceived as limiting a major life activity.

Section 17 Repeals the existing definition of "physical handicap". This term is no longer used in these statutes.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



P O BOX 1
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, March 18, 1986

DATE: March 14, 1986

On Tuesday, March 18, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

CSHB 114 (Jud) am Relating to correctional facilities and the imprisonment and rehabilitation of offenders.

HB 114 was heard by the committee on March 11 and is scheduled for a work session on Monday, March 17. In general, the bill is a comprehensive attempt to update Alaska's laws on correctional facilities. A copy of the bill and proposed amendments are attached; a sectional analysis was distributed previously.

HB 172, Relating to the rights of the physically and mentally disabled.

HB 172 was last considered by the committee on February 25. A committee substitute has been prepared that would:

- 1) require the Human Rights Commission to adopt regulations indicating under what circumstances it is appropriate to consider a person's physical or mental disability,
- 2) clarify that the purpose of the bill is to prevent unjustified discrimination resulting from misconceptions about mental and physical disabilities, and

3) clarify that alteration or remodeling of facilities is not required by the bill.

Offered: 3/22/85
Referred: Judiciary

*Changes made in
(H) JWB*

Original sponsors: Duncan, Collins
and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 172 (HESS)

3 OF THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and
7 mentally disabled persons."

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

9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely
11 because of the ^{mark} ~~loss~~ of hearing or sight in any degree or a disability
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter or reader when necessary to enable a person with impaired
15 hearing or sight to act as a juror.

16 * Sec. 2. AS 18.06.020 is amended to read:

17 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
18 CAPPED, AND THE OTHERWISE] physically and mentally disabled have the
19 same right as the able-bodied to the full and free pedestrian use of
20 the streets, highways, sidewalks, walkways, public buildings, public
21 facilities, and other public places.

22 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
23 physically and mentally disabled are entitled to full and equal accom-
24 modations, advantages, facilities, and privileges of all common
25 carriers, airplanes, motor vehicles, railroad trains, motor buses,
26 street cars, boats or any other public conveyances or modes of trans-
27 portation, hotels, lodging places, places of public accommodation,
28 amusement or resort, and other places to which the general public is
29 invited, subject only to the conditions and limitations established by

*18.06
Rts. of Blind
& Otherwise Physically
Disabled Persons*

1 law and applicable alike to all persons.

2 (c) Persons who are physically and mentally disabled [TOTALLY OR
3 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
4 by a service animal that is certified by a training facility for
5 service animals as being able to function in a public setting [GUIDE
6 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
7 in (b) of this section without being required to pay an extra charge
8 for the service animal [GUIDE DOG]; however, the person with the
9 animal [GUIDE DOG] is liable for any damage done to the premises or
10 facilities by the animal [DOG].

11 * Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
13 vehicle approaching a physically or mentally disabled [TOTALLY OR
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
15 or metallic in color, with or without a red tip, using special equip-
16 ment for mobility, or using a service animal [GUIDE DOG] shall take
17 all necessary precautions to avoid injury to the pedestrian, and a
18 driver who fails to take all necessary precautions and causes injury
19 to the pedestrian is liable in damages for the injury caused. A
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
21 pedestrian not carrying a cane as described in this section or using a
22 service animal [GUIDE DOG] in any of the places, accommodations or
23 conveyances set out under AS 18.06.020 has all of the rights and
24 privileges conferred by law upon other persons, and the failure of a
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-
26 an to carry a cane as described in this section or to use a service
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-
28 gence.

29 * Sec. 4. AS 18.06.040 is amended to read:

crim. enforcement

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Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
Enforcement of this chapter shall be by the state Human Rights Commis-
sion under AS 18.80.010 - 18.80.145. A person who denies or inter-
feres with admittance to or enjoyment of the public facilities set out
in AS 18.06.020 or otherwise interferes with the rights of a
physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]
disabled person is guilty of a misdemeanor ^{class B} ~~and upon conviction is~~
~~punishable by a fine of not more than \$1,000, or by imprisonment for~~
~~not more than 60 days, or by both.~~

* Sec. 5. AS 18.06.050 is amended to read:

Sec. 18.06.050. DEFINITIONS. In this chapter "physically or
mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY
BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES
NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE
WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20
DEGREES].

* Sec. 6. AS 18.80.060(a) is amended to read:

- (a) In addition to the other powers and duties prescribed by
this chapter the commission shall
- (1) appoint an executive director approved by the governor;
 - (2) hire other administrative staff as may be necessary to
the commission's function;
 - (3) exercise general supervision and direct the activities
of the executive director and other administrative staff;
 - (4) accept complaints under AS 18.80.100;
 - (5) study the problems of discrimination in all or specific
fields of human relationships, and foster through community effort or
goodwill, cooperation and conciliation among the groups and elements
of the population of the state, and publish results of investigations

1 substantially limit a person's major life activities but
2 that is treated by the person as constituting such a limita-
3 tion;

4 (ii) a physical or mental impairment that sub-
5 stantially limits a person's major life activities only as a
6 result of the attitudes of others toward the impairment; or

7 (iii) none of the impairments defined in this
8 paragraph but being treated by others as having such an
9 impairment;

10 (D) a condition that may require the use of a
11 prosthesis, special equipment for mobility or service animal;

12 (17) "physical or mental impairment" means

13 (A) physiological disorder or condition, cosmetic
14 disfigurement, or anatomical loss affecting one or more of the
15 following body systems: neurological, musculoskeletal, special
16 sense organs, respiratory including speech organs, cardiovascu-
17 lar, reproductive, digestive, genito-urinary, hemic and lymph-
18 atic, skin, and endocrine; or

19 (B) mental or psychological disorder, including mental
20 retardation, organic brain syndrome, ^{emotional or mental illness,} and specific learning dis-
21 abilities.

22 * Sec. 15. AS 18.80.300(13) is repealed.
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Introduced: 2/20/85
Referred: Health, Education and
Social Services and
Judiciary

BY RODEY, V. FISCHER,
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 168

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to rights of deaf, blind, and
disabled persons."

7

8

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

9

* Section 1. AS 09.20.010 is amended by adding new subsections to read:

10

(b) A person is not unqualified to act as a juror solely because

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of the loss of hearing or sight in any degree or a disability that

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substantially impairs or interferes with the person's mobility.

13

(c) The court shall provide, and pay the cost of services of, an

14

interpreter when necessary to enable a person with impaired hearing to

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act as a juror.

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* Sec. 2. AS 18.06 is amended by adding a new section to read:

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Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,

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office, agency, or other organizational unit of the state government,

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or a political subdivision of the state, including the University of

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Alaska, from which a deaf person seeks access to funds, services,

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goods, facilities, advantages, or privileges shall pay the costs of

22

and provide an interpreter for the person.

23

* Sec. 3. AS 13.06.040 is amended to read:

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Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who

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denies or interferes with admittance to or enjoyment of the public

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facilities set out in AS 18.06.020 or otherwise interferes with the

27

rights of a totally or partially blind or deaf or otherwise physically

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disabled person is guilty of a misdemeanor and upon conviction is

29

punishable by a fine of not more than \$1,000, or by imprisonment for

Introduced: 2/20/85
Referred: Health, Education and
Social Services and
Judiciary

BY RODEY, V. FISCHER,
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 168

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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7 disabled persons."

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9 * Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not unqualified to act as a juror solely because
11 of the loss of hearing or sight in any degree or a disability that
12 substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an
14 interpreter when necessary to enable a person with impaired hearing to
15 act as a juror.

16 * Sec. 2. AS 18.06 is amended by adding a new section to read:

17 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,
18 office, agency, or other organizational unit of the state government,
19 or a political subdivision of the state, including the University of
20 Alaska, from which a deaf person seeks access to funds, services,
21 goods, facilities, advantages, or privileges shall pay the costs of
22 and provide an interpreter for the person.

23 * Sec. 3. AS 18.06.040 is amended to read:

24 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who
25 denies or interferes with admittance to or enjoyment of the public
26 facilities set out in AS 18.06.020 or otherwise interferes with the
27 rights of a totally or partially blind or deaf or otherwise physically
28 disabled person is guilty of a misdemeanor and upon conviction is
29 punishable by a fine of not more than \$1,000, or by imprisonment for

1 not more than 60 days, or by both.

2 * Sec. 4. AS 18.80.200 is amended to read:

3 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
4 a matter of legislative finding that discrimination against an inhabi-
5 tant of the state because of race, religion, color, national origin,
6 age, sex, deafness, blindness, disability, marital status, changes in
7 marital status, pregnancy or parenthood is a matter of public concern
8 and that such discrimination not only threatens the rights and
9 privileges of the inhabitants of the state but also menaces the
10 institutions of the state and threatens peace, order, health, safety
11 and general welfare of the state and its inhabitants.

12 (b) Therefore, it is the policy of the state and the purpose of
13 this chapter to eliminate and prevent discrimination in employment, in
14 credit and financing practices, in places of public accommodation, in
15 the sale, lease, or rental of real property because of race, religion,
16 color, national origin, sex, age, deafness, blindness, disability,
17 marital status, changes in marital status, pregnancy or parenthood.
18 It is not the purpose of this chapter to supersede laws pertaining to
19 child labor, the age of majority or other age restrictions or
20 requirements.

21 * Sec. 5. AS 18.80.210 is amended to read:

22 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-
23 ployment, credit and financing, public accommodations, housing accom-
24 modations and other property without discrimination because of sex,
25 deafness, blindness, disability, marital status, changes in marital
26 status, pregnancy, parenthood, race, religion, color or national
27 origin is a civil right.

28 * Sec. 6. AS 18.80.220(a) is amended to read:

29 (a) It is unlawful for

1 (1) an employer to refuse employment to a person, or to bar
2 a person [HIM] from employment, or to discriminate against a person
3 [HIM] in compensation or in a term, condition, or privilege of employ-
4 ment because of [HIS] race, religion, color or national origin, or
5 because of [HIS] age, [PHYSICAL HANDICAP,] sex, deafness, blindness,
6 disability, marital status, changes in marital status, pregnancy or
7 parenthood when the reasonable demands of the position do not require
8 distinction on the basis of age, [PHYSICAL HANDICAP,] sex, deafness,
9 blindness, disability, marital status, changes in marital status,
10 pregnancy or parenthood;

11 (2) a labor organization, because of a person's sex,
12 deafness, blindness, disability, marital status, changes in marital
13 status, pregnancy, parenthood, age, race, religion, color or national
14 origin, to exclude or to expel the person [HIM] from its membership,
15 or to discriminate in any way against one of its members or an
16 employer or an employee;

17 (3) an employer or employment agency to print or circulate
18 or cause to be printed or circulated a statement, advertisement, or
19 publication, or to use a form of application for employment or to make
20 an inquiry in connection with prospective employment, that [WHICH]
21 expresses, directly or indirectly, a limitation, specification or
22 discrimination as to sex, deafness, blindness, disability, marital
23 status, changes in marital status, pregnancy, parenthood, age, race,
24 creed, color or national origin, or an intent to make the limitation,
25 unless based upon a bona fide occupational qualification;

26 (4) an employer, labor organization or employment agency to
27 discharge, expel or otherwise discriminate against a person because
28 the person [HE] has opposed any practices forbidden under AS 18.80.200
29 - 18.80.280 or because the person [HE] has filed a complaint,

1 testified or assisted in a proceeding under this chapter;

2 (5) an employer to discriminate in the payment of wages as
3 between the sexes, or to employ a female in an occupation in this
4 state at a salary or wage rate less than that paid to a male employee
5 for work of comparable character or work in the same operation, busi-
6 ness or type of work in the same locality; or

7 (6) a person to print, publish, broadcast or otherwise
8 circulate a statement, inquiry or advertisement in connection with
9 prospective employment that [WHICH] expresses directly, a limitation,
10 specification or discrimination as to sex, deafness, blindness,
11 disability, marital status, changes in marital status, pregnancy,
12 parenthood, age, race, religion, color or national origin, unless
13 based upon a bona fide occupational qualification.

14 * Sec. 7. AS 18.80.230 is amended to read:

15 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-
16 DATION. It is unlawful for the owner, lessee, manager, agent or
17 employee of a public accommodation

18 (1) to refuse, withhold from or deny to a person any of its
19 services, goods, facilities, advantages or privileges because of sex,
20 deafness, blindness, disability, marital status, changes in marital
21 status, pregnancy, parenthood, race, religion, color or national
22 origin;

23 (2) to publish, circulate, issue, display, post or mail a
24 written or printed communication, notice or advertisement that [WHICH]
25 states or implies

26 (A) that any of the services, goods, facilities,
27 advantages or privileges of the public accommodation will be
28 refused, withheld from or denied to a person of a certain race,
29 religion, sex, deafness, blindness, disability, marital status,

1 color or national origin or because of pregnancy, parenthood, or
2 a change in marital status, or

3 (B) that the patronage of a person belonging to a
4 particular race, creed, sex, marital status, color or national
5 origin or who, because of pregnancy, parenthood, deafness,
6 blindness, disability, or a change in marital status, is
7 unwelcome, not desired or solicited.

8 * Sec. 8. AS 18.80.240 is amended to read:

9 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF
10 REAL PROPERTY. It is unlawful for the owner, lessee, manager or other
11 person having the right to sell, lease or rent real property

12 (1) to refuse to sell, lease or rent the real property to a
13 person because of sex, deafness, blindness, disability, marital
14 status, changes in marital status, pregnancy, race, religion, color or
15 national origin; however, nothing in this paragraph prohibits the
16 sale, lease or rental of classes of real property commonly known as
17 housing for "singles" or "married couples" only;

18 (2) to discriminate against a person because of sex,
19 deafness, blindness, disability, marital status, changes in marital
20 status, pregnancy, race, religion, color or national origin in a term,
21 condition or privilege relating to the use, sale, lease or rental of
22 real property; however, nothing in this paragraph prohibits the sale,
23 lease or rental of classes of real property commonly known as housing
24 for "singles" or "married couples" only;

25 (3) to make a written or oral inquiry or record of the sex,
26 deafness, blindness, disability, marital status, changes in marital
27 status, race, religion, color or national origin of a person seeking
28 to buy, lease or rent real property;

29 (4) to offer, solicit, accept, use or retain a listing of

1 real property with the understanding that a person may be discriminat-
2 ed against in a real estate transaction or in the furnishing of facil-
3 ities or sources in connection therewith because of a person's sex,
4 deafness, blindness, disability, marital status, changes in marital
5 status, pregnancy, race, religion, color, national origin or age;

6 (5) to represent to a person that real property is not
7 available for inspection, sale, rental, or lease when in fact it is so
8 available, or to refuse to allow a person to inspect real property
9 because of the race, religion, color, national origin, age, sex,
10 deafness, blindness, disability, marital status, change in marital
11 status or pregnancy of that person or of any person associated with
12 that person;

13 (6) to engage in blockbusting;

14 (7) to make, print or publish, or cause to be made, printed
15 or published, any notice, statement or advertisement, with respect to
16 the sale or rental of real property that indicates any preference,
17 limitation, or discrimination based on race, color, religion, sex,
18 deafness, blindness, disability or national origin, or an intention to
19 make the preference, limitation or discrimination.

20 * Sec. 9. AS 18.80.250(a) is amended to read:

21 (a) It is unlawful for a financial institution or other commer-
22 cial institution extending secured or unsecured credit, upon receiving
23 an application for financial assistance or credit for the acquisition,
24 construction, rehabilitation, repair or maintenance of a housing
25 accommodation or other property or services, or the acquisition or
26 improvement of unimproved property, or upon receiving an application
27 for any sort of loan of money, to permit one of its officials or
28 employees during the execution of the official's or the employee's
29 [HIS] duties

1 (1) to discriminate against the applicant because of sex,
2 deafness, blindness, disability, marital status, changes in marital
3 status, pregnancy, parenthood, race, religion, color or national
4 origin in a term, condition or privilege relating to the obtainment or
5 use of the institution's financial assistance or credit, except to the
6 extent of a federal statute or regulation applicable to a transaction
7 of the same character;

8 (2) to make or cause to be made a written or oral inquiry
9 or record of the sex, deafness, blindness, disability, marital status,
10 changes in marital status, pregnancy, parenthood, race, religion,
11 color or national origin of a person seeking the institution's
12 financial assistance or credit, unless the inquiry is for the purpose
13 of ascertaining the creditor's rights and remedies applicable to the
14 particular extension of credit and is not made or used in order to
15 discriminate in a determination of creditworthiness;

16 (3) to refuse to extend credit, issue a credit card or make
17 a loan to a married person, who is otherwise creditworthy, if so
18 requested by the person;

19 (4) to refuse to issue a credit card to a married person in
20 that person's name, if so requested by the person, provided, however,
21 that the person so requesting a card may be required to open an ac-
22 count in that name.

23 * Sec. 10. AS 18.80.255 is amended to read:

24 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-
25 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-
26 cal subdivisions

27 (1) to refuse, withhold from or deny to a person any local,
28 state or federal funds, services, goods, facilities, advantages or
29 privileges because of race, religion, sex, deafness, blindness,

1 disability, color or national origin;

2 (2) to publish, circulate, issue, display, post or mail a
3 written or printed communication, notice or advertisement which states
4 or implies that any local, state or federal funds, services, goods,
5 facilities, advantages or privileges of the office or agency will be
6 refused, withheld from or denied to a deaf, blind, or disabled person
7 or a person of a certain race, religion, sex, color or national origin
8 or that the patronage of a deaf, blind, or disabled person or a person
9 belonging to a particular race, creed, sex, color or national origin
10 is unwelcome, not desired or solicited.

11 * Sec. 11. AS 18.80.300 is amended by adding new paragraphs to read:

12 (15) "disability" means

13 (A) a physical or mental impairment that substantially
14 limits one or more major life activities,

15 (B) a history of, or a misclassification as having, a
16 mental or physical impairment that substantially limits one or
17 more major life activities; or

18 (C) having

19 (i) a physical or mental impairment that does not
20 substantially limit a person's major life activities but
21 that is treated by the person as constituting such a limita-
22 tion;

23 (ii) a physical or mental impairment that sub-
24 stantially limits a person's major life activities only as a
25 result of the attitudes of others toward the impairment; or

26 (iii) none of the impairments defined in this
27 paragraph but being treated by others as having such an
28 impairment;

29 (16) "major life activities" means functions such as caring

1 for one's self, performing manual tasks, walking, seeing, hearing,
2 speaking, breathing, learning, and working;

3 (17) "physical or mental impairment" means

4 (A) physiological disorder or condition, cosmetic
5 disfigurement, or anatomical loss affecting one or more of the
6 following body systems: neurological, musculoskeletal, special
7 sense organs, respiratory including speech organs, cardiovascu-
8 lar, reproductive, digestive, genito-urinary, hemic and
9 lymphatic, skin, and endocrine; or

10 (B) mental or psychological disorder, including mental
11 retardation, organic brain syndrome, emotional or mental illness,
12 and specific learning disabilities.

13 * Sec. 12. AS 18.80.300(13) is repealed.



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith

Signature of Camera Operator

11/7/89

Date

H B

174

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: HB 179
Sponsor: TAYLOR
Date referred to committee: 5/6/85
Synopsis completed:
Fiscal note: ✓ *Q*
Further referrals: FINANCE

CONTACTS:

✓ NEA (Bob Manners) 6-3090
✓ DOE (Steve Hole) 2800
✓ DHSS NOTIFY ~~MARK JOHNSON~~ ^{NORMA LAZAR} EMS
✓ Rep Taylor (Elsa)

0 fiscal note.
oppose - doesn't make sense to require
anything of everybody



Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



POUCH V
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Senate Committee on Health, Education and Social Services

MEMORANDUM

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, January 16, 1986

DATE: January 15, 1986

On Thursday, January 16 at 1:30 pm in the Beltz Room the Senate Committee on Health, Education and Social Services will hear CSHB 174 (Fin), which would require certified teachers to complete a course in emergency care and first aid within five years of certification.

The State Board of Education is vested with the authority to approve teacher certification programs offered by colleges and universities and to determine the minimum standards for state certification. Current standards do not include requirements for any specific course work. The Department's Advisory Council for Teacher Certification is developing draft regulations on certification which will likely recommend that requirements include three credits of Alaska Studies and three credits of Multi-Cultural studies.

Current certification standards do require six renewal credits every three years. Three of these may be nonacademic with prior approval by the Commissioner.

The Alaska Emergency Medical Services planning guide, prepared by the State Division of Public Health, recommends that all schools post procedures for handling injuries and emergencies and provide an annual review of emergency procedures for all teachers. According to the American Red Cross, there are over 600 first aid instructors in Alaska. Training is generally provided at little or no cost to the student.

CSHB 161 (Fin) represents a compromise from the original version of the bill which would have required emergency training, first aid and CPR as a criteria for certification, and would have required districts to provide the training as part of their annual in-service program.

Offered: 4/10/85
Referred: Rules

Original sponsor: Taylor by request

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 174 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act requiring training in emergency care for
7 teachers certified in the state."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 14.20 is amended by adding a new section to read:
10 Sec. 14.20.025. ADDITIONAL TRAINING. A teacher shall complete a
11 program in emergency training and first aid within five years after
12 the effective date of this Act or after initial certification, which-
13 ever is later. The department shall adopt regulations to
14 (1) specify the content of the course;
15 (2) permit teachers to satisfy the requirement by evidence
16 of completion of comparable training; and
17 (3) establish the credit value of the training for purposes
18 of recertification credits.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB 174
 Title: An Act Requiring Training in Basic Emergency Care.....
 Sponsor: Representative Taylor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Public Health, Family & Youth Services
 BRU, Program or Subprogram(s) Affected: State Health Services BRU., Admin. Services - EMS; Youth Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-


FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

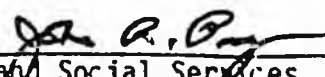
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
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Robert I. Fraser, M.D. 
 Division: Public Health

Phone: 465-3090
 Date: 3/20/85

Approved by Commissioner: 
 Agency: Dept. of Health and Social Services

Date: 3/25/85 

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget

THURSDAY, JANUARY 16, 1986

CSHB 174 (Fin) REQUIRING TRAINING IN EMERGENCY CARE FOR TEACHERS
CERTIFIED IN THE STATE.

TO TESTIFY:

REPRESENTATIVE TAYLOR, BILL SPONSOR

STEVE HOLE, DEPARTMENT OF EDUCATION

~~_____~~, NATIONAL EDUCATION ASSOCIATION

Gloria Way, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, OFFICE
OF EMERGENCY MEDICAL SERVICES

ORIGINAL BILL REQUIRED 8 CREDIT HOURS IN EMERGENCY TRAINING, INCLUDING
C.P.R. AND FIRST AID AS A CRITERIA FOR CERTIFICATION. ALSO REQUIRED
DISTRICTS TO USE ONE OF THEIR 10 INSERVICE DAYS ANNUALLY TO PROVIDE THE
COURSE.

N.E.A. AND THE DEPARTMENT OBJECTED TO THE CERTIFICATION REQUIREMENT; THE
SCHOOL ADMINISTRATORS OBJECTED TO THE INSERVICE PROVISION.

TODAY'S BILL IS A COMPROMISE:

1. EMERGENCY TRAINING AND FIRST AID; NO C.P.R.
2. WITHIN 5 YEARS OF CERTIFICATION, BUT NOT TIED TO RENEWAL

QUESTION EFFECTIVENESS. IF WE REALLY WANT TEACHERS TO KNOW FIRST AID,
SHOULDN'T WE TIE IT TO SOMETHING?

ZERO FISCAL NOTES -- HEALTH & SOCIAL SERVICES, EDUCATION

FOR COMMITTEE DISCUSSION:

~~SCHOOL FOUNDATION (DEPARTMENT'S PROPOSAL)~~

~~SCHOOL CONSTRUCTION (AMOUNT IN BUDGET; REGS. COMING FOR REVIEW)~~

~~STUDENT LOAN PROGRAM (IDEAS FOR LONG TERM STABILITY -- MAXIMUM
LOAN, STUDENT CONTRIBUTION, INTEREST RATE, NEEDS BASED)~~

~~MIDWIFE REGULATIONS (COMING FOR REVIEW)~~

Bills in committee

Alaska State Legislature



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Representative Ron W. Larson
District 16 B

MEMORANDUM

DATE: APRIL 4, 1985

TO: HOUSE FINANCE COMMITTEE MEMBERS

FROM: REPRESENTATIVE RON LARSON, CHAIRMAN SUB-COMMITTEE ON HB 174

The sub-committee, working with the sponsor, N.E.A. and the Dept. of Education, has prepared the attached proposed Finance Committee Substitute for HB 174.

The revision removes the requirement of first aid/emergency training for initial certification and allows a teacher five (5) years to obtain such training. It also removes specifically requiring cardiopulmonary resuscitation training.

The substitute further specifies that the Dept. of Education, through regulation, will recognize such training for recertification purposes.

Attachments: CSHB 174 (Finance work draft)

cc: Representative Taylor ✓
Representative Duncan, HB 174 Sub-committee
Representative Uehling, HB 174 Sub-committee

These comments are on original bill. NEA didn't submit comments on the House-passed version. were invited to attend today's hearing, & chose not to.



NEA-ALASKA

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January 16, 1986

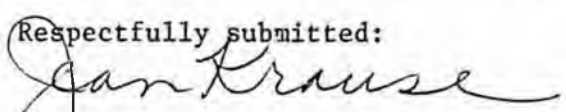
TO: Senator Bettye Fahrenkamp, Chair
Members of the Senate HESS Committee

RE: HB 174 "An Act requiring training in basic emergency care and the recognition of child abuse for teachers certified in the state."

NEA-Alaska supports the concept that all teachers should have basic training in emergency first aid and the recognition and reporting of child abuse. We also believe teachers should be trained in recognizing symptoms of depression and suicidal behavior and symptoms of alcohol and drug abuse. Teachers should also be knowledgeable about community and state referral agencies and all appropriate and available school district resources relative to these problems.

Our concern is not with the intent to insure this type of training but with legislating, with this specificity, requirements for teacher certification. We cannot support HB 174 in its present form.

We recommend that the concept be relayed to the State Board of Education which is vested with the authority to approve teacher certification programs offered by colleges and universities and to determine the minimum standards for certification. The State Board of Education has established an Advisory Council on Certification that is at work reviewing the certification regulations and preparing to recommend changes in these regulations to the Board. By having the Advisory Council review the need for specific health related training for teachers and make recommendations to the State Board insures that the issue is positively addressed in a way that is comprehensive and consistent with current regulations.

Respectfully submitted:

Jean Krause
President

C: Representative Robin Taylor
Harold Reynolds, Commissioner, Department of Education

JK:10



from Alaska EMS Goals: A Guide for Planning Alaska's
Emergency Medical Services System.

ALASKA EMS GOALS

SCHOOLS

I. Curriculum

All Alaska schools should include in their curriculum:

- A. Prevention of accidental injuries.
- B. First Aid and CPR.
- C. Appropriate access to emergency medical services.

II. Emergency Response

All Alaska schools should have:

- A. Posted procedures, known to all school personnel, for the efficient handling of injuries and emergencies, including plans for the transfer of critically injured or ill children to an appropriate facility.
- B. Annual review of emergency procedures and orientation for all teachers.
- C. At least one person, trained to ETT level, advanced first aid level or above, responsible for first aid and necessary referral for sick or injured children.

III. Physical Education and Competitive Athletic Programs

Each participating school should provide:

- A. An evaluation of each individual's appropriate level of participation.
- B. A plan for graduated conditioning.
- C. Training in the prevention of injuries relevant to each type of activity.
- D. All appropriate safety equipment.
- E. Procedures for handling of medical and dental emergencies in accordance with policies reviewed and approved by the official health agency serving the community.

The recommendations listed on these pages are not to be interpreted as regulations; they have not been adopted under the Alaska Administrative Procedures Act, A.S. Chapter 44.64, nor are they intended for future adoption as regulations.

REPORT OF THE TASK FORCE ON TEACHER CERTIFICATION

ISSUE - Reciprocity

Status Quo: A person who has a teaching certificate in another state does not automatically qualify for an Alaskan certificate.

To qualify for an Alaskan certificate, a person must be recommended by an institution with an accredited teacher education program and he/she must have taken six semester hour credits within the past five years.

Problem:

The requirement for an institutional recommendation is an obstacle for people who took courses in teacher education programs in more than one institution. For these people, it is often difficult, if not impossible, to get an institutional recommendation.

Factors To Consider:

Alaska no longer reviews transcripts to evaluate program equivalency.

The state(s) in which the Alaskan applicants have previously taught may have done a review of the transcripts and determined the person's course work comparable to that required in an approved accredited program.

TASK FORCE RECOMMENDATION:

Allow the recommendation of a certifying state agency to serve in lieu of an institutional recommendation.

Other than the above recommendation regarding reciprocity, the task force endorsed the status quo.

ISSUE - Screening

Status Quo: The Department of Education does ask a question on the certificate application about a person's criminal record.

The DOE does not fingerprint or otherwise conduct reference or background checks.

Problem:

The state is concerned about its right to deny a certificate to a person who has been convicted of a crime involving child abuse or sexual abuse of minors.

Factors To Consider:

The legislature has passed legislation enabling school districts to require fingerprinting of prospective employees working with children. Currently a few districts do require fingerprinting, although there is variation amongst those districts regarding what is required and what procedures are used. These district screening measures affect hiring only.

TASK FORCE RECOMMENDATION:

1. For initial applicants for certification.
2. The State shall be responsible for a reasonable screening of all initial applications for certification.
3. The applicant background check shall be for personal criminal history directly relevant to working with children and the responsibilities inherent in certificate endorsements.
4. Applications will contain language clearly explaining to the applicant that a background check will be conducted.
5. Screening shall involve fingerprint checks.
6. The State shall provide a written description of confidentiality procedures.
7. The State background check shall involve cooperative agreements with other state licensing agencies.
8. Any misrepresentation or willful omission of information on a certification application may result in denial or revocation of any certificate.
9. The oath on the certification application should be changed to the following:

"I hereby certify that the above information, to the best of my knowledge, is true, accurate, and complete. I understand that any misrepresentation or willful omission of information on this application may result in denial or revocation of any certificate for which I have applied or possess."
10. The department may deny a certificate to an applicant who has committed an act of immorality which is defined as the commission of an act which under the laws of the state constitutes a crime involving moral turpitude.

Moral turpitude is defined in the most recent Attorney General's opinion as:

- a. child abuse or molestation;

- b. sexual abuse of a minor;
- c. contributing to the delinquency of a minor;
- d. rape or sexual assault;
- e. a criminal act resulting in personal injury or destruction of property;
- f. misconduct involving a controlled substance in the first through the fifth degree; or
- g. any other act involving moral turpitude.

ISSUE - Testing Of Prospective Teachers

Status Quo: There is no state test required for initial certification in Alaska.

Problem:

Testing of prospective teachers has become an issue which has received considerable attention and debate during the "educational reform" movement.

Factors To Consider:

Proponents of testing believe it would provide a state method of screening the quality of applicants for certification.

Opponents of testing raise questions regarding test validity, relevance, quality, and bias.

TASK FORCE RECOMMENDATION:

The Certification Task Force agrees that current teacher testing instrumentation lacks adequate predictive validity for teaching outcomes and cultural fairness for screening Alaskan teacher applicants. The task force unquestionably opposes the use of a single measure to be given to all prospective teachers. Rather, the Certification Task Force recommends the following:

- a. The assessment of prospective teachers should be developed by an Alaskan group of educators with funds provided by the Alaska Department of Education. This recommendation is a requisite to all recommendations which follow.
- b. The use of multiple measures that could include some or all of the following: Alaskan developed tests, grade point average, teaching samples, multiple instruments that measure teaching performance.
- c. That any test and testing situation guarantee cultural fairness.

from Report of the Task Force on
Teacher Certification 1/86

- d. That tests should be considered diagnostic and allow the person to take the test more than once. The test should assist in prescription of needs.
- e. Assessment of teaching competence should include:
 1. Basic skills in literacy (writing, speaking and reading) and math-computing.
 2. Level II endorsement area.
 3. Professional ethics.
 4. Professional education and pedagogy with emphasis on effective teaching of culturally and individual diverse groups.
 5. The test should include an oral and written examination.
 6. The assessment of teachers should be done by the certifying agency.
 7. That the tests be administered to all new applicants for certificates.

ISSUE - Course Work Required By The State For Certification

Status Quo: No specific course work is required. There are requirements which speak to number of credit hours within the previous five years, but currently the state has no requirement related to subject areas.

Problem:

Seventy five percent of Alaskan teachers are educated in institutions outside of Alaska. There is a strong sentiment that Alaska is unique and the State should require specific course work as preparation for effective teaching in Alaska.

Factors To Consider:

Teachers educated outside the state may have had course work which would meet all or part of the Alaskan requirement.

Teachers educated at Alaskan institutions would probably have met all or part of the requirement.

If a teacher did not have the specific course work at the time of initial Alaskan certification, it may be unreasonable to deny certification, and if certified, the teacher would need a reasonable period of time to meet the requirement.

There are proponents who want to increase the number of credit hours teachers are required to complete in five years.

People who are currently certificated will not be subject to this requirement because there is no way to meaningfully evaluate the course work and/or experiences they may have had which would meet the requirement or its equivalency.

Teachers are, according to state regulation, required to be evaluated annually and deficiencies in the areas of state interest should be corrected as a result of evaluation.

The Task Force does recommend to the State Board, however, that the model of District inservice required for compliance with Title IX regulations could and should be used to insure that practicing certificated teachers are sensitive to issues related to multi-cultural instruction and to Alaskan history and culture.

TASK FORCE RECOMMENDATION:

Effective (date of regulation enactment) all new Type A and Type B certificate holders must complete:

- a. Three semester credit hours on Alaska Studies and Education.
- b. Three semester credit hours on Effective Multi-Cultural Education.

Note: The holder of the initial Alaskan certificate has five years to complete the requirements above if these have not been completed before certification.

If completed in the first renewal period, the credits on Alaska Studies and Education may not be used to satisfy any portion of the six required renewal credits. If a person needs these credits subsequent to certification and during the first renewal period, nine credits will be required in the first renewal period.

The credits on Effective Multi-Cultural Education may be used as renewal credit.

Note: The use of a Professional Development Plan does not waive these requirements and provisions.

ISSUE - Types Of Certificates

Status Quo:

Type A
Regular Certificate

4 AAC 12.045. Professional Certificate. (a) A professional certificate valid for five years may be issued a professional staff member of the department for whom certification is required, and who has

Type B
Administrative Certificate

Type C
Special services

(1) submitted a transcript of all academic work;

TASK FORCE RECOMMENDATION:

Repeal the Temporary Certificate
Repeal the Professional Certificate

Add a Type U certificate:

Minimum Requirements: (a) teaching faculty in an approved teacher training program university, (b) fulfills the requirements for a Type A or has been approved within the institution of higher education.

Endorsements: Same as for Type A or otherwise not applicable.

Renewal Requirements: Has a minimum of 10 hours per year K-12 classroom teaching experience.

ISSUE - Types of Endorsements

Status Quo: Types of endorsements include, "elementary", "secondary", "K-12", "Vocational", "Special Education", and many areas of subject expertise such as "English", "Social Studies", "Math", etc.

Vocational and Special Education endorsements are required in order for a person to teach in these areas.

Elementary and Secondary endorsements are not required to teach at either of these grade levels.

Only majors are listed on the certificate. Minor areas of concentration are not indicated.

Problem:

No particular distinction is made between endorsements that are required and those that are optional.

Although a special endorsement is required to teach in a vocational area such as woodworking, a person trained in primary can be legally assigned to teach high school with no state requirement for special preparation.

There are new areas of concentration and expertise that have already developed or are desirable to develop to meet educational needs in the state for which there is no current endorsement available.

By indicating majors only, the certificate unnecessarily limits information useful to employers who may need to assign a teacher to work in more than one area.

Factors To Consider:

Although it seems reasonable to expect that people teaching in secondary should have a secondary endorsement, the overriding need in small schools is for teachers who are generalists and for regulations which allow for flexibility.

Any requirements attached to the grade level endorsement must also allow for flexibility of assignment and for a reasonable period of time to comply with the requirement if an assignment is made out of a person's level of endorsement.

TASK FORCE RECOMMENDATION:

- A. Level I Endorsement (Requirement attached):
 - a. Elementary
 - b. Secondary
 - c. K-12
 - d. Voc-Ed
 - e. Special Education

Requirement attached to Level I endorsement:

The assignment of Type A certificate holders to teaching (more than 50% FTE) outside of their area will require that the certificate holders establish and make satisfactory progress on a professional development plan* relevant to the new teaching assignment in the succeeding five years of the assignment. This requirement does not apply to assignments within schools with 50 or fewer elementary or 50 or fewer secondary students.

- B. Level II Endorsements are of Two Types:
 - a. Subject matter specialty:
 - 1. Major
 - 2. Minor - to be indicated on certificate
 - b. Special Conditions, i.e., approved program from accredited institutions.
 - 1. Middle school
 - 2. Multi-cultural
 - 3. Rural - small school
 - 4. Early Childhood Education
 - 5. Senior Professional
 - 6. Etc.

ISSUE - Senior Professional Endorsement

Note: Although this is an endorsement, because it is a new concept and related to certificate renewal it deserves separate attention.

Status Quo: Currently, there is no equivalent.

Problem:

The "Educational Reform" movement has caused widespread recognition of the need to provide recognition for teachers who grow and contribute professionally beyond the minimums required for the renewal of a certificate.

Factors To Consider:

The recognition provided by this plan is in the eyes of the beholder. It may or may not have value depending on the values of the decision-makers considering it.

For Type B certificate holders, it is in the interest of the state to provide incentive and recognition for those administrators pursuing professional growth experience in instructional leadership. Instructional leadership connotes effective teaching practices. To provide incentive in a meaningful way, yet without instituting requirements that may not be relevant for Type B certificate holders, (depending on the position of the person), the Task Force decided to institute a requirement for experience in application of effective teaching concepts as a component of the plan to provide special recognition for administrators seeking the Senior Professional endorsement.

This requirement for application of effective teaching concepts as a component of the Senior Professional endorsement for Type B certificate holders could be met through the programs of the Principal's Leadership Program, through workshops on Clinical Teaching, through evaluated classroom practice, or other comparable experiences.

The Senior Professional endorsement is a concept recommended by the Task Force to provide state recognition of professional initiative and contributions outside of the classroom or the administrative role.

TASK FORCE RECOMMENDATION:

1. Qualifying criteria:
 - a. 10 years teaching experience - five of which is in Alaska.
 - b. Master's Ed Spec. or Doctorate. (for Type B certificates - Ed. Spec. or Doctorate)
 - c. Initiation of a Professional Development Plan

A professional development plan may include course work, field experience, professional presentations, research, publication or any combination thereof which contributes to the professional development objectives of the individual. The plan may be used in lieu of the standard renewal credits as defined above. The plan must have prior endorsement from an approved teacher education program and is to be defined in credit hours or credit hour equivalency.

from Report of the Task Force on
Teacher Certification

1/86

To be acceptable, the plan must be implemented prior to the end of the first year of the renewal period. If the Department of Education does not receive notice of unsatisfactory progress from the endorsing institution prior to the end of the third year of the renewal period, the existing certificate shall be renewed at the end of five years.

ISSUE - Renewal Requirements

Status Quo: Six semester credit hours in five years. Three of the six may be non-academic with prior approval of the commissioner.

Problem:

There is a perception that the renewal requirement is too lax and it is poor policy to allow any type of credit, regardless of its nature, to count toward certificate renewal.

Proponents of the status quo argue however, that it is far better policy to err in the direction of allowing professionals too much choice than to err by restricting choices and curbing exploration of the wide variety of course work which have legitimate contributions to make to teaching.

Factors To Consider:

The difference between upper and lower division credit seems to be a distinction which responds to concern about frivolous course work. Upper division work does not include the sorts of courses about which there has been concern.

It is also true, however, that lower division work may be relevant to the needs of the teacher. So it would be a mistake to bar access altogether.

Currently the state does not allow continuing education credits to count toward recertification. This is a nationally recognized program with quality controls which would provide high quality experiences and potentially greater access to renewal credits.

TASK FORCE RECOMMENDATION:

Three of the six semester hours of renewal credit may be lower division, correspondence courses or non-academic credit for the completion of institutes, workshops, travel, etc., with prior approval from the Commissioner of Education. The three credits may also be Continuing Education Units. At least three recency credits shall be upper division or graduate level.

ISSUE - Professional Development Plan

Status Quo: There is no such provision.

Problem:

The concept of the development plan derives from the effort to address the problem described above under Senior Professional Endorsement.

The Professional Development Plan addresses the recognized need to promote profession autonomy.

Factors To Consider:

Many people are involved in professional growth activities and/or activities which significantly contribute to the educational programs of their schools, districts, communities or state.

Currently there is no acknowledgement of the value of these activities either to the professional or to the profession.

If the value were acknowledged and encouraged by the state, a certificate holder may explore areas of interest and professional growth and contribution not now thought of as realistic, valuable or practical given the demand to meet the conventional requirements for certificate renewal.

There needs to be a quality control to insure the perceived integrity of this option.

This control must be kept separate from the person's employment conditions to insure that it is the professional who determines the program, not a supervisor.

The control must be accepted as creditable and must provide a range of options and flexibility to accommodate the diversity of individual needs and preferences.

TASK FORCE RECOMMENDATION:

Professional Development Plan: A professional development plan may include course work, field experience, professional presentations, research, publication or any combination thereof which contributes to the professional development objectives of the individual. The plan may be used in lieu of the standard renewal credits as defined above. The plan must have prior endorsement from an approved teacher education program and is to be defined in credit hours or credit hour equivalency.

To be acceptable, the plan must be implemented prior to the end of the first year of the renewal period. If the Department of Education does not receive notice of unsatisfactory progress from the endorsing institution prior to the end of the third year of the renewal period, the existing certificate shall be renewed at the end of five years.

ISSUE - Lapsed and/or Inactive Certificates

Status Quo: If a certificate lapses the certificate holder must meet the current requirements of a teacher education program.

If a certificate is current but a person has not taught in several years, there is no requirement for classroom experience as a component of certificate renewal.

Problem:

For lapsed certificates, the requirement for reestablishing the certificate may be unreasonably onerous in terms of time and expense and such a requirement can not be justified by the interest of the state to insure that teachers are prepared to teach.

For inactive certificate holders, the state does have a reasonable interest to insure that classroom practice skills are current.

TASK FORCE RECOMMENDATION:

Lapsed Certificate: A lapsed certificate may be reestablished within one school year by the completion of renewal credits.

Inactive Certificate: Certificate holders who are not actively employed in a public school system (K-12) or a state approved private school during the life of the certificate must obtain a minimum of three credits of supervised practicum in a school setting as a portion of their renewal credits.

ISSUE - Notification Of Certificate Renewal And Procedures

Status Quo: The Department does send notification of the need to renew. Renewal is processed up to six months in advance of expiration.

Problem:

Each year there are a number of people who allow their certificates to lapse. The penalty for failure to renew on time is enormous - loss of job and the employment rights accompanying the job related to tenure and seniority.

TASK FORCE RECOMMENDATION:

- A. Renewal Period: Certificates are issued for a five-year period with individual birthdates as the date of expiration.
- B. Certificate holders employed in education will be notified one (1) year in advance of expiration date. Such notification is contingent upon the accuracy of the current address of the employer as contained in State records.

- C. Renewals may be requested and processed up to one (1) year in advance of expiration.
- D. Certificate holder will receive a wallet size card with current endorsements, number of certificate and the new date of expiration.

ISSUE - Fees And Financing Of The Professional Teaching Practices Commission (PTPC)

Status Quo: The certificate fee is \$30.00.

Problem:

The PTPC budget is inadequate and vulnerable to ad hoc reduction depending on the Department's needs for funds.

TASK FORCE RECOMMENDATION:

1. All license fees shall be used for the direct costs for the management of the certification section (DOF) and the costs of PTPC.
2. License fees shall be contained in a special revenue account with multi-year expenditure authority.
3. Distribution and allocation of license fees shall be specified as an entry in DOE budget submittals.
4. Contingent upon 1 through 3, increase certificate fees in an amount not to exceed a total of \$50.00.
5. No increase in fees for endorsements.
6. \$5.00 fee for every duplicate certificate.

ISSUE - Advisory Council On Certification

Status Quo: The Department of Education develops regulations relating to certification, presents them to the State Board for approval to proceed with public hearing and submits them to the State Board with summary of public comments and Department recommendation for action.

Problem:

There is no structure or process to insure that state certification administration and requirements are consistent with a comprehensive and coherent certification policy.

Factors To Consider:

Any group acting as an advisory group to the State Board on Certification policies must be representative of the constituencies with a direct interest in certification.

Even more importantly, the interests of school management must be balanced with the interests of certificated employees if recommendations of the group are indeed representative and politically viable.

Such an advisory group could be costly to support and budget limitations could seriously limit the activity and effectiveness of the group.

TASK FORCE RECOMMENDATION:

Three premises:

1. Management, finance, entry level requirements, renewal requirements, etc., should be components of a state certification policy reflecting the educational needs, concerns and values of the state.
2. Professional educators and education policy-makers should participate in articulating such a policy.
3. There should be a forum for review and discussion of certification policy and of proposed changes in policy.

ADVISORY COUNCIL OF TEACHER CERTIFICATION

Membership:

NEA	4
AASB	1
ACSA	1
Principals	2
UAA, UAJ, UAF, APU, SJ	5
State Board	1
Ex-Officio: DOE (chair)	1
Ex-Officio: PTPC	1

Functions

1. Initiate and/or review and recommend to the State Board on all matters related to:
 - a. teacher licensing administration
 - b. standards and preparation
 - c. ethics.

The council members will be appointed and supported by representative organizations.

ISSUE - Credential For Teacher Aides

Status Quo: There is no credential for teacher aides.

Problem:

Aides do take courses for professional development and many are interested in pursuing course work which would lead to a degree or a certificate.

University and or district provided inservice provisions may be ad hoc without a plan of scope and sequence with the risk of inadequate breadth or relevancy and the likelihood of redundancy.

Factors To Consider:

Just as the state has an interest in requiring professional standards which promote professional growth for certificated personnel, the state has a legitimate interest in promoting professional development amongst teacher aides.

For many years there has been discussion about providing a "career ladder" for aides.

The number of minority teachers continues to be a problem which the state is seeking to address.

In many of the rural villages, aides are the source of stability amongst the instructional staff and to recognize this important role may meaningfully contribute to their status in the community.

A "credential" is distinct from a certificate. It does not allow the person to be autonomous in the classroom. A person with a credential, by law, must be under the direct supervision of a certificated teacher.

A credential is state recognition that an aide has pursued a course of professional growth. It is not a state or district requirement. It is available at the option of each individual aide.

TASK FORCE RECOMMENDATION:

Levels 1, 2, 3, 4, 5, 6

Level I: Employed as an aide.

Level II: Has completed 21 credit hours from accredited college or university: 12 cr hours: general distribution requirements. 9 credit hours in teaching and education related.

Level III: (a) Has completed Level II: (b) Has completed 45 credit hours from an accredited college or university: 30 credit hours: general distribution requirements. 15 credit hours: teaching and education related.

Level IV: (a) Has completed level II or comparable requirements
(b) Has completed an A.A. degree or certificate program from an accredited college or university that contains 60 credits; or has completed 60 credit hours: 40 general distribution; 20 teaching or education related; or has been accepted into an approved teacher education program.

Level V: (a) Has met Level IV requirements; (b) Has completed 24 upper division credits from an accredited college or university; (c) Or if in an approved teacher education program, has completed foundation and is doing methods courses.

Level VI: A person who has completed a bachelor's degree or higher either in education or in another field.

Minutes for the December 9, 1985 meeting of
The Advisory Council for Teacher
Certification and Preparation

The Advisory Council for Teacher Certification and Preparation held its first meeting December 9, 1985 in the Board Room of the Goldbelt Building in Juneau. The meeting was opened by Commissioner Reynolds at 9:00 A.M. The organizations present and their representatives were:

ALASKA PACIFIC UNIVERSITY	Dr. Janet Prange Director of Teacher Education
ASSOCIATION OF ELEMENTARY PRINCIPALS	Bud Ivey, Harborview Elementary Juneau
ASSOCIATION OF SCHOOL ADMINISTRATORS	Dr. Tom Brown, Superintendent Hoonah School District
ASSOCIATION OF SCHOOL BOARDS	Robert Greene Executive Director, Juneau
ASSOCIATION OF SECONDARY PRINCIPALS	JoAnne Smatlan, Floyd Dryden Juneau
NEA/ALASKA	Susan Stitham, Fairbanks Gayle Pierce, Anchorage Pam McCarl, Anchorage Claudia Douglas, Fairbanks
SHELDON JACKSON COLLEGE	Dr. Phyllis Lellman Director of Teacher Education
STATE BOARD OF EDUCATION	Ernestine Griffin, President
UNIVERSITY OF ALASKA, ANCHORAGE	Dr. Sidney Bergquist, Dean School of Education
UNIVERSITY OF ALASKA, FAIRBANKS	Dr. Gerald Mohatt, Dean College of Human & Rural Development
UNIVERSITY OF ALASKA, JUNEAU	Dr. William Demmert, Dean School of Education, Liberal Arts
Ex-Officio members DEPARTMENT OF EDUCATION (chair)	Harold Reynolds, Jr. Commissioner
DEPARTMENT OF EDUCATION	Charlie Mae Moore, Administrator, Teacher Certification
PROFESSIONAL TEACHING PRACTICES COMMISSION	Charles Craig Executive Secretary

Department of Education employees, Robert Davis, Rosemary Hagevig, Larry Huxel and Julie Orsborn were in attendance during the day.

The Council defined a criterion for action, affirmed a process to reach consensus, and established member initiative for agenda items and meeting dates the first meeting. In proposing a change in certification the Council will consider whether the action will improve the quality of education. Consensus was defined as agreement of all Council members. When consensus has not been reached, the issue will be recorded and publicized as discussed with consensus not reached. Any member can initiate the procedure for including an agenda item or calling a meeting of the Council. The council secretary will arrange for meetings. The Commissioner of Education will chair the Council.

ACTION ON AGENDA ITEMS

I. Alternatives in granting Alaskan certificates - formerly titled Reciprocity. The problem, as stated in the Certification Task Force [CTF] Report: The requirement for an institutional recommendation is an obstacle for people who took courses in teacher education programs in more than one institution. For these people, it is often difficult, if not impossible, to get an institutional recommendation.

Council recommendation by consensus: Allow the recommendation of a certifying state agency to serve in lieu of an institutional recommendation, provided the individual has met the equivalent of an NASDTEC or NCATE program of approval in securing state certification.

This procedure will be subject to review. Changes are occurring in other states which may influence the issue. Steve Hole, Education Administrator, Department of Education, will be requested to draft the proposal in regulatory language for review by the Council.

II. Screening of applicants. The problem from the CTF report: The state is concerned about its right to deny a certificate to a person who has been convicted of a crime involving child abuse or sexual abuse of minors.

Council recommendation by consensus: The Task Force recommendations will be directed to the Attorney General's office for the development of an appropriate legal procedure.

The Council believes the state ought to initiate an effort to develop a procedure which would verify that a teacher candidate has not been convicted by a court in a case involving moral turpitude. Action should be taken at the State level to eliminate problems which may develop later with due process.

The proposal will be referred to Tom Wagner in the Attorney General's office and Steve Hole, DOE, to draft recommendations for the Council's review.

III. Testing of prospective teachers. The problem (CTF report): Testing of prospective teachers has become an issue which has received considerable attention and debate during the "educational reform" movement.

Council recommendations by consensus: Develop a position paper on teacher testing.

The Council debated the testing proposal. Arguments heard were: there is no need; Alaska may be impacted from the national level; many testing programs already in existence are causing more problems than they are solving; preparing institutions are taking more responsibility for teacher preparation programs. The Council identified a need for research and study of the teacher testing issue.

Charlie Mae Moore and the certification unit will prepare cost and other resource estimates for presentation to the Council.

IV. Course work required by the state for certification. The problem (CTF report): Seventy-five percent of Alaskan teachers are educated in institutions outside of Alaska. There is a strong sentiment that Alaska is unique and the state should require specific course work as preparation for effective teaching in Alaska.

Council recommendation by consensus: All teachers shall have completed programs in Alaska Studies and Multi-cultural Education within the first five years of teaching in Alaska. If the Alaskan requirements have been met, six (6) credits are required for certificate renewal in the first renewal period. If both Alaskan requirements have not been met, then nine (9) initial renewal credits shall be taken to complete Alaska Studies and Multi-cultural Education. If either Alaska Studies or Multi-cultural Education have been completed, then six (6) credits including the remaining required course shall be taken.

Council discussion with no consensus: That half of the required Alaska studies or multi-cultural education credits must be completed in the first two years of the life of the certificate.

Steve Hole will prepare a proposed regulation for Council review.

V. Types of certificates. The problem (CTF report): The Task Force recommended that the Department eliminate the Professional Certificate as specified in 4 AAC 12.045. This certificate permits a Department of Education employee to hold a position that requires a standard certificate when, in fact, the individual does not meet certification standards and requirements.

Council recommendation by consensus: (a) The Council recommended the repeal of the Professional Certificate. (b) The Temporary Certificate should be redefined and issued only to a limited group of individuals with earned doctorates for one (1) year to get the necessary credits or the equivalent.

(c) The Type U certificate Renewal Requirements were stated as: a minimum of fifty (50) hours of K-12 classroom teaching experience during the life of the certificate. The Type U certificate is optional.

Steve Hole will draft the three proposals in regulation form for Council review.

VI. Types of endorsements. The problem (CTF report): No particular distinction is made between endorsements that are required and those that are optional.

Although a special endorsement is required to teach in a vocational area such as woodworking, a person trained in primary education can be legally assigned to teach high school with no state requirement for special preparation.

There are new areas of concentration and expertise that have been developed to meet educational needs for which no current endorsements are available.

By indicating majors only, the certificate unnecessarily limits information useful to employers who may need to assign a teacher to work in more than one area.

Council recommendation by consensus: Level I is mandatory. The approval is to read: "The assignment for more than one year of Type A certificate holders to teaching (more than 50% FTE) outside of their Level I area will require that the certificate holders establish and make satisfactory progress on a professional development plan relevant to the new teaching assignment through the succeeding five years of the assignment. This requirement does not apply to K-12 schools with enrollments of 150 or less."

Robert Davis, Department of Education, pointed out that the mechanics of the system will work as long as the district notifies the Department that a professional development plan has been started; stopped; or the teacher has been reassigned.

The Council discussed school district responsibility. That issue was referred to future meetings.

The Council requested that a response be directed to Gerry Hiley, Office of Adult and Vocational Education, on issues raised in his memo.

VII. Fees and financing of the Professional Teaching Practices Commission (PTPC): The problem (CTF report): The PTPC budget is inadequate and vulnerable to ad hoc reduction depending on the Department needs for funds.

Council recommendation by consensus: All license fees shall be used for the direct costs of the PTPC. Any balance will be used for the costs of managing the certification section (DOE).

License fees will be placed in a special revenue account for multi-year expenditure.

The Council approved an increase in certificate fees to \$50.00.

Endorsement fees will remain at \$10.00.

A \$5.00 fee will be charged for every duplicate certificate of each type.

These proposals will be drafted as regulations for Council review.

The Council tentatively scheduled a meeting on February 10 in Juneau to finish consideration of old business.

The meeting was adjourned at 4:20 p.m.

POSITION PAPER/Department of Health & Social Services

Position Paper

House Bill 174

Superseded

For "An Act requiring training in basic emergency care and the recognition of child abuse for teachers certified in the state."

This bill would amend AS 14.03.030 to require that certified teachers have at least eight hours in basic emergency training, including cardiopulmonary resuscitation and basic first aid, and the recognition and reporting of child abuse. Teachers would have two years to complete training after the effective date of this bill.

The Department of Health and Social Services supports the intent of this bill for the following reasons:

- 1) Teachers should have some basic knowledge of emergency care in order to better recognize and provide prompt initial treatment for medical emergencies occurring during school activities; and
- 2) Teachers are in a unique position to identify patterns of child abuse.

BACKGROUND

According to the American Heart Association and American Red Cross, there are over 800 CPR instructors and over 600 first aid instructors in Alaska. Much of this training is provided at little or no cost to the student.

still pretty close

According to the National Safety Council, there were 21,000 school jurisdiction accidents reported for the 1980-81 school year, from reporting schools with a combined total enrollment of 725,000 students. Generally, the majority of these injuries occurred in physical education classes, during sports activities, industrial arts classes, and in corridors or auditoriums.

Nationally, and in the State of Alaska, reports of sexual and physical abuse combined do not reach the numbers of reported cases of child neglect. Not only is there a larger population of children affected by neglect, more children suffer serious injury and die as a result of neglect than as a result of abuse. The recently completed American Humane Association Report, "Trends in Child Abuse and Neglect: A National Perspective" stated that in 1982 50% of all child fatalities were as a result of failure to provide necessities. Neglect should be included as a category for teacher training.

POSITION

The Department of Health and Social Services supports the intent of this legislation, with amendments.

POSITION PAPER/Department of Health & Social Services

The basic CPR "heart saver" course is a 4 hour course, and the basic Red Cross "multi-media first aid" course is an 8 hour course. Therefore, this bill should be amended to require 12 hours of basic emergency care training plus whatever additional hours are necessary to teach recognition of child abuse and neglect. The words "and neglect" should be added after the words child abuse in the title and on P.1 line 16 and P.1 line 24.

If it is not feasible to require every teacher to have basic emergency care training, there should still be someone with adequate training at all times while children are in school. The Alaska EMS Goals planning guide recommends that all schools, at a minimum, should have:

Emer Med Sew
state document

- 1) Posted procedures, known to all school personnel, for the efficient handling of injuries and emergencies, including plans for the transfer of critically injured or ill children to an appropriate facility.
- 2) Annual review of emergency procedures and orientation for all teachers.
- 3) At least one person, trained to the Emergency Trauma Technician level, advanced first aid level or above (such as school nurse) responsible for first aid and necessary referral for sick and injured children.

Mark Johnson
3027

Recommended by:

Robert I. Fraser Deputy
Robert I. Fraser, M.D. Director
Division of Public Health *3040*

Date:

2/19/85

Recommended by

Michael L. Price
Michael L. Price, Director
Division of Family and Youth Services

Date:

2/19/85

Approved by:

John R. Pugh
John R. Pugh, Commissioner
Department of Health and Social Services

Date:

2/21/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: HB 174
 Title: An Act Requiring Training in
Basic Emergency Care.....
 Sponsor: Representative Taylor
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Health & Social Services
 Program Category Affected: Public Health,
Family & Youth Services
 BRU, Program or Subprogram(s) Affected:
State Health Services BRU., Admin. Services -
EMS; Youth Services BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: ^{RFH017} Robert I. Fraser, M.D. Phone: 465-3090
 Division: Public Health Date: 2/19/85

Approved by Commissioner: J.R.P. Date: 2/21/85 *fcc*
 Agency: Dept. of Health and Social Services

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Superseded

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

147 S. FRANKLIN #207
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

February 19, 1985

TO: Representative Niilo Koponen
Representative Max Gruenberg, Co-Chairs
Members, House HESS Committee

RE: HB 174 "An Act requiring training in basic emergency care and the
recognition of child abuse for teachers certified in the state."

NEA-Alaska supports the concept that all teachers should have basic training in emergency first aid and the recognition and reporting of child abuse. We also believe teachers should be trained in recognizing symptoms of depression and suicidal behavior and symptoms of alcohol and drug abuse. Teachers should also be knowledgeable about community and state referral agencies and all appropriate resources available within a school district.

Our concern is not with the intent to insure this type of training but with legislating, with this specificity, requirements for teacher certification.

Currently, the State Board of Education is vested with authority to approve teacher certification programs offered by colleges and universities and to determine the minimum standards for certification. At this time, an advisory task force on certification is at work reviewing the certification regulations and preparing to recommend to the Board changes in these regulations.

We support review by this task force of the need for specific health related training for teachers and task force recommendation of how best to accomplish this objective. This process we recommend for dealing with the concerns of HB 174 insures that the needs are positively addressed in a way that is comprehensive and consistent with current regulations vesting decisions related to teacher certification with the State School Board.

Respectfully submitted:

Gayle Pierce

Gayle Pierce
President

L85:10

C: Representative Robin Taylor
Harold Reynolds, Commissioner Department of Education

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE
DEPARTMENT OF EDUCATION

Notice is hereby given that the Department of Education, under authority vested by AS 14.07.060, proposes to adopt regulations in Title 4 of the Alaskan Administrative Code, dealing with staff training and property accounting, to interpret AS 14.07.020(7) and AS 14.14.050 as follows:

1) 4 AAC 06 is amended by adding a section which requires school districts to provide training to their employees in the recognition and reporting of child abuse and neglect, and sexual abuse of children.

2) 4 AAC 06.120 is amended by adding the Uniform Property Accounting Manual to the list of manuals required for use by school districts.

Notice is also give that comments may be submitted in writing to the Commissioner's Office, 801 West 10th Street, Pouch F, Juneau, Alaska 99811, before 4:30 p.m. on May 1, 1985.

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the Commissioner of Education, 801 West 10th Street, Pouch F, Juneau, Alaska 99811.

The State Board of Education, upon its own motion or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.

DATE: March 7, 1985

for Steve. Kole
Harold Reynolds, Jr.
Commissioner of Education

not tied to certification

DRAFT PROPOSED REGULATIONS
March 6, 1985

4 AAC 06 is amended by adding a section to read:

4 AAC 06.045. TRAINING REQUIRED. (a) Within one school year of the effective date of this section, a school district must provide its employees with training in the detection and reporting of child abuse and neglect, and sexual abuse of children.

(b) A school district must provide the training required by (a) of this section to an employee new to the district within 30 days in session of the first day of employment of the new employee.

(c) The training required by this section must be provided to at least the persons required to report by AS 47.17.020.

Excerpt from AS 47.17.020

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their professional duties, have cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members;
- (3) social workers;
- (4) peace officers, and officers of the Department of Corrections;
- (5) administrative officers of institutions;
- (6) licensed day care providers and paid staff;
- (7) licensed foster care providers.

End of Excerpt

Assistance in developing training programs to comply with 4 AAC 06.045 may be obtained from the following agencies:

Department of Health and Social Services
Division of Family and Youth Services
Pouch H-05
Juneau, Alaska 99811
(907) 465-3170

Council on Domestic Violence and Sexual Assault
Pouch N
Juneau, Alaska 99811
(907) 465-4356

Superseded

Position Paper

CS for House Bill 174 (HESS)

For "An Act requiring training in emergency care for teachers certified in the state."

This bill would amend AS 14.20.020(b) to require that certified teachers have completed a course in emergency training, including cardiopulmonary resuscitation and first aid. Teachers would have two years to complete training after the effective date of this bill.

The department of Health and Social Services supports the intent of this bill because we believe that teachers should have some basic knowledge of emergency care in order to better reorganize and provide prompt initial treatment for medical emergencies occurring during school activities.

BACKGROUND

According to the American Heart Association and American Red Cross, there are over 800 CPR instructors and over 600 first aid instructors in Alaska. Much of this training is provided at little or no cost to the student.

According to the National Safety Council, there were 21,000 school jurisdiction accidents reported for the 1980-81 school year, from reporting schools with a combined total enrollment of 725,000 students. Generally, the majority of these injuries occurred in physical education classes, during sports activities, industrial arts classes, and in corridors or auditoriums.

POSITION

The Department of Health and Social Services supports this bill.

Recommended by:

Robert I. Fraser

Robert I. Fraser, M.D.
Director
Division of Public Health

Date:

3/20/85

Approved by:

John K. Pugh

John K. Pugh, Commissioner
Department of Health and
Social Services

Date:

3/25/85

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS 1-16-86 1:33pm