

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5268 SHEB SB 372 - SB 467

840



S. T. A. R.

Bus. 276-2279
24-Hour Crisis
276-STAR 7827

March 7, 1988

Alaska Senate
Health, Education and Social Services
Committee
P.O. Box V
Juneau, AK 99811

RE: HB 372

Dear Senator Paul Fischer, Chairman;
Senator Joe Josephson, Vice-Chair;
Senator Lloyd Jones,
Senator Jay Kerttula,
Senator Rick Halford:

Standing Together Against Rape (STAR) is a sexual assault crisis agency, based in Anchorage, which provides a 24-hour crisis line, counseling, medical and legal accompaniment, and prevention programs for children and adults. STAR strongly supports HB 372 and urges its quick passage.

Present law allows suspended imposition of sentencing (SIS) for first time sexual assault offenses, which do not carry a presumptive term. Allowing an SIS for these types of offenses disregards the gravity of the crime and mitigates the seriousness of the offense. Current statutory language and commentary reflect a state philosophy which holds all sexual assault offenses in serious light. This is particularly important since Alaska continues to lead the nation in sexual assault per capita. A consistent philosophical regard, which views sexual offenses as a serious crime, should be perpetuated throughout the state's statutory fabric. To provide for less subverts the state's grave regard for these types of criminal offenses.

An additional concern is the clearance of records, which is presently allowed through an SIS. Many child sex abusers purposely seek employment to gain access to children. This could mean present efforts by the Anchorage School District, in providing criminal background checks of prospective employees is thwarted since expungement of the record does not allow for a true criminal history.

STANDING TOGETHER AGAINST RAPE

3925 Reka • Anchorage, Alaska 99508



A United Way Agency

POSITION PAPERS

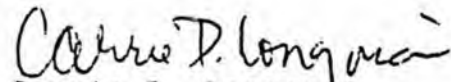
Alaska Senate, HESS Committee
RE: HB 372

If an offender, who has received an SIS for a sexual offense against a child, comes before the court a second time for the same crime, the offender is viewed as a first time offender. This is a particular heinous injustice in child sex offenses since part of the dynamics used by the offender against the child involves "minimizing" or "denying" the assault. Therefore, disregarding the first offense perpetuates the "denial" dynamic into our law.

Passage of HB 372 into law would prohibit SIS's for sexual assault offenses. The bill is important in maintaining the state's serious regard for adult and child sexual offenses. And in furthering to provide a record of these types of offenses for use in criminal history background checks.

Thank you for taking into consideration our comments on HB 372.

Sincerely,



Carrie D. Longoria
Legal Advocate

SB

374

SCHOOL ACCOUNT PROPOSAL

HB 407/SB 374

SECTIONAL ANALYSIS

Section 1. This bill addresses a serious problem facing the state's public school system - large funding reductions resulting from Alaska's revenue downturn. A new, stable, and more predictable source of funds is necessary to help public schools restore programs cut by recent reductions, to alleviate the present high pupil/teacher ratios, and generally to improve the quality of public education in Alaska.

Section 2. The school account is established within the principal of the Alaska Permanent Fund for several reasons: first, it is a method of securing a new source of income for education in Alaska; second, the excellent investment record of the Alaska Permanent Fund Corporation assures, to the extent possible, a stable source of income for the school account; third, the effect on the Alaska Permanent Fund is minimal because the school account is within the principal. The net income of the corporation and Permanent Fund dividends will continue to grow; however, they will not grow quite as rapidly after the school account is established. The cost of the administration of the school account by the Corporation is estimated at zero. The school account money will be invested in the same manner as all other Permanent Fund investments. Net income from the school account is computed at the same time and in the same manner that net income of the Corporation is computed, and this amount is available for appropriation by the Legislature. The computation of the net income of the school account is made at the same time, but exclusive of, the computation of income "available for distribution" (income "available for distribution" is the basis on which Permanent Fund dividends are determined). Net income of the school account not appropriated by the Legislature is returned to the principal of the school account for reinvestment.

Section 3. The school account is established with funds that are by statute returned to the principal for inflation proofing for fiscal years 1988 and 1989. The principal of the fund is still "inflation proofed" by the addition of new capital to the fund. Net income from these amounts (and any other funds that may in the future be added to the account) is earmarked for the school account. The income that is earned between June 30, 1988 and January 31, 1989 to the amount to be allocated to the school account becomes part of the FY 89 earnings of the school account.

Section 4. In this section a conforming amendment is made to AS 37.13.140, so that it is clear that net income from the school account is not included in the computation of net income "available for distribution" for Permanent Fund dividends.

Section 5. At the November 1988 general elections, the voters can indicate whether they agree with the establishment of the school account. The effective date of the substantive parts of the bill is January 31, 1989; thus, there is time allowed for legislative repeal or for changes in the school account after the results of the advisory vote are known.

Sections 6 and 7. These provide the effective dates. The advisory vote provision has an immediate effective date. The substantive provisions are effective January 31, 1989.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SB 374
PUBLISHED DATE: 1/25/88
(SENATE) 1/27/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act establishing the School
Account in the Ak. Permanent Fund
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Revenue
BRU: Permanent Fund Corp.
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Royce Weller *RW*
Division: Commissioner's Office

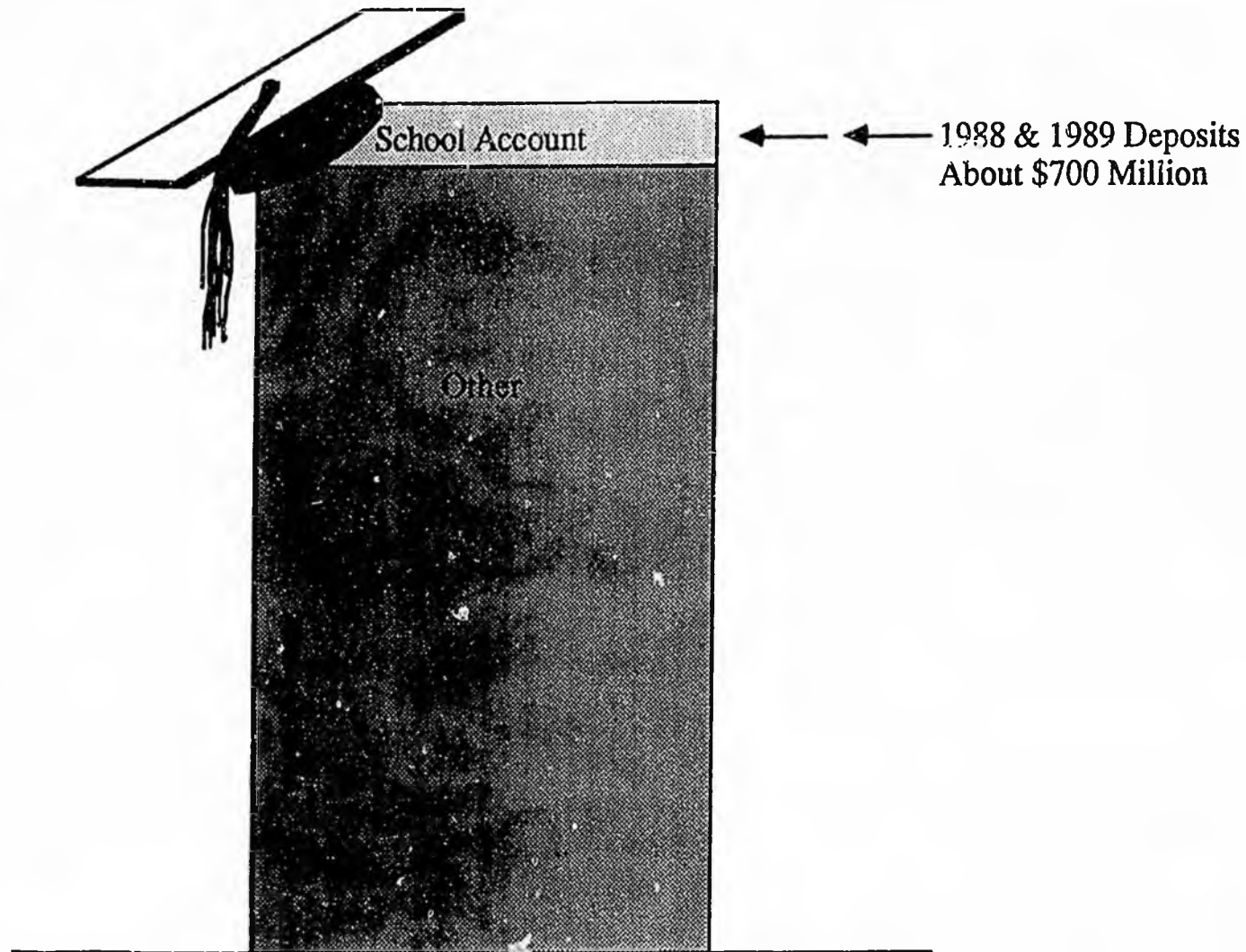
Phone: 465-2300
Date: 1/25/88

Approved by Commissioner: Hugh Malone *RW for*
Agency: Revenue

Date: 1/25/88

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

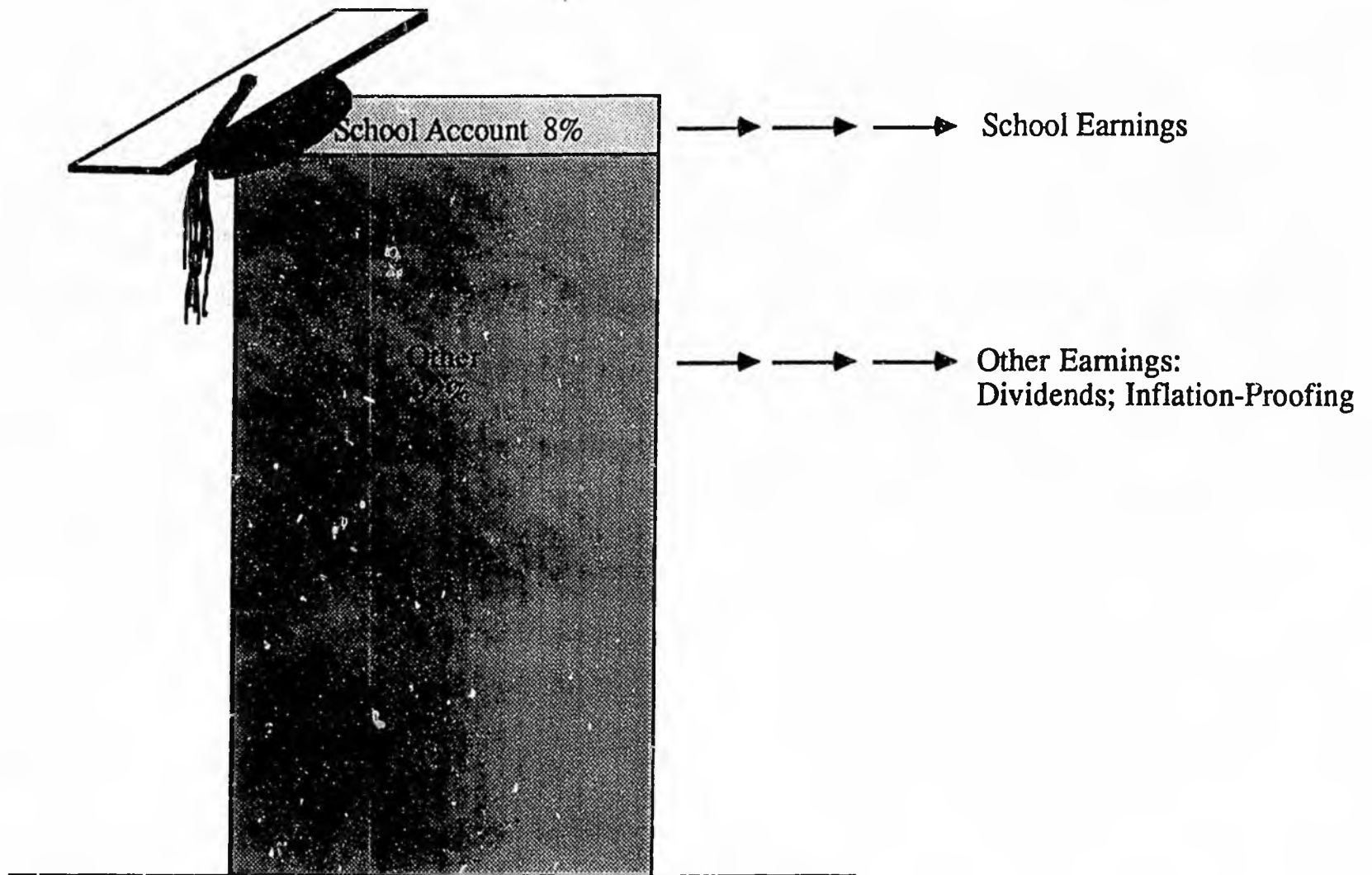
1988 and 1989 Deposits Would Establish School Account in Permanent Fund Principal



The Permanent Fund

State of Alaska
Office of the Governor
Division of Policy 1/25/88

School Account Proposal Establishes Two Earning Streams

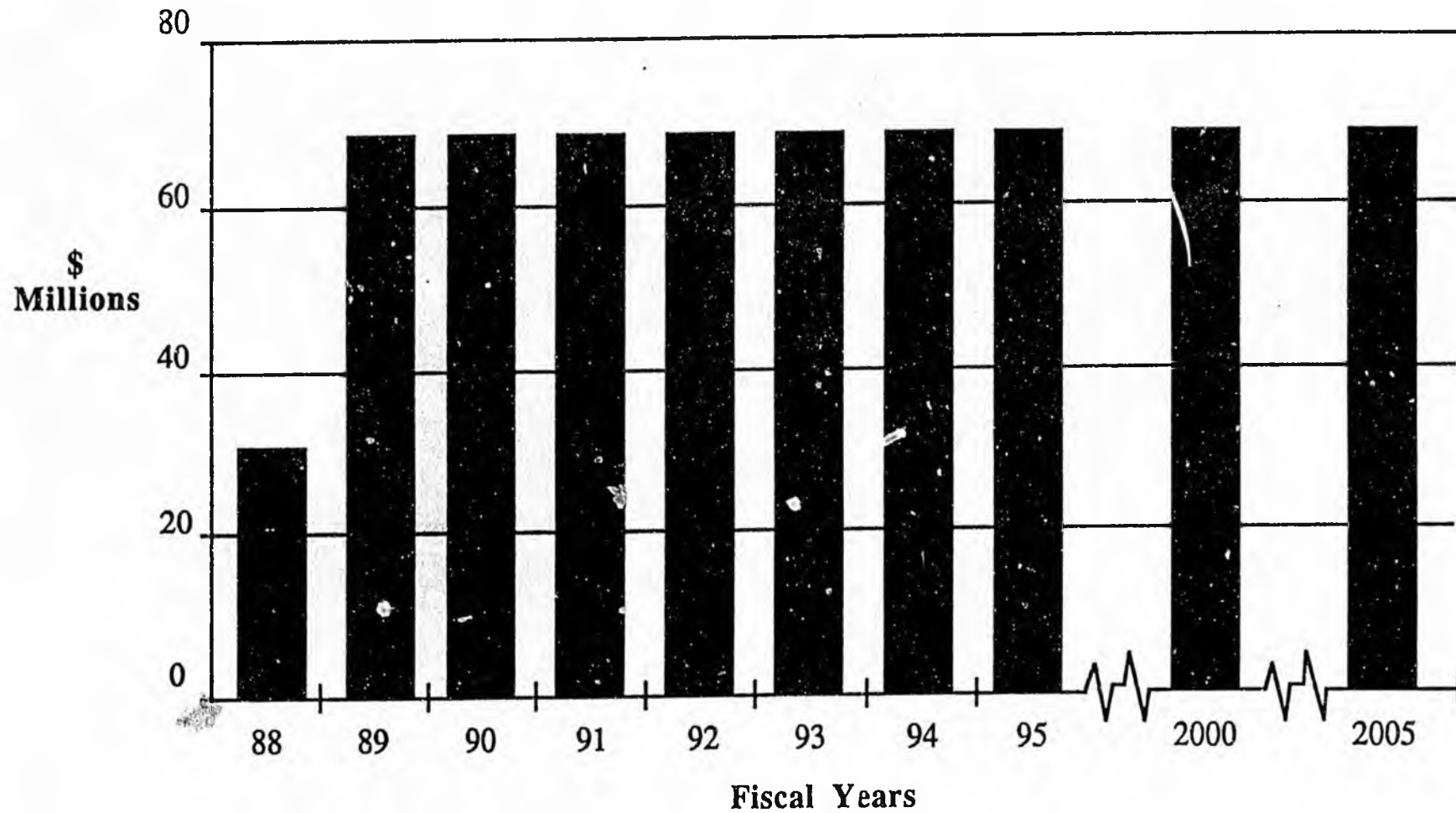


The Permanent Fund

State of Alaska
Office of the Governor
Division of Policy 1/25/88

School Account Earnings Available for Education

From 1988 and 1989 Deposits

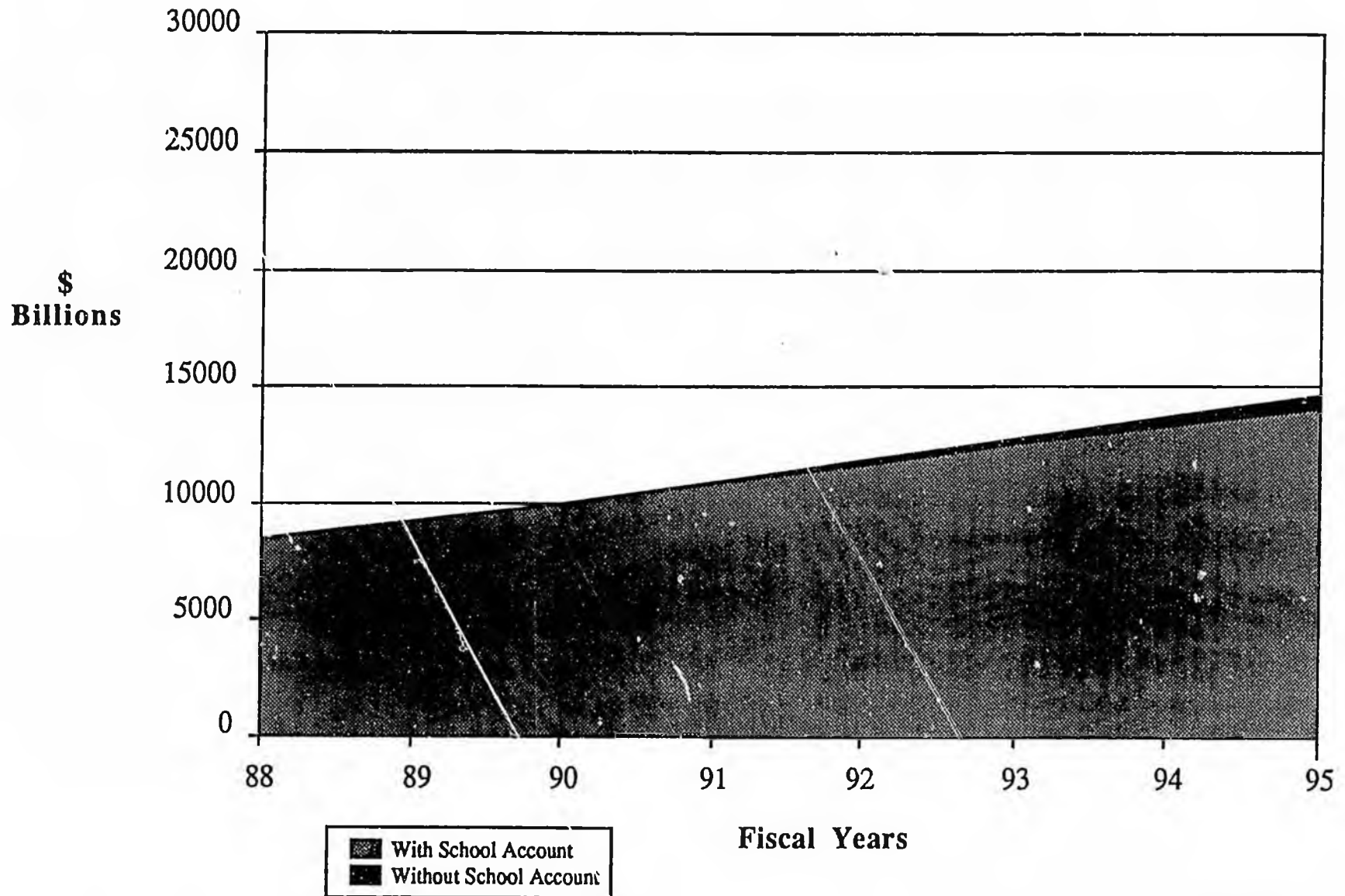


Source: Alaska Permanent Fund Corporation

State of Alaska
Office of the Governor
Division of Policy, 1/25/88

Permanent Fund Principal

With School Account and Without School Account

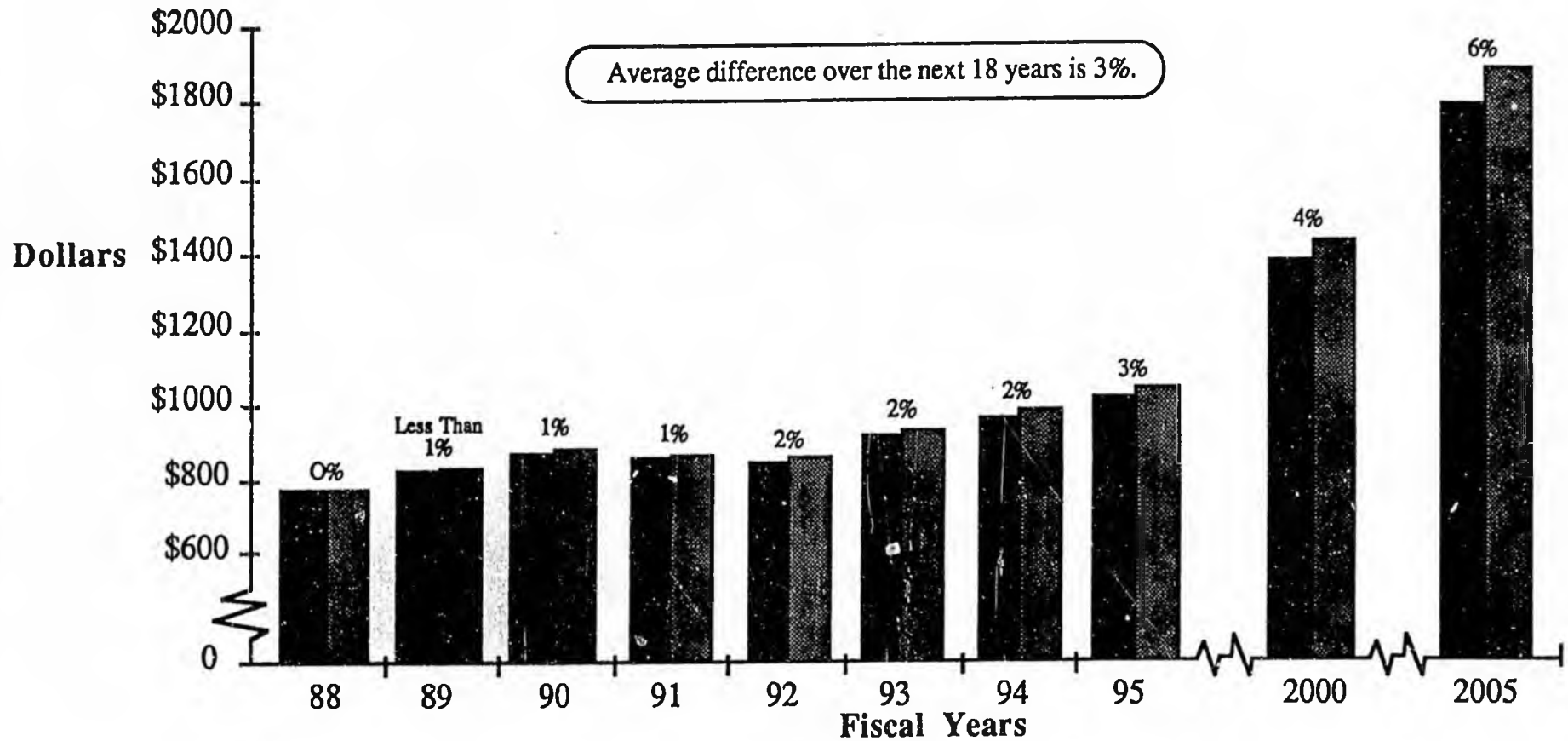


Source: Alaska Permanent Fund Corporation

State of Alaska
Office of the Governor
Division of Policy 1/25/88

Permanent Fund Dividends, Per Person

With School Account and Without School Account



With School Account
 Without School Account
 % Difference

Source: Alaska Permanent Fund Corporation

State of Alaska
Office of the Governor
Division of Policy, 1/25/88

Growth in Permanent Fund Dividends

(Actual Dollars)

1987 Permanent Fund Dividend Amount: \$ 701.19

<u>Fiscal Year</u>	<u>Year-by-Year Increase Without School Account</u>	<u>Year-by-Year Increase With School Account</u>	<u>Year-by-Year Difference</u>
88	62.89	62.89	0
89	62.79	56.98	5.81
90	48.60	40.78	7.82
91	(9.26)	(10.88)	(1.62)
92	(4.64)	(7.35)	(2.71)
93	64.67	60.68	3.99
94	61.97	56.36	5.61
95	65.60	59.17	6.43
96	69.17	62.56	6.61
97	72.52	65.42	7.10
98	75.06	67.67	7.39
99	77.91	70.03	7.88
2000	80.87	72.88	7.99
2001	83.93	75.65	8.28
2002	87.30	78.56	8.74
2003	90.45	81.42	9.03
2004	93.89	84.23	9.66
2005	100.90	91.15	9.75



Alaska Permanent Fund Corporation

FINANCIAL PROJECTIONS (in millions)

as of November 30, 1987

FY	PRINCIPAL					INCOME					Reserves		FY	
	FY Begin Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall	Net Income	Dividends	Per Capita Dividends**	Inflation Proofing	General Fund	Add (Delete)		FY End Balance
78			54		54			2			1			78
79	54		84		139			8			7			79
80	139		344		483			32	12		12			80
81	483	900	385		1,769			150	28		28	59	59	81
82	1,769	800	401		2,969			368	71	\$1,000.00	71	185	244	82
83	2,969	400	421	231	4,021			471	108	\$386.15	231	110	354	83
84	4,021	300	366	151	4,838			530	175	\$331.29	151	203	557	84
85	4,838	300	368	235	5,741			658	217	\$404.00	235	206	763	85
86	5,741		323	216	6,281			1,021	303	\$556.26	216	502	1,264	86
87	6,281	1,264	171	148	7,864			1,069	391	\$708.19	148	529	529	87
88	7,864		374	297	8,534			752	423	\$771.08	297	32	561	88
89	8,534		211	437	9,183			867	455	\$828.06	437	(56)	506	89
90	9,183		238	565	9,986			924	480	\$868.84	565	(188)	318	90
91	9,986		238	613	10,837			982	477	\$857.96	613	(175)	143	91
92	10,837		236	646	11,719	18		1,046	476	\$850.61	646	(143)		92
93	11,719		239	538	12,496	180		1,116	511	\$911.29	538			93
94	12,496		228	576	13,300	187		1,188	545	\$967.65	576			94
95	13,300		219	616	14,135	195		1,264	581	\$1,026.82	616			95
96	14,135		213	657	15,005	204		1,342	618	\$1,089.38	657			96
97	15,005		210	699	15,914	214		1,424	658	\$1,154.80	699			97
98	15,914		211	743	16,868	224		1,510	699	\$1,222.47	743			98
99	16,868		206	790	17,864	235		1,599	743	\$1,292.50	790			99
0	17,864		200	838	18,903	246		1,693	788	\$1,365.38	838			0
1	18,903		194	889	19,986	257		1,791	835	\$1,441.03	889			1
2	19,986		186	941	21,113	269		1,892	884	\$1,519.59	941			2
3	21,113		177	996	22,285	282		1,998	935	\$1,601.01	996			3
4	22,285		175	1,053	23,513	295		2,108	989	\$1,685.24	1,053			4
5	23,513		172	1,113	24,797	309		2,224	1,044	\$1,776.39	1,113			5

Cumulative Totals:	3,964		6,843	13,990	24,797	3,113		30,029	13,444	\$24,616.00	13,990	1,331	1,264	
=====														

ASSUMPTIONS:

3.60% Inflation Rate FY 88
8.92% Rate of Return FY 88

5.00% Inflation Rate FY 89
9.00% Rate of Return FY 89

* SOURCE: Alaska Department of Revenue
30% Case Forecast - September 1987

1/22/88

"School Account" Established
Within the Principal of the PF;
Capitalized With \$329M of FY 88 Earnings and \$409M of FY 89 Earnings

6.00% Inflation Rate FY 90-05
9.00% Rate of Return FY 90-05

** SOURCE: Population Projections From
DOR Revenue Source Book - Page 46



Alaska Permanent Fund Corporation

FINANCIAL PROJECTIONS (in millions)

as of November 30, 1987

FY	PRINCIPAL						INCOME					FY End Balance
	FY Begin Balance	Appropriations	Dedicated State Revenues*	Inflation Proofing	FY End Balance	Inflation Proofing Shortfall ¹	Net Income	Distributions			Reserves Add (Delete)	
								Per Capita Dividends**	Inflation Proofing	General Fund		
78			54		54		2			1		
79	54		84		139		8			7		
80	139		344		483		32	12		12		
81	483	900	385		1,769		150	28		28	59	59
82	1,769	800	401		2,969		368	71	\$1,000.00	71	185	244
83	2,969	400	421	231	4,021		471	108	\$386.15	231	110	354
84	4,021	300	366	151	4,838		530	175	\$331.29	151	203	557
85	4,838	300	368	235	5,741		658	217	\$404.00	235	206	763
86	5,741		323	216	6,281		1,021	303	\$556.26	216	501	1,264
87	6,281	1,264	171	148	7,864		1,069	391	\$708.19	148	529	529
88	7,864		374	297	8,534		752	423	\$771.08	297	32	561
89	8,534		211	437	9,183		867	458	\$833.87	437	(29)	533
90	9,183		238	565	9,986		927	487	\$882.47	565	(126)	407
91	9,986		238	613	10,837		991	485	\$873.21	613	(108)	299
92	10,837		236	664	11,737		1,061	485	\$868.57	664	(89)	210
93	11,737		239	719	12,695		1,137	523	\$933.24	719	(105)	106
94	12,695		228	763	13,685	12	1,217	560	\$995.21	763	(106)	
95	13,685		219	701	14,605	133	1,300	599	\$1,060.84	701		
96	14,605		213	746	15,564	143	1,386	641	\$1,130.01	746		
97	15,564		210	792	16,567	154	1,477	684	\$1,202.53	792		
98	16,567		211	841	17,619	165	1,571	730	\$1,277.59	841		
99	17,619		206	893	18,718	177	1,670	778	\$1,355.50	893		
0	18,718		200	946	19,864	189	1,773	827	\$1,436.37	946		
1	19,864		194	1,002	21,060	201	1,881	879	\$1,520.30	1,002		
2	21,060		186	1,060	22,306	215	1,994	933	\$1,607.60	1,060		
3	22,306		177	1,121	23,603	229	2,111	990	\$1,698.05	1,121		
4	23,603		175	1,184	24,962	243	2,233	1,049	\$1,791.94	1,184		
5	24,962		172	1,250	26,383	258	2,361	1,111	\$1,892.84	1,250		

Cumulative Totals:	3,964		6,843	15,575	26,383	2,120	31,016	13,947	\$25,517.10	15,575	229	1,264
=====												

ASSUMPTIONS:

3.60% Inflation Rate FY 88
8.92% Rate of Return FY 88

5.00% Inflation Rate FY 89
9.00% Rate of Return FY 89

* SOURCE: Alaska Department of Revenue
30% Case Forecast - September 1987

1/22/88

Status Quo; Includes
Dinkum Sands Deposit

6.00% Inflation Rate FY 90-05
9.00% Rate of Return FY 90-05

** SOURCE: Population Projections From
DOR Revenue Source Book - Page 46



Alaska Permanent Fund Corporation

FINANCIAL PROJECTIONS (in millions)

Comparison of "School Account" Proposal Vs. Status Quo (Page 1 of 2)

FY	PRINCIPAL			INFLATION-PROOFING SHORTFALL			NET INCOME			PER CAPITA DIVIDENDS			FY
	Governor's Proposal	Status Quo	(Difference)	Governor's Proposal	Status Quo	Difference	Governor's Proposal	Status Quo	(Difference)	Governor's Proposal	Status Quo	(Difference)	
78	54	54					2	2					78
79	139	139					8	8					79
80	483	483					32	32					80
81	1,769	1,769					150	150					81
82	2,969	2,969					368	368		\$1,000.00	\$1,000.00		82
83	4,021	4,021					471	471		\$386.15	\$386.15		83
84	4,838	4,838					530	530		\$331.29	\$331.29		84
85	5,741	5,741					658	658		\$404.00	\$404.00		85
86	6,281	6,281					1,021	1,021		\$556.26	\$556.26		86
87	7,864	7,864					1,069	1,069		\$708.19	\$708.19		87
88	8,534	8,534					752	752		\$771.08	\$771.08		88
89	9,183	9,183					867	867		\$828.06	\$833.87	(\$5.81)	89
90	9,986	9,986					924	927	(3)	\$868.84	\$882.47	(\$13.63)	90
91	10,837	10,837					982	991	(8)	\$857.96	\$873.21	(\$15.25)	91
92	11,719	11,737	(18)	18	18		1,046	1,061	(15)	\$850.61	\$868.57	(\$17.96)	92
93	12,496	12,695	(199)	180	180		1,116	1,137	(22)	\$911.29	\$933.24	(\$21.95)	93
94	13,300	13,685	(386)	187	12	175	1,188	1,217	(29)	\$967.65	\$995.21	(\$27.55)	94
95	14,135	14,605	(470)	195	133	62	1,264	1,300	(36)	\$1,026.82	\$1,060.84	(\$34.03)	95
96	15,005	15,564	(559)	204	143	61	1,342	1,386	(44)	\$1,089.38	\$1,130.01	(\$40.63)	96
97	15,914	16,567	(653)	214	154	60	1,424	1,477	(53)	\$1,154.80	\$1,202.53	(\$47.72)	97
98	16,868	17,619	(751)	224	165	59	1,510	1,571	(62)	\$1,222.47	\$1,277.59	(\$55.12)	98
99	17,864	18,718	(854)	235	177	58	1,599	1,670	(71)	\$1,292.50	\$1,355.50	(\$63.00)	99
0	18,903	19,864	(961)	246	189	57	1,693	1,773	(80)	\$1,365.38	\$1,436.37	(\$70.99)	0
1	19,986	21,060	(1,075)	257	201	56	1,791	1,881	(91)	\$1,441.00	\$1,520.30	(\$79.27)	1
2	21,113	22,306	(1,193)	269	215	54	1,892	1,994	(101)	\$1,519.59	\$1,607.60	(\$88.01)	2
3	22,285	23,603	(1,318)	282	229	53	1,998	2,111	(113)	\$1,601.01	\$1,698.05	(\$97.04)	3
4	23,513	24,962	(1,449)	295	243	52	2,108	2,233	(124)	\$1,685.24	\$1,791.94	(\$106.70)	4
5	24,797	26,383	(1,586)	309	258	50	2,224	2,361	(137)	\$1,776.39	\$1,892.84	(\$116.45)	5
Cumulative Totals:		(1,586)		3,113	2,120	993	30,029	31,016	(987)	\$24,616.00	\$25,517.10	(\$901.10)	

ASSUMPTIONS: Based on November 30, 1987 Financial Projections, Including Deposit of \$145M From Dinkum Sands.

1/22/88



Alaska Permanent Fund Corporation

FINANCIAL PROJECTIONS (in millions)

Comparison of "School Account" Proposal Vs. Status Quo (Page 1 of 2)

FY	DIVIDEND DISTRIBUTION			GENERAL FUND DISTRIBUTION			TOTAL INCOME PAID OUT		
	Governor's Proposal	Status Quo	(Difference)	Governor's Proposal	Status Quo	Difference	Governor's Proposal	Status Quo	Difference
78				1	1		1	1	
79				7	7		7	7	
80	12	12		12	12		24	24	
81	28	28		28	28		56	56	
82	71	71		71	71		142	142	
83	108	108		110	110		218	218	
84	175	175					175	175	
85	217	217					217	217	
86	303	303					303	303	
87	391	391					391	391	
88	423	423					423	423	
89	455	458	(3)	30		30	485	458	27
90	480	487	(7)	67		67	547	487	60
91	477	485	(8)	67		67	544	485	59
92	476	485	(10)	67		67	543	485	57
93	511	523	(12)	67		67	578	523	55
94	545	560	(15)	67		67	612	560	52
95	581	599	(19)	67		67	648	599	48
96	618	641	(22)	67		67	685	641	45
97	658	684	(26)	67		67	725	684	41
98	699	730	(31)	67		67	766	730	37
99	743	778	(35)	67		67	810	778	32
	788	827	(40)	67		67	855	827	27
1	835	879	(44)	67		67	902	879	23
2	884	933	(50)	67		67	951	933	18
3	935	990	(55)	67		67	1,002	990	12
4	989	1,049	(61)	67		67	1,056	1,049	7
5	1,044	1,111	(66)	67		67	1,111	1,111	1
Cumulative Totals:	13,444	13,947	(503)	1,331	229	1,102	14,775	14,176	599

ASSUMPTIONS: Based on November 30, 1987 Financial Projections, Including Deposit of \$1451 From Dinkum Sands.

1/22/88

S B

3 75

A M E N D M E N T

Offered in the SENATE

TO: SB 375

Page 1, line 13, after "transporting":

Delete "school-age"

Insert "school [SCHOOL-AGE]"

Page 1, line 17, after "commissioner.":

Insert "In this subsection, "classroom studies" means curriculum studies that take place in a school building."

SB 375. Licensing of school bus drivers

SB 375 corrects a problem created in 1986 when the legislature imposed stricter requirements for school bus drivers and the ensuing regulations encompassed all van drivers regardless of the purpose of transportation of children. Many school districts are adversely affected, particularly in smaller communities as those schools frequently use "school activity vans" driven by a variety of staff, coaches or teachers. To comply, all would have to undergo the training and other requirements which can be costly to these districts.

"bus" is defined in existing Department of Public Safety regulations 13 AAC 40.010 (6): "bus" means every motor vehicle designed for carrying more than 10 passengers and used primarily for the transportation of passengers, and every motor vehicle designed and used for the transportation of persons for compensation, except a taxicab or school bus".

By that definition, current law requires that a driver of a van designed to carry more than ten passengers must possess a school bus drivers license. In order to comply, the driver must:

1. Complete a state approved school bus driver training course.
2. Supply the department of public safety with sufficient information to complete national criminal records check and background check.
3. Pass a written and road exam.
4. Undergo a health physical .

Additionally, many volunteer organizations are currently affected, including organizations such as ski clubs, girl scouts, and little leagues.

SB 375 more clearly defines that school bus driver's licenses are required only when transporting children to and from school, or when a "school bus" is being used to transport children to and from school. All others would not be required to obtain a "school bus" driver's license.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to licensing
school bus drivers.
Sponsor: Fahrenkamp
Requestor: Senate Transportation

Agency Affected: Public Safety
BRU: Motor Vehicles
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

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)

No fiscal impact on this department.

JML
2/8/88

Prepared by: Bill Brown Phone: 465-4335
Division: Motor Vehicles Date: 2-8-88

Approved by Commissioner: Paul Houtz, Dep. Comm. Date: 2-10-88
Agency: Public Safety

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

STATE OF ALASKA
DEPARTMENT OF EDUCATIONRegulations on School Bus Driver Training
DRAFT

The following regulations were adopted by the State Board of Education at its regular meeting held on August 17, 1987:

4 AAC 27 is amended by adding new sections to read:

4 AAC 27.200. APPROVED SCHOOL BUS DRIVER TRAINING COURSES. (a) Upon application by a district on forms prescribed by the department, the department may approve a school bus driver training course that is required by a pupil transportation contract which was awarded pursuant to 4 AAC 27.085. Courses approved under this subsection are approved until the expiration of the transportation contract under which the approval was made.

(b) Upon application on forms prescribed by the department and until June 30, 1988, the department may approve a school bus driver training course which includes at least 10 hours of training in the following subjects: pre-trip inspection; seat and mirror adjustment; defensive driving; driving skills; loading and unloading procedures; student management; and safety and emergency procedures. Courses approved under this subsection are approved until June 30, 1988 unless otherwise authorized in writing by the department.

(c) Upon application on forms prescribed by the department, the department may approve a school bus driver training course that:

(1) is conducted by a school bus driver training instructor certified under 4 AAC 27.210;

(2) meets the minimum standard training requirements of 4 AAC 27.220; and

(3) except as otherwise authorized in writing, by the department, follows the Minimum Course Content for Pre-Service Training of Alaska School Bus Drivers, 1987 Edition, issued by the department.

(d) Courses approved under subsection (c) are approved for a period of three years.

4 AAC 27.210. CERTIFICATION OF INSTRUCTORS. (a) The department will certify a person holding a school bus driver permit as a school bus driver training instructor if the person:

(1) has a minimum of two years' school bus driving experience; and

(2) satisfactorily completes a school bus driver training instructor certification program conducted by the department.

(b) A school bus driver training instructor certificate issued under (a) of this section expires three years from the date of issuance or whenever the holder fails to continue to hold a school bus driver permit, whichever comes first.

(c) A certificate issued under (a) of this section may be renewed any number of times if the holder submits an application on a form prescribed by the department and

(1) has conducted at least one state approved training course annually during the life of the certificate; or

(2) has prior approval of the department to enter and satisfactorily completes a school bus driver training instructor refresher program conducted by the department.

4 AAC 27.220. MINIMUM STANDARDS FOR SCHOOL BUS DRIVER TRAINING COURSES. (a) In order for a person to be certified by a department approved instructor as having met the requirements of a school bus driver training course approved under 4 AAC 27.200(c), the person must successfully:

- (1) identify the major mechanical component parts of a school bus;
- (2) complete a pre-trip inspection of a school bus;
- (3) adjust the driver's seat of a school bus so that all controls can be reached easily;
- (4) adjust the mirrors of a school bus for optimum visibility;
- (5) demonstrate starting and stopping the bus smoothly using proper coordination of accelerator, clutch where applicable, and brakes;
- (6) stop a school bus a specified distance from another object or point using over the hood, rear and curb reference points;
- (7) where applicable, shift gears on a moving school bus in a manner which provides a safe ride to passengers and avoids damage and unnecessary wear to the bus components;
- (8) where applicable, demonstrate the use of shifting in slowing and stopping the bus;
- (9) turn a corner in a school bus while keeping the bus in the correct lane of traffic;
- (10) back up a school bus in a straight line, and turn the bus around by backing into a side street under conditions of both ample and limited space;
- (11) explain and demonstrate defensive driving skills which may help prevent accidents in school buses in spite of incorrect actions of others;
- (12) demonstrate procedures for properly loading and unloading students;
- (13) explain techniques for managing the behavior of pupils on a school bus in a positive way;

- (14) explain proper actions to take during driving emergencies;
- (15) locate and explain how to use emergency equipment found on school buses;
- (16) explain and demonstrate procedures for safely positioning a school bus on a road after a mechanical breakdown or emergency situation;
- (17) demonstrate procedures for safely evacuating passengers of a school bus; and
- (18) demonstrate procedures for properly crossing railroad tracks in a school bus.

4 AAC 27.230. ISSUANCE OF SCHOOL BUS DRIVER CERTIFICATES; RECORDKEEPING REQUIREMENTS. (a) An instructor certified under 4 AAC 27.210 may issue a certificate certifying that a person has completed a state approved school bus training course under AS 14.07.020(a)(14) only if the person has completed a course approved under 4 AAC 27.200 using the Minimum Course Content for Pre-Service Training of Alaska School Bus Drivers, 1987 Edition, issued by the department, and has demonstrated to the instructor's satisfaction that the driver has met each of the minimum standards set forth in 4 AAC 27.220.,

(b) An instructor must keep records available for inspection by the department for a period of three years for each person to whom he or she has given instruction in school bus driving indicating:

- (1) the objectives on which training was given, including when the training was given, and the amount of training given on each objective; and
- (2) evaluation sheets, dated and signed by the instructor and driver, documenting that the driver has met each of the minimum standards set forth in 4 AAC 27.220.

(c) The instructor must furnish a duplicate of each certificate issued under (a) of this section to the department within 5 days of its issuance.

4 AAC 27.240. REVOCATION OF INSTRUCTOR CERTIFICATE. A certificate issued under 4 AAC 27.210 may be revoked for the following reasons:

- (a) fraudulent certification of training;
- (b) failure to follow department regulations and instructions concerning school bus driver training;
- (c) negligence in driving or instructional techniques;
- (d) revocation of school bus driver permit;
- (e) failure to properly document training as required by 4 AAC 27.230; or
- (f) willful failure to submit duplicate certificate to the department as required by 4 AAC 27.230.

Fairbanks North Star Borough
School District

&

Interior Delegation Meeting

December 14, 1987

Interior Delegation

Sen. Jack Coghill
Sen. Betsy Fahrenkamp
Sen. Ken Fanning

Rep. Mark Boyer
Rep. Mike Davis
Rep. Steve Frank
Rep. Niilo Koponen
Rep. Mike Miller

Fairbanks School Board

Bonnie Brody, President

Mike Kramer
Jerry McBeath
Gene Redden
Tony Barnhill, Post Rep.

Walt Schlotfeldt
Karl Schroeder
Andy Warwick
Mike Griffin, Base Rep.

Linda Lowery, Student Rep.

Rick Cross, Superintendent

SCHOOL BUS DRIVERS' LICENSES

POSITION PAPER AS 28.15.046(A)

I. Statutory requirement

Effective Sept 1, 1987 a person may not drive a school bus, or a bus transporting school age children, until that person has been issued a school bus driver's license.

II. Impact on District

Since the new licensing requirements apply to persons driving any bus transporting school age children, many more people are required to possess school bus driver's licenses than in the past. Anyone who drives school age children in a vehicle capable of transporting 11 or more students must now obtain a school bus driver's license.

This change impacts primarily the extra curricular programs of the District. It also effects the use of the District van by FAJHS staff to transport students. District activities will be impacted as follows:

1. Schools may not rent vans to transport teams to and from events unless the sponsor/driver possesses a valid school bus driver's license. This applies to renting vans in Fairbanks to drive to another town. It also applies to renting vans in Anchorage (or any other town) to travel around town after flying from Fairbanks.

This restriction on the use of vans will increase the cost of transporting teams. Teams will have to either rent smaller capacity vans, rent school buses, or arrange for sponsors to obtain bus driver's licenses. Each of those alternatives increases activity costs, possibly to the point of making it too expensive to travel out of district for certain groups.

2. Schools may no longer charter buses from common carriers (e.g. Westours, Sturgeon, etc.) unless the drivers of those motor coaches possess school bus driver's licenses. These drivers do not generally possess school bus driver licenses, so the district cannot presently use common carriers on long haul charters.

3. The FAJHS must either lower the capacity of its van (presently a 15 passenger van) to less than 10 passenger capacity, or the staff at FAJHS must obtain school bus driver's permits.

III. Potential Solutions

The District has several options available to address the problems created by these new licensing requirements. They are as follows:

1. Hire all transportation of students to school bus contractors.
2. Arrange for all coaches/sponsors travelling with students to obtain school bus driver's permits.
3. Only rent/lease vehicles of 10 passenger or less.
4. Pursue amendment to AS 28.15.046(a) that will change the persons required to possess a school bus driver's license.

The district is presently using a combination of alternatives 1-3 in an effort to comply with the new law. This changes the way students transportation has occurred in the past, making it both more expensive and more difficult to arrange.

IV. Recommended Solution

The alternative of amending the law should be considered. The new law, designed to standardize school bus driver training requirements, has created a new class of persons required to obtain this license. These people will probably never drive a yellow school bus, but are still required to possess a school bus driver's permit.

To suggest that only drivers of school buses should need school bus driver's licenses is not unreasonable. The District supports a change in the law that will limit the application of the statute to those drivers who actually transport students on school buses.

ALASKA DEPARTMENT OF EDUCATION
Position Paper - SB 375
2/10/88

The Department of Education strongly supports training and licensing of drivers who transport large groups of students to or from school or school activities.

We agree with the requirements of this bill for training and special licensing of drivers who transport school children to or from school or school activities on school buses, or who transport school age children to or from school on buses.

While the department takes no position on the intent of the bill to delete training and special licensing of drivers of non-school buses transporting school age children on activity trips, we believe that school districts should provide these drivers with training in at least the following areas: pre-trip inspection, defensive driving, emergency situations, and passenger management.

William G. Demmert

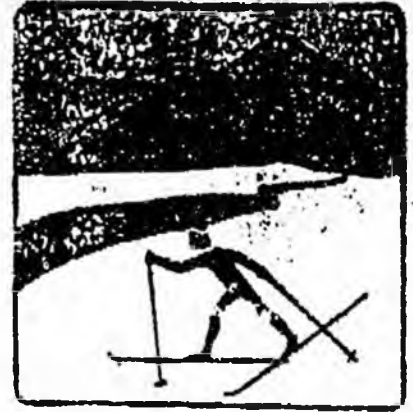
William G. Demmert, Commissioner

SALCHA SKI CLUB

P.O. Box 140055

Salcha, Alaska 99714

(907) 488-3987 or 488-3012



February 10, 1988

Senator Bettye Fahrenkamp
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am writing to express the complete support of our organization (all 114 members) for your Senate Bill 375. This bill will remedy the transportation problems caused by current regulations which have forced us to leave behind team members who would ordinarily have travelled with us to ski races in Anchorage.

As an organization on a limited budget, run completely by volunteer help, we do not have the time or financial resources to obtain school bus driver's licenses for our drivers. Nor do we think that such licensing would improve the quality or safety-consciousness of our drivers.

Would you please pass along this letter to other members of the senate and also the Department of Transportation so that they will know of our problems with current regulations and our support for your Senate Bill 375. Thank you.

Sincerely,

James F. Ostlind

James F. Ostlind, Executive Director
Salcha Ski Club

①

SB

395

1 IN THE SENATE

BY FISCHER

2

SENATE BILL NO. 395

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the school term."

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

8 * Section 1. AS 14.03.030 is amended to read:

9 Sec. 14.03.030. SCHOOL TERM. A school term begins and ends on
10 the dates fixed by the governing body of a school district. A school
11 term shall include not less than ~~the equivalent of~~ 180 days in ses-
12 sion, ~~except that~~ ^{unless} with the approval of the commissioner,

13 (1) a day used for in-service training of teachers ~~may~~ ^{is} be
14 substituted for a day in session, up to a maximum of 10 days;

15 (2) an "emergency closure day" ~~may~~ ^{is} be substituted for a day
16 in session because of conditions posing a threat to the health or
17 safety of students; and

18 (3) a school board ~~may~~ ^{and} adopt a school term of not less than
19 150 days for a school ~~if~~ the commissioner finds that

20 (A) the shorter term is necessary [FOR ABATING ASBES-
21 TOS HEALTH HAZARDS IN THE SCHOOL]; and

22 (B) the school board has submitted an acceptable plan
23 under which students will receive the approximate educational
24 equivalent of a 180-day term.

5-1774B

Ford
2/11/88

Original sponsor: Fischer

THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 395 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the school term."

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

8 * Section 1. AS 14.03.030 is amended to read:

9 Sec. 14.03.030. SCHOOL TERM. A school term begins and ends on
10 the dates fixed by the governing body of a school district. A school
11 term shall include not less than 180 days in session, unless [EXCEPT
12 THAT], with the approval of the commissioner,

13 (1) a day used for in-service training of teachers is [MAY
14 BE] substituted for a day in session, up to a maximum of 10 days;

15 (2) an "emergency closure day" is [MAY BE] substituted for
16 a day in session because of conditions posing a threat to the health
17 or safety of students; and

18 (3) a school board adopts [MAY ADOPT] a school term of not
19 less than 150 days for a school and [IF] the commissioner finds that

20 (A) the shorter term is necessary [FOR ABATING ASBES-
21 TOS HEALTH HAZARDS IN THE SCHOOL]; and

22 (B) the school board has submitted an acceptable plan
23 under which students will receive the approximate educational
24 equivalent of a 180-day term.
25
26
27
28
29

SB

420

Introduced: 2/12/88
Referred: Health, Education and
Social Services

5-1894A

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 420

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the curriculum required in public
7 schools."

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

9 * Section 1. AS 14.07.020(a)(4) is amended to read:

10 (4) prescribe by regulation a minimum course of study for
11 the public schools; the regulations must provide that if a course in
12 American Sign Language is given, the course shall be given credit as a
13 course in a foreign language;

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17 *NO Degree - Com. Schools*
18 *Devt Ed / Specialst*
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2-17-88

Sponsor Summary

SB-420: "An act relating to the curriculum required in public schools."

SB-340 would require school districts to give credit for American Sign Language as a foreign language if American Sign Language is taught.

At least two states presently allow this, California and Ohio. As information from Ohio notes:

Ohio needs many more sign language interpreters. American Sign Language skills are the most important skills of any good interpreter. Students that take these classes, but do not become interpreters, will be able to use their ASL skills in whatever jobs they take after graduation. Deaf high school students will have more people to communicate with, which means less isolation.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: . . . curriculum required in
public schools. . .
Sponsor: Kerttula
Requestor: Senate HESS

Agency Affected: Education
BRU: _____
Components : _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		Ø	Ø	Ø	Ø	Ø

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		Ø	Ø	Ø	Ø	Ø
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Steve Hole
Division: Commissioner's Office

Phone: 465-2800
Date: 2-19-88

Approved by Commissioner: William G. Demmert
Agency: Department of Education

Date: 2-19-88

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

Assembly Bill No. 51

CHAPTER 256

An act to amend Section 51225.3 of the Education Code, relating to secondary education.

[Approved by Governor July 24, 1987. Filed with Secretary of State July 27, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 51, O'Connell. Education.

Existing law, which will become operative on July 1, 1988, requires pupils to complete a minimum number of courses in specified subjects in order to receive a high school diploma, including one course in visual or performing arts or foreign language.

This bill would provide that for the purposes of satisfying this requirement, a course in American Sign Language shall be deemed a course in foreign language.

The people of the State of California do enact as follows:

SECTION 1. Section 51225.3 of the Education Code, as added by Section 2 of Chapter 1158 of the Statutes of 1985, is amended to read:

51225.3. (a) Commencing with the 1988-89 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 to 12, inclusive, has not completed all of the following:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified.

(A) Three courses in English.

(B) Two courses in mathematics

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.

(E) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Such other coursework as the governing board of the school district may by rule specify.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means

for students to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

This section shall become operative on July 1, 1988.



OHIO ASSOCIATION OF THE DEAF, INC.

a non-profit organization promoting the best interests of the deaf of our state

SIGN LANGUAGE OMNIBUS BILL: WHAT IT IS AND WHAT IT WILL DO

The Ohio Association of the Deaf asked Representative Judy Sheerer (D-Cleveland) to introduce the Sign Language Omnibus Bill. The idea for this bill was to increase understanding and appreciation for deaf people's need for sign language in their lives. We strongly encourage you to get involved and support this bill.

The bill has three important parts. If the bill becomes law, the Ohio state government will:

1. Recognize American Sign Language (ASL) as a foreign language. ASL would then be allowed to be taught in high schools and college for credit.

(Purpose: Ohio needs many more sign language interpreters. ASL skills are the most important skills of any good interpreter. Students that take these classes, but do not become interpreters, will be able to use their ASL skills in whatever jobs they take after graduation. Deaf high school students will have more people to communicate with, which means less isolation.)

2. Choose three cities to set up pilot or experimental programs in which sign language classes would be offered to hearing students below the 9th grade.

(Purpose: Most deaf children are now mainstreamed into schools with other hearing children. Those deaf children, who depend on sign language for full communication, need to be able to have other children to talk with and develop relationships with. These classes which will not be required, will encourage hearing children to learn sign language. If deaf children take these classes, it will be voluntary and left up to the parents to decide. (Cleveland, Columbus and Dayton are the most likely cities to be chosen.)

-MORE-

CLEVELAND No. 1 • CINCINNATI No. 2 • COLUMBUS No. 3 • AKRON No. 4 • TOLEDO No. 5
DAYTON No. 6 • FINDLAY No. 7 • MANSFIELD No. 8 • YOUNGSTOWN No. 9 • PORTSMOUTH No. 10

• A COOPERATING MEMBER OF THE NATIONAL ASSOCIATION OF THE DEAF •

Page Two
Sign Language Omnibus Bill

3. Hire six new staff people who would work in the Ohio Department of Education. These six people would be experts in deafness and sign language.

(Purpose: The Ohio Department of Education does not have any consultants or experts in deafness and sign language at this time. Consultants are needed to help the local school programs provide educational services deaf children. Consultants will also be needed to help the schools develop the sign language classes and to be sure they use qualified sign language interpreters in the classrooms with deaf children.)

The Bill is to be introduced in the House of Representatives by Rep. Judy Sheerer in December. A public hearing is expected to be held in January.

For more information:

Alan R. Parnes
Chairperson
Sign Language Omnibus Bill
615 McAlpin #1-A
Cincinnati, Ohio 45220
(513) 221-4717 (Home-TDD ONLY)
221-3300 (Work-TDD ONLY)
221-3300 (Work-Voice)

states to establish and maintain standards consistent with state approved or recognized certification, licensing, registration, or comparable requirements which apply to particular professions or disciplines.³⁰

In assisting the states to develop personnel standards for professionals in deaf education, ED should consider the Council on Education of the Deaf's standards for the certification of professionals involved in the education of hearing impaired children and youth.

Draft Recommendation 16: The Department of Education should provide guidelines for states to include in their state plans such policies and procedures, which relate to the establishment and maintenance of standards, to ensure that professionals in special programs for students who are deaf are adequately prepared and trained.

XIII. Educational Interpreters

Discussion: Communication in the classroom is crucial not only to the educational process, but also to student participation in the classroom. Utilizing interpreting services is one way of providing communication for students who are deaf in classrooms with hearing peers. The classroom setting presents a challenge for educational interpreters because they must consider: The varying linguistic and cognitive developmental levels of the child; the differing sign/oral systems employed for interpreting; the appropriateness of performing other duties; and the need to work cooperatively with regular classroom teachers, administrators, and other support personnel.

The Registry of Interpreters for the Deaf (RID), the national certifying organization for interpreters, has established guidelines for the professional interpreter's role and functions but has not established special provisions for educational interpreters. In 1985, the National Task Force on Educational Interpreting (NTFEI) was formed to "examine and clarify roles and responsibilities, training and certification, working conditions, and other needs concerning educational interpreters and their services to mainstreamed deaf students at all educational levels." NTFEI is also seeking to establish standards for educational interpreters and to promote "equitable salary ranges as determined by skill level required and advanced training expectations."

Although NTID's 1986 Interpreter Training Programs resource guide lists 48 interpreter training programs in 30 states, none are specifically designed for educational interpreters. Interpreters, themselves, recognize that they do not receive adequate training in such subjects as child and language development, cognitive processing, the various sign/oral systems, and educational settings that require special knowledge and expertise. Serious concern has been expressed about the lack of understanding of the interpreter's role by deaf students, classroom teachers, parents, administrators, and interpreters themselves. Another serious concern is that states and local educational agencies have not treated interpreters as "professionals," in terms of status and salaries.

Draft Recommendation 17: The Department of Education, in consultation with consumers, professionals, and organizations, should provide guidelines for states to include in their state plans such policies and procedures, which relate to the establishment and maintenance of standards, to ensure that interpreters in educational settings are adequately prepared and trained.

This recommendation is intended to include interpreter standards in the personnel standards as required by section 613(a)(14) of the EHA Amendments of 1986. The Commission proposes that ED should recognize interpreters as professionals and should continue working closely with RID, NTFEI, and other groups in developing and providing guidelines to states to establish and maintain standards for interpreters in educational settings. ED should especially define the appropriate role of interpreters in these settings. The Commission emphasizes that the term "educational interpreters" includes sign language, cued speech, oral, and deaf/blind interpreters.

Draft Recommendation 18: Federal funding should be provided to develop training programs, design curricula, and award stipends to recruit and train potential and working educational interpreters.

There are currently no interpreter training programs specifically designed for educational interpreters. Training programs should offer courses addressing special issues, such as: The various sign systems used in educational settings; oral and cued speech interpreting; manual communication with deaf/blind persons; the need for collaboration between teachers, administrators, and counselors; and the cognitive and

language development processes of hearing and deaf children. Section 304 of the Rehabilitation Act currently provides an average of \$18,000 per state for interpreter training programs. That amount is not enough to pay for even one qualified instructor let alone pay for additional faculty, curriculum development, and support services that would be needed for a quality training program.³¹

Part D of the EHA allocates monies to promote staff development of special education personnel. These monies could be used to provide stipends to potential and working interpreters who seek training in the field of educational interpreting.

Draft Recommendation 19: Congress should fund section 315 of the Rehabilitation Act. The Department of Education should establish standards for interpreters in the field of rehabilitation.

Section 315 of the Rehabilitation Act of 1973, as amended, authorizes the Commissioner of Rehabilitation Services to make grants to states for establishing interpreting services for individuals who are deaf.³² Interpreters participating in the programs are required to meet minimum standards.³³ Section 315 has never been funded and consequently no interpreter standards have been established for the states by the Commissioner.

XIV. American Sign Language

Discussion: Researchers examining the linguistic characteristics of American Sign Language (ASL) have determined that it is a natural and complete language, comparable in complexity and expressiveness to other languages. ASL should not be confused with manually coded English sign systems (e.g., Seeing Exact English, Seeing Essential English) which are not considered languages but which have become widely used in educational settings. Some educational institutions also recognize ASL as a distinct language and grant foreign/second language credit to students who master ASL.

Approximately 10 percent of deaf children have parents who are deaf and many of these children learn ASL as their native language and acquire English as a second language. Deaf children of hearing parents often choose to learn ASL later in life. Psycholinguists studying second language acquisition have found that language learning is

³¹ 29 U.S.C. 774.

³² *Id.* at 777(c).

³³ *Id.* at 777(b)(5).

enhanced when both languages and cultures are viewed positively by the society in which the individual interacts and when there is complementarity, rather than competition, between linguistic systems.³⁴

*Draft Recommendation 20: The Commission on Education of the Deaf recognizes American Sign Language as a legitimate language.*³⁵

It is not the intent of the Commission that ASL be used as the primary method of English instruction for all students who are deaf; however, it should be emphasized that this recommendation recognizes ASL as a language in its own right and as an educational tool.

XV. The Role and Impact of Research, Development, and Evaluation Activities at Gallaudet University and the National Technical Institute for the Deaf

Discussion: The Commission examined several related questions concerning the role and impact of research, development, and evaluation activities conducted by GU (including KDES and MSSD) and NTID. The Commission emphasizes that it has not attempted to evaluate the quality of research at GU and NTID; however, it has considered how research, development, and evaluation priorities should be established, whether there has been adequate oversight to ensure cost-effectiveness and quality, and whether research, development, and evaluation projects should be funded through Congressional appropriations, competitive grants, or both.

Funding of Research, Development, and Evaluation Projects

Discussion: GU and NTID are authorized by law to conduct research, development, and evaluation. There is significant value in having extensive and high quality research, development, and evaluation programs at GU and NTID. The Commission commended the valuable contribution to the field made by the Annual Survey of Hearing Impaired Children and Youth and it expressed interest in exploring ways in which the Survey might provide important data about specific groups,

such as the rural student populace. However, it recognized that other research centers are also conducting a significant amount of research on deafness and deaf education. These centers would benefit from increased opportunities to compete for larger amounts of funding. Similarly, requiring GU and NTID to participate in more competition for funding could be expected to enhance the quality of GU's and NTID's research, development, and evaluation activities.

The Commission's recommendation is intended to encourage competition, innovation, and diversity in research and development projects on deafness. The Commission certainly does not recommend any reduction of funding for deafness-related research.

*Draft Recommendation 21: Only a base level of Congressionally appropriated line-item funding should continue to be allocated to GU and NTID for research, development, and evaluation projects. Specifically, funding should be adequate to provide a robust research agenda which would include the Annual Survey of Hearing Impaired Children and Youth conducted by Gallaudet. An overall reduction in the current funding provided to these two institutions should be made and the remaining monies should then be set aside and used for competitive grants for deafness-related research. Any research center with adequate capacity in the field, including GU and NTID, could compete for the funds on a multi-year basis.*³⁶

The Commission welcomes comments on how to set the "base level" for GU and NTID: one-third, one-half, two-thirds, or some other proportion of what Congress now appropriates to them for research, development, and evaluation activities. The current appropriations for GU (including KDES and MSSD) and NTID total approximately \$8 million for these activities.

XVI. Employment and Advancement of Persons Who Are Deaf at Federally Funded Postsecondary Education Institutions

Discussion: The Commission requested information regarding the employment of deaf persons at GU and

NTID, and the employment of blacks and women at Howard University and Wellesley College, respectively. At GU, the overall employment rate for persons who are deaf is 22% (18% executive, 33% professional, 38% technical, 7% secretarial, 7% maintenance, and 6% service positions). At NTID, the overall employment rate is 12% (12% executive, 12% faculty, 15% professional, 20% technical, and 6% secretarial positions). At Howard University, a primarily black university in Washington, DC, the overall employment rate for black persons is 87% (91% administrative, 77% faculty, and 89% staff positions). At Wellesley College, a women's college near Boston, the overall employment rate is 74% for women (50% administrative, 83% faculty, and 91% staff positions).

The Commission recognizes that the pool of deaf applicants is not as extensive as the pool of female and black applicants; however, these federally-funded postsecondary institutions for the deaf should take initiatives to recruit, hire, and promote deaf persons similar to the initiatives taken by Howard and Wellesley. The Commission acknowledges the efforts made by GU and NTID and supports further efforts, by these institutions and others, to employ and advance persons who are deaf.

Draft Recommendation 22: GU, NTID, and the schools participating in the RPEPD should continue to strengthen the positive efforts they have already made in recruiting, hiring, and promoting qualified applicants and employees who are deaf.

Records of the comments received will be available for public inspection at the office of the Commission on Education of the Deaf, GSA Regional Office Building, Room 6648, 7th and D Streets SW., Washington, DC.

Pat Johanson,

Staff Director, Commission on Education of the Deaf.

October 8, 1987.

[FR Doc. 87-23732 Filed 10-13-87; 8:45 am]

BILLING CODE 4820-50-M

³⁴ Beardsmore, H. B. (1982). *Bilingualism: Basic principles*. England: Tieto.

³⁵ The Commission has not reached full consensus on this recommendation.

³⁶ The Commission has not reached full consensus on this recommendation.

SB

429



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 16, 1988

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

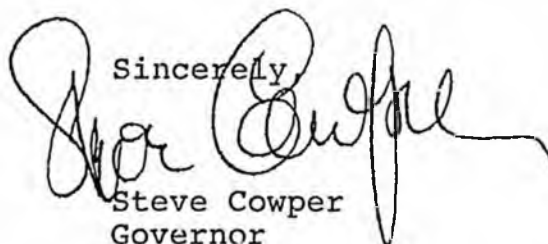
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to juvenile detention proceedings. This bill amends AS 47.10.140(c) and Delinquency Rule 10(c), to allow the use of certain hearsay evidence at the hearing held within the statutorily specified 48 hours after a minor is detained on a delinquency matter. It does not alter the detention criteria or extend the length of time that a minor may be detained before a hearing is held. In this bill, the entire AS 47.10.140 and Delinquency Rule 10 are set out, for clarity, even though only one subsection of each is being amended.

A temporary detention hearing is conducted on two issues: 1) whether there is probable cause to believe that the minor has committed a delinquent act or violated terms of release or probation; and 2) whether detention is necessary to protect the minor or others, or to ensure the minor's appearance at subsequent court hearings. Under the current terms of AS 47.10.140, and Delinquency Rules 10(c) and 12, the Department of Health and Social Services must be prepared at the 48-hour hearing to conduct a "mini-trial" on the first issue, with witnesses called to prove each element of the offense. This bill would allow certain hearsay to be offered in support of probable cause. The standards would be the same as those applying to adult felony probable cause hearings, under Criminal Rule 5(e)(1)(i). The minor would have the opportunity to require that the witnesses be called, upon request, at a subsequent hearing to be held within five court days after the arrest. A probable cause finding is necessary in order either to detain a minor or to place conditions on the minor's conduct on release until the next hearing. Delinquency Rule 10 was adopted to be effective August 15, 1987, and is based on AS 47.10.140.

The present procedure, requiring witnesses to be available at every 48-hour temporary detention hearing, is an impracticable, costly, and inefficient use of resources. If

necessary witnesses cannot be located to establish probable cause at the 48-hour hearing, the minor is released and the case is closed. In Anchorage, minors usually admit the charges at the initial hearing and the witnesses summoned to the hearing are not needed. In those rare cases in which the minor does not admit the charges, the minor's attorney often requests a continuance to allow the attorney time to review the police reports before the hearing is conducted. Whether or not the minor admits the charges or requests a continuance, the court may order a less restrictive placement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Cowper", written in black ink.

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Juvenile Delinquency Temporary
Detention Hearings
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. Health & Social Svs.
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Russ Webb Phone: 465-3203
Division: Family & Youth Services Date: 12/9/87
Approved by Commissioner: [Signature] Date: 12/9/87
Agency: Health & Social Services

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

SB

4601

ALASKA STATE LEGISLATURE


Home Address
3813 Denali Street
Ketchikan, AK 99901
907-225-9082

While in Juneau
P.O. Box V
Juneau, AK 99811
907-465-3743

Senator Lloyd Jones

MEMORANDUM

TO: Senate HESS Members

FROM: Senator Lloyd Jones 

DATE: February 26, 1988

SUBJECT: A bill limiting the liability of hospitals for actions of certain nonemployees.

Under Senate Bill 461, hospitals would not be held liable for the actions of nonemployees, unless the hospital shared fault. It would ensure doctors and other persons who perform their professional duties in hospitals, but are not employed by the hospitals, are individually held accountable for their actions.

Presently, hospitals are included in many malpractice suits, not due to any negligence of the hospitals or its employees, but because they have "deep pockets." Passage of this bill in my opinion would reduce needless legal expenses incurred by our hospitals.

I trust you will give this important piece of legislation your full scrutiny. I think you will find strong support for this bill among health professionals, hospitals, cities and other members of the public.

Thank you.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to the Liability
of Hospitals...
Sponsor: Jones, et.al.
Requestor: _____

Agency Affected: Health and Social Services
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Kim Busch, Director *Kim Busch* Phone: 465-3355
Division: Division of Medical Assistance Date: 3/2/88

Approved by Commissioner: Myra Munson *Myra M. Munson* Date: 3/2/88
Agency: Health and Social Services

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to liability of hospitals ... certain nonemployees."
Sponsor: Senator Jones
Requestor: Senate HESS

Agency Affected: Department of Law
BRU: Legal Services
Components: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Richard I. Pegues, Director
Division: Administrative Services

Phone: 465-3672
Date: February 19, 1988

Approved by Commissioner: Richard I. Pegues / FOR
Grace Berg Schallbe, Atty. Gen.
Agency: Department of Law

Date: February 19, 1988

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 461

This bill adds a new section to AS 09.65 that shields hospitals from civil liability for the acts and omissions of those providing health care in a hospital who are not employees of the hospital, including physicians. Because this bill deals with the civil liability of hospitals, it will not have a direct fiscal impact on the Department of Law.

SB

467

Original sponsors: Abood and Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 467 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the registration of persons
7 convicted of sexual offenses; and providing for an
8 effective date."

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

10 * Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 40. REGISTRATION OF PERSONS CONVICTED OF SEXUAL
12 OFFENSES.

13 Sec. 33.40.010. PERSONS REQUIRED TO REGISTER. (a) A person who
14 has been convicted of a sexual offense and who is not confined to a
15 correctional facility shall, within 14 days of entering a municipality
16 or unincorporated community, register with the nearest law enforcement
17 agency.

18 (b) A person who has been convicted of a sexual offense and who
19 is confined to a correctional facility shall register with the nearest
20 law enforcement agency within 14 days of entering a municipality or
21 unincorporated community after being released from the correctional
22 facility.

23 Sec. 33.40.020. DUTIES OF COMMISSIONER. The commissioner shall
24 adopt regulations necessary to carry out this chapter and shall pre-
25 pare forms to be used to register under this chapter.

26 Sec. 33.40.030. REGISTRATION. (a) A person required to regis-
27 ter under AS 33.40.010 is required to register only once. The regis-
28 tration must include

29 (1) a written statement by the person giving the

1 information required by the department;

2 (2) the fingerprints of the person; and

3 (3) a photograph of the person.

4 (b) The law enforcement agency with whom a person registers
5 under (a) of this section shall prepare duplicate sets of the regis-
6 tration information provided under (a) of this section. Within three
7 days after receiving it, one set shall be forwarded to the commis-
8 sioner or to the office that the commissioner may designate by regu-
9 lation.

10 (c) The law enforcement agency with whom the person registers
11 shall retain the second set.

12 Sec. 33.40.040. RELOCATION. (a) A person required to register
13 under this chapter shall notify the law enforcement agency with whom
14 the person last registered of a change of residence within the munici-
15 pality or unincorporated community within 10 days after the change of
16 residence.

17 (b) If a person required to register under this chapter relo-
18 cates from the municipality or unincorporated community in which the
19 person registered under AS 33.40.030, the person shall notify the law
20 enforcement agency nearest to the municipality or unincorporated
21 community to which the person relocates within 10 days after the
22 change of residence.

23 (c) The law enforcement agency that the person notifies under
24 (b) of this section shall ask the law enforcement agency having cus-
25 tody of the person's registration file to provide the registration
26 file. The law enforcement agency having custody of the file shall,
27 within five days of receiving the request, transmit the file to the
28 law enforcement agency that the person notified under (b) of this
29 section.

1 Sec. 33.40.050. REGISTRATION FILE. (a) Except as otherwise
2 provided in this section, the statements, fingerprints, and other
3 records maintained by a law enforcement agency or the department under
4 this chapter are confidential and shall be maintained by the law
5 enforcement agency or the commissioner in a file separate from other
6 files and records maintained by the law enforcement agency or the
7 commissioner.

8 (b) The commissioner ^{and} ~~of~~ ^{The} law enforcement ^{agencies} ~~agency~~ shall remove
9 copies of registration records, fingerprints, and other records main-
10 tained under this chapter from the permanent registration after 20
11 years from the date the person registered under AS 33.40.030.

12 (c) Except as provided in AS 33.40.040, copies of statements,
13 fingerprints, and other records maintained under this chapter may be
14 transmitted only if

15 (1) the record requested is necessary for the investigation
16 of a crime and will be used only in the investigation of that crime;
17 and

18 (2) the request is received from the head of

19 (A) a local law enforcement agency in the state or in
20 another place;

21 (B) a department of the state involved in the enforce-
22 ment of a criminal law of the state; or

23 (C) a federal law enforcement agency.

24 Sec. 33.40.060. PENALTY. A person convicted of a sexual offense
25 who fails to register as required under this chapter or who provides
26 false or misleading information to a law enforcement agency when
27 required under this chapter is guilty of a class A misdemeanor.

28 Sec. 33.40.070. DEFINITIONS. In this chapter

29 (1) "commissioner" means the commissioner of public safety;

1 (2) "correctional facility" has the meaning given in
2 AS 33.30.901;

3 (3) "department" means the Department of Public Safety;

4 (4) "person convicted of a sexual offense" means a person
5 convicted of an offense

6 (A) in the state under AS 11.41.410 - 11.41.455;

7 (B) in the state under former law that would now
8 constitute an offense described in (A) of this paragraph;

9 (C) in another jurisdiction that would now be punish-
10 able as one of the offenses listed in (A) or (B) of this para-
11 graph if committed in the state.

12 * Sec. 2. Notwithstanding AS 33.40.010(a), enacted by sec. 1 of this
13 Act, a person who has been convicted of a sexual offense, as defined in
14 AS 33.40.070(4), enacted by sec. 1 of this Act, and who is not confined to
15 a correctional facility shall register with the nearest law enforcement
16 agency by January 31, 1989.

17 * Sec. 3. This Act takes effect January 1, 1989.
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REVISED FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to . . . the registration of persons . . ."
Sponsor: Sen. Abood
Requestor: Senate HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES		29.7	29.7	29.7	29.7	29.7
TRAVEL		-	-	-	-	-
CONTRACTUAL		1.2	1.2	1.2	1.2	1.2
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		7.7				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		40.6	32.9	32.9	32.9	32.9

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		40.6	32.9	32.9	32.9	32.9
FEDERAL FUNDS						
OTHER						
TOTAL		40.6	32.9	32.9	32.9	32.9

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/26/88

Approved by Commissioner: A. Aostaki, Sec. Comm.
Agency: Public Safety

Date: 2-29-88

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

Fiscal Note SB 467

"Registration of child sex offenders"

Passage of this legislation will require the Department to establish and maintain a child sex offender file, provide forms to local law enforcement agencies, promulgate necessary regulations and to provide followup investigations to assure compliance. At present there are 291 known child sexual offenders in the probation/parole system as well as another 432 presently incarcerated. Of these, approximately 69 enter the probation/parole system yearly. An unknown number of child sex offenders have completed their probation/parole requirements and remain in Alaska. In recent years, increased proactive investigations have taken place in child sex cases, particularly by the joint Alaska State Trooper/Anchorage Police Department which are resulting in an increased number of arrests each year. Currently, there are approximately 200 statewide arrests yearly in these types of cases which could ultimately increase the number of persons who will require registration. An unknown number of additional registrations will be required for individuals who have committed similar crimes in other states who now reside in Alaska.

In order to meet the responsibilities outlined above, it is conservatively estimated that the Department will need the services of a Data Processing Clerk I and supporting costs. These resources will be assigned to the Intelligence Unit of the Criminal Investigation Bureau based in Anchorage.

Assumptions made during the preparation of this fiscal note include that the bill will become effective January 1, 1989, with funding beginning July 1, 1988, in order to allow sufficient lead time to establish the registration program, develop and obtain forms, etc. Further, the fiscal note requests various items of equipment in the first year only and no inflation is presented.

Alaska State Legislature

INTERIM OFFICE
3111 'C' STREET, SUITE 535
ANCHORAGE, ALASKA 99503
(907) 561-7614



WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4747

Senator Mitch Abood
SENATE DISTRICT G-A

CHAIRMAN
STATE AFFAIRS
MAJORITY WHIP
MEMBER
TRANSPORTATION
COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
INTERNATIONAL TRADE

SECTIONAL ANALYSIS OF SENATE BILL 467

"An Act Relating to the Protection of Children and the Registration of Persons Convicted of Sexual Offenses Against Children."

This bill adds a new chapter to Title 33 of the Alaska Statutes. (Probation, Prisons, and Prisoners).

A person who has been convicted of a felony sexual offense against a child must register with the nearest law enforcement agency.

SECTION 1

This section states who is required to register, what information the registration must contain, and that the registration must be confidential.

The Department of Public Safety shall prepare the forms and adopt regulations to carry out this program.

Anyone who is convicted of a sexual offense against a child and fails to register or who knowingly provides false information on their registration is guilty of a Class A misdemeanor.

When a person who has been convicted of the crime in another state, and then moves to Alaska, they must also register.

SECTION 2

A person who has been convicted of a sexual offense against a child and who is not in a correctional facility must register with the nearest law enforcement agency within 30 days of the effective date of this bill.

BOARD MEMBERS

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Executive Director

Myrna Klingel
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Memory Nelson

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ADVISORY**

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Fairbanks Police Dept.

Chief Leslie Bencardina
Seward Police Dept.

Trooper Roy Sagraves
Anchorage Exploited
Children Unit

Kenneth Marschen, Jr.
FBI Special Agent
Exploited Children

Chief John Newell
Sitka Police Department

Chief John McKibben
Palmer Police Department

Chief Michael L. Daugherty
Homer Police Department

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Chief Max Hurlbut
Kodiak Police Dept.

Officer Barbara Hollanbeck
Anchorage Police Dept.

Officer Kenneth Cole
Anchorage Police Dept.

Officer Scott Jessen
Anchorage Police Dept.

Officer Lou Mizelle
Anchorage Police Dept.

Chaplain Bert McQueen
Anchorage Police Dept.

Rollie Part
Supervisor, Palmer
Investigator Unit
Alaska State Troopers

Chief Richard Ross
Kenai Police Dept.

Trooper Christopher Stockard
Alaska State Trooper

NATIONAL CONSULTANTS

John Rabun
Deputy Director,
National Center for Missing
and Exploited Children
Washington D.C.

Dr. Vincent J. Fontana
Professor of Clinical Pediatrics,
New York University, College
of Medicine
Medical Director, New York
Foundling Hospital

Penelope Douglas
Media Consultant

Chief James Montgomery
Boise, Idaho Police Dept.

HONORARY COMMITTEE

The Honorable Robert C. Erwin

Representative Alyce Hanley

Mrs. Walter J. Hight

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William J. Sharow

Alaska Juvenile Crime Commission

P.O. Box 92850 Anchorage, Alaska 99509 Ph. (907) 279-7401

February 29, 1988

POSITION PAPER

The Alaska Juvenile Crime Commission strongly supports passage of SB467, The Protection of Children From Sexual Offenders, by the utilization of municipal or community registration of individuals with histories of prior convictions.

This statute would not only aid law enforcement in case investigation of sexual molestation of children, but bring additional awareness to the opportunist offender that sexual exploitation of children will not be condoned by the public.

Several other states, including California, have passed similar legislation. The Commission fully endorses the concept.

Marroyce Hall, Director
Alaska Juvenile Crime Commission

BILL NO: SB 467

DATE: 2/26/88

TITLE: An Act relating to the protection of children and registration of persons convicted of sexual offenses against children...

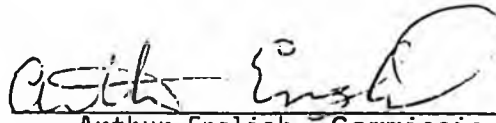
CONTACT: Col. Robert E. Jent
269-5641

DEPARTMENT OF
PUBLIC SAFETY

This legislation will enable law enforcement agencies to keep track of known child sex offenders residing in their jurisdictions. It will provide within the Criminal Investigation Bureau a central file of the locations of known child sex offenders and it will require local law enforcement agencies to report the registration of these offenders to the Department of Public Safety.

It is generally agreed among experts that a great number of those who commit sexual offenses against children are repeat offenders and not good subjects for rehabilitation efforts. As a result, after the completion of a court-ordered sentence, there remains the need to keep track of these individuals' whereabouts in order to provide an extra preventative measure as well as increased degree of protection for the public.

The Department of Public Safety supports this legislation with the proposed amendments listed the attached page.



Arthur English, Commissioner



Amendments Proposed

- (1) Sec. 33.40.040(c) restricts the ability of the Department to disseminate information regarding child sex offenders to local law enforcement agencies. While a request for a specific individual could be responded to, often crimes are investigated without a suspect being identified. It would be of great assistance to local law enforcement agencies if the Department of Public Safety could scan the records for violators within an area of a child sex crime as well as those individuals modus opprandi and provide that information to those investigators working on an active investigation. Providing such a listing would need to be accompanied by restrictions against secondary users to protect the rights of the offenders. Accordingly it is suggested that the current wording in Sec. 33.40.040(c) be dropped and the following substituted:

"(c) Information on child sex offenders in local jurisdictions will be provided to a law enforcement agency upon request as part of an ongoing child sexual abuse investigation where the suspect or suspects are unknown."

Without this or a similar wording change the usefulness of this legislation to the law enforcement community will be severely limited.

- (2) The bill does not address an effective date. It will be necessary for department to have sufficient lead time to develop an appropriate registration system, supply reporting forms to local law enforcement agencies and establish the positions noted in the fiscal note. It is suggested that an additional section be included in the bill as follows:

"* Sec. 2. This Act takes effect January 1, 1989."

- (3) Specific wording needs to be added noting when the time frame begins for the removal of copies of registration records, etc. The following wording changes are suggested under Sec. 33.40.040(b):

"(1) after 20 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

"(2) after 10 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

"(3) after 5 years from the date of release from a correctional facility or the date of placement into any formal monitoring program outside of the correctional institution for a . . . (etc) . . ."

Alaska State Legislature



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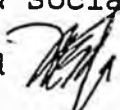
MEMORANDUM

CHAIRMAN
STATE AFFAIRS
MAJORITY WHIP

MEMBER
TRANSPORTATION
COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
INTERNATIONAL TRADE

Senator Mitch Abood
SENATE DISTRICT G-A

TO: Senator Paul Fischer, Chairman
Health, Education & Social Services Committee

FROM: Senator Mitch Abood 

SUBJECT: Children's Protection Bill
SB 467, "An act relating to the protection
of children and the registration of persons
convicted of sexual offenses against
children.

DATE: February 22, 1988

I would appreciate your scheduling the above referenced bill before the Health, Education and Social Services Committee at your earliest convenience.

The bill will require convicted child sex offenders to register with the Department of Public Safety after the expiration of their probationary and parole terms. Because of the extremely high rate of recidivism with regards to child sex offenders, this registration enables the local law enforcement agencies to establish a tracking system of known offenders in the state.

Studies have shown that offenders generally comply with release conditions while under supervision, but revert back to previous lifestyles when no monitoring is taking place. SB 467 is an effective way of protecting our children from people who have shown they can't be trusted.

If you should have further need for information, please contact Kim Daniels in my office and we will be happy to provide additional backup.

/kd

Alaska State Legislature

PRESIDENT
907-465-3755



JAN FAIKS
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Senate RECEIVED
FEB 10 1988

February 9, 1988

MEMORANDUM:

TO: All Anchorage Legislators

FROM: Jan Faiks,
President of the Senate *Jan Faiks*

SUBJECT: Staff Summary of Public Safety Report

For your information I am providing you with a staff summary of the recently released report by Public Safety on the Child Exploitation Unit. This summary is not meant as a replacement of the Public Safety Report but to possibly enhance one's understanding of the situation prior to reading the actual report.

OUT OF SESSION

3111 C STREET, SUITE 525 ANCHORAGE, ALASKA 99503 907-561-7610

January 27, 1988

MEMORANDUM

TO: Jan

FROM: Mark

SUBJECT: Public Safety Report on the Child Exploitation Unit

You requested a summary of the status report to the Legislature from Public Safety on the Child Exploitation Unit.

Sexual crimes against children are a serious problem nationally. The establishment of the CEIU in Anchorage has put Alaska's efforts to combat sexual assault against children and sexual exploitation of children at the leading edge of the best efforts in the nation.

It appears that this national problem is also a leading cause of the type of behavior which often results in juvenile and adult criminal activity. It is believed by many that if the nation could reduce the amount of sexual abuse and exploitation of children, the nations prison population would also be reduced, and consequently, the crime rate would likely go down, as well.

National in combination with local enforcement efforts have seemingly reduced the amount of child pornography and consequently the amount of that type of exploitation.

Currently, there are indications of a national trend which suggests that a growing number of adults, to avoid AIDS, are choosing children as sexual partners. (The report does not say, but these are not necessarily classic child molester types. In many cases, they're adults who are simply choosing younger sexual partners (but not necessarily little kids)...hence a growing number of coed females in some areas of the country are showing up with AIDS.)

Federal experts suggest 3 distinct but simultaneous enforcement efforts that can effectively address the problem of sexual victimization of kids:

(1) An adult sexual assault unit to investigate cases of sexual assault upon adults.

(2) A child sexual assault unit to investigate cases of sex abuse of kids by family members or acquaintances.

(3) An exploited children unit to investigate cases involving children who have been sexually victimized by serial molesters outside of their family, i.e., thru prostitution & drug rings, child porn, or after abduction by a stranger.

Separation of investigative units as noted above can often better target the distinct types of offenders. Anchorage is one of only a very few cities in the nation which has followed this model.

National experts recommend enforcement units such as the CEIU be structured (i.e. as "joint units") so they can address problems which are cross- and multi-jurisdictional. In other words, the most successful investigative units are those made up of investigators from several jurisdictions or agencies.

Alaska officials have worked with, established contacts with and have been trained by national authorities. APD/AST investigators from the CEIU have worked with national authorities to develop and present training material and material for use by expert witnesses testifying in criminal trials about behavioral aspects of child sexual exploitation. Some Alaska cases have been used as model investigations in law enforcement training programs nationwide.

The report presents a history of how the Child Exploitation Investigative Unit was developed. It describes how the 3 APD units are used to combat sexual abuse and exploitation, each unit targeting specific categories of offenders-/victims. It summarizes the efforts in Alaska in recent years to combat such crimes. The efforts range from passage of more effective laws with appropriate sentencing, to social welfare agencies being called upon to more closely scrutinize the people they have contact with to law enforcement units such as the CEIU which often make use of a proactive approach to combating such crimes.

Because these cases often take weeks or months to complete, the investigators must be very well trained, highly motivated and have a broad educational background in this area.

The CEIU has developed and implemented 7 proactive approaches which include training youth counselors, social workers and family service professionals in the dynamics of sexual abuse so they can work with child victims to obtain disclosure. Additionally, they use surveillance of areas where potential victims congregate and where victimizers often go to target victims. They also make use of covert techniques sometimes in cooperation with U.S. Customs and/U.S. Postal Inspectors to identify/target adults with known involvement in kiddy porn. They use informants and other means of obtaining information and sharing information with other local, state and federal agencies.

**As a result, only a few of the cases handled by the CEIU have originated within "normal" law enforcement channels. Most had been proactively developed by unit investigators.

The report compiles statistics ranging from the total of cases so far investigated (95) to cases pending in court (5) and convictions to date (15).

The unit was also used at APD to assist in the investigation of a triple homicide and helped other agencies disrupt a car theft ring, and assisted the investigation of gambling and drug law violations and adult sexual assault crimes, all of which led to arrests.

The report lists training of other agency personnel around the state such as staff at Mclaughlin, and the Nome Teen Center. They also were involved in training sessions at the national level.

The report concludes with a list of 17 "future goals" of the unit. These range from continuing present investigations and initiating investigations of new cases to establishing a system of communication & information-sharing among local and state law enforcement units which deal with sexual-related crimes. The goals also include seeking greater cooperation with units with the Troopers and consideration of plans to develop a joint task force with them to handle major cases of this type.

Child Protection

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FEB 1 1988

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Alaska Department of Public Safety
STATUS REPORT
CHILD EXPLOITATION INVESTIGATIVE UNIT
January, 1988

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THE SEXUAL EXPLOITATION OF CHILDREN --
A NATIONAL OVERVIEW

In recent years, the sexual exploitation and victimization of children has come to be recognized as a serious and pervasive problem nationwide. The most current research indicates that about one in five females and one in seven males will be sexually abused by one or more adults before reaching age 18. *(1,2). Current research also indicates that the effects on the child of sexual abuse are severe, often leading to subsequent acts of self-destructive and antisocial behavior, including prostitution, drug and/or alcohol abuse, suicides and suicide attempts, and involvement in delinquent or criminal activities. (3,4,5). A recent study conducted through a grant from the Office of Juvenile Justice and Delinquency Prevention shows a high correlation between sexual victimization and subsequent antisocial behavior on the part of the victims. The highest correlation between victimization and subsequent antisocial behavior was found among adolescent males who had been sexually victimized. (5).

National research also indicates that children who are victims of sexual abuse are often targeted by molesters who recognize voids in the child's normal support structure, such as single-parent households or homes where the parents abuse alcohol. The molester recognizes the child's unmet emotional needs and capitalizes on them to "seduce" the child into sexual activity. (6). The resulting damage to the child's sense of self worth often leaves the child even more vulnerable to further victimization through sexual and other types of exploitation. (1,2,6,7). As this process

*The numbers in parentheses refer to source materials contained in the Bibliography.

continues, often the child victim reaches a point where he or she may be unable to conform to the standards of morality and law set by our society. In many cases, the child victim becomes the victimizer during adolescence and early adulthood, partially as a means of compensating for his/her own perceived lack of self worth. (5,8,9,10,). Recent studies of prison populations indicate that a far greater percentage of incarcerated felons report child victimization by sexual abuse and exploitation than is the standard for the general population. (5,11). The percentage of adult sexual offenders who were sexually abused as children is also far higher than the norm for the general population. (12).

In short, current research indicates that the correlation between childhood sexual victimization and exploitation with subsequent antisocial and self-destructive behavior is very high. It is logical to conclude that if we can reduce the abuse of children, the overall rate of antisocial and criminal behavior would also be reduced. Unfortunately, current research also indicates that, in terms of the number of children being sexually abused, not much has yet occurred to reduce the number. In fact, some experts in this field believe that the number of children victimized by certain types of child molesters is increasing. (13). It is difficult to accurately judge this, however, as many victims are now reporting incidents which probably would not have been reported just a few years ago.

National efforts by various federal enforcement agencies, in conjunction with local law enforcement agencies, has significantly reduced the amount of child pornography being marketed commercially in the United States in recent years.

(3,6). Thus, the number of children being exploited to produce child pornography has probably been reduced. This reduction in victimization is largely confined to young pre-pubescent children, however. Once a child has reached puberty, it is difficult to prove in a court of law that the child shown in a particular book or movie is underage. These materials are often marketed across jurisdictional boundaries, and the child victim is usually not available to testify. (6). Tragically, there are indications that a growing class of child molesters now target children as "sexual partners" in part to avoid exposure to sexually transmitted diseases, including AIDS. (13).

The depth of knowledge concerning child sexual victimization has increased tremendously in recent years. We have come to understand that what was a longstanding, but largely hidden and unreported crime, is a significant contributing factor to criminal and other antisocial behavior. We have also learned that there are ways to combat the problem, although there is much that still needs to be learned.

According to experts from the Federal Law Enforcement Training Center, local law enforcement agencies can most effectively address the problem of sexual victimization of children through the use of three distinct but simultaneous enforcement efforts:

1. an adult sexual assault unit to investigate cases of sexual assault upon adults;
2. a child sexual abuse unit to investigate cases of sexual abuse of children by family members or acquaintances; and

3. an exploited children unit to investigate cases involving children who have been sexually victimized by serial molesters outside of their family, through prostitution and drug rings, child pornography, or after abduction by a stranger.

Although there is certainly "overlap" among the types of crimes committed by child molesters, there are also some important differences between the typical interfamilial sexual abuse case and child pornography or prostitution rings. The latter typically involves a high volume of unrelated victims, and targets a different population of potential victims. The investigative techniques which are most effective in typical sexual abuse cases may not necessarily be the best way to approach a child exploitation case involving a serial offender. Distinct types of offenders can be better targeted, and victims more effectively aided, by the separation of investigative responsibilities. At present, only a few cities in the country have developed and followed this model; the Municipality of Anchorage is one of them.

As previously stated, national research indicates a correlation between childhood sexual victimization and subsequent antisocial and self-destructive behavior. Nationally, as well as in Alaska, the majority of persons in prisons are male. Most male offenders who were sexually abused as children were abused by offenders outside the child's family unit, and usually by serial offenders. (8,13,14,15,16). In contrast, females who engage in prostitution were most often victimized within their family settings. (1,14,16). There is a high correlation between females who engaged in prostitution as children and those

who later commit crimes resulting in prison sentences. (3,5,7). It is thus essential that child victimization through exploitation and prostitution be prevented wherever possible. If this type of victimization can be reduced, there will likely be a corresponding drop in prison populations in the future.

Due to the nature of the criminal activity and the type of offender involved, investigations of child exploitation often cross jurisdictional boundaries. National law enforcement experts recommend that child exploitation investigative units be structured in a way that will allow them to address these cross and multi-jurisdictional problems. Joint units, containing members from different jurisdictional areas and levels are recommended. Model units in other states often employ combinations of municipal, county, and state investigators operating in close conjunction with federal law enforcement agencies such as the Federal Bureau of Investigation, U.S. Customs Service, and U.S. Postal Inspectors. (3,6,17). If this model is followed, disruption of the investigation and prosecution caused by jurisdictional boundaries can be prevented or substantially lessened. The most successful units in other states have followed this model; some units even contain forensic social workers to assist victims and their families through the often long and involved investigation/prosecution process. (18).

Many law enforcement agencies in this country do not possess the expertise to adequately investigate cases involving the sexual exploitation of children. To address this need, the Federal Bureau of Investigation, the U.S. Customs Service, and the U.S. Postal Inspectors have developed and

implemented training programs to educate their own agents and to assist in the training of local, county, and state police agencies in the cooperative investigation of crimes related to child exploitation. In addition, in 1984 President Reagan signed legislation establishing the National Center for Missing and Exploited Children to act as a clearinghouse for information and technical assistance regarding these kinds of crimes. The National Center has since developed training programs for local, county, and state police agencies. The Center has presented on-site training to numerous law enforcement agencies across the country, and have developed several publications now available to law enforcement officers and others.

Locally, members of the Anchorage Police/Alaska State Troopers' Child Exploitation Investigative Unit have worked with the Federal Bureau of Investigations' Behavioral Science Unit to develop information for use in training in the investigation of exploited child cases. Local and national contacts have been established with federal law enforcement agencies; this allows members of the APD/AST unit to work closely with federal authorities in cross-jurisdictional crimes or in local crimes that also involve violations of federal law. Additionally, investigators from the APD/AST unit have worked with the National Center for Missing and Exploited Children in developing and presenting training locally, statewide, and nationally. Alaska investigators have worked with national authorities to develop outlines for the use of expert witnesses who testify during criminal trials about the behavioral aspects of child sexual exploitation. Criminal cases that have been developed and investigated by the Child Exploitation Investigative Unit, and subsequently

successfully prosecuted, have been used as model investigations in training programs for law enforcement agencies nationwide.

ALASKA'S CHILD EXPLOITATION INVESTIGATIVE UNIT --
A HISTORICAL PERSPECTIVE

In 1983, the Anchorage Police Department (APD) had two investigative units which addressed portions of the problem of sexually victimized and exploited children. The Sexual Assault Unit investigated all reported sexual assaults upon adults and those against children ten years of age and older where the suspected offender was not a family member. The Youth Services Unit investigated reports of interfamilial sexual abuse and all reported sexual assaults against children under the age of ten. At this time, concurrent with increased national and local awareness of child sexual victimization crimes, a far greater number of such crimes began to be reported than in the past. Additionally, it became apparent that special investigative techniques were necessary to adequately address these kinds of crimes.

In response to the increasing caseload and the necessity for special investigative techniques, a bill was enacted by the Alaska State Legislature creating a Child Sexual Abuse Unit. The unit was to be located in and supervised by the Anchorage Police Department. The unit was placed within APD's existing Youth Services Unit, but was expected to address child exploitation cases as well. This unit originally had four investigators and a clerk assigned; one of the investigators was an Alaska State Trooper (AST). This unit was charged with investigating all crimes in which children (persons under 18 years of age) were sexually

victimized. Within months of its creation, the unit's caseload increased dramatically, and two additional APD investigators were assigned to the unit.

Originally, the Child Sexual Abuse Unit divided responsibility for investigation of interfamilial crimes and extrafamilial crimes between two groups of investigators. The caseload continued to increase dramatically. More and more effort was required for the investigation of the interfamilial cases, at the expense of the extrafamilial cases (cases of the type now commonly referred to as sexual exploitation cases). It soon became apparent that if the child exploitation cases were to be addressed, a unit with that sole responsibility would need to be created.

In response to this need, the legislature in 1986 appropriated funds to be used to create a Child Exploitation Investigative Unit to be located within the Anchorage Police Department. In January 1987, this unit was formed as a separate entity, originally located within the APD Investigation Division. The unit was later moved to the APD Uniformed Field Services Division. The unit consisted of one supervisor (sergeant), two investigators, and a clerk from the Anchorage Police Department and one investigator from the Alaska State Troopers. Due to the internal needs of the Anchorage Police Department, stability of personnel, unit direction, the establishment of goals was not totally achieved until approximately November 1987. Since that time, the unit personnel have developed a working relationship which has greatly contributed to a productive program, and are moving forward to accomplish those goals which the legislature established when the unit was created.

At this time, the Child Exploitation Unit maintains an office at the Anchorage Police Department. The unit includes two full-time APD investigators, one full-time AST investigator, and an APD clerk. The unit is supported by a data processing clerk from AST's Criminal Investigation Bureau who provides information control and coordination with AST's missing persons and runaway children programs. In addition to this support, the Department of Public Safety's Information Services Section recently hired an Analyst/Programmer II* who will provide the guidance, direction, and data control needed to enable the Child Exploitation Unit, Missing Persons Program, and other sex crimes units to gather, store, and analyze data individually and in relationship to each other.

Presently, the Anchorage Police Department has three units charged with investigating sex crimes. These units are based upon the recommended national model described on pages 3 and 4, and deal with adult victims, child victims abused by a family member or an acquaintance, and the Child Exploitation Unit. This latter unit investigates crimes involving extrafamilial serial molesters, child prostitution, child pornography, and drug rings which victimize children. Each unit targets specific types of offenders and potential victims, but the units exchange

*The Information Services Section had completed the lengthy hiring process last year, but complications ultimately prevented the employment of the person who had been chosen to fill the position, and the hiring process had to begin all over again. A programmer was finally hired during the first week of 1988, and training has begun.

information and provide resource support to each other as needed.

The Alaska State Troopers are responsible for investigation of all three of these broad categories of crimes throughout the state. Due to geographical, population, and resource considerations, investigations are conducted by area troopers and investigators with expertise in all three areas of sex crimes. These investigations, as well as those of the Child Exploitation Unit in Anchorage, are supported by AST's Criminal Investigation Bureau (CIB). The CIB includes two experienced sex crimes investigators who travel to outlying communities as needed. There are no boundaries in child exploitation crimes either within or outside of Alaska. Effective investigation of these crimes requires continued support, exchange of information, and multi-state, federal, and local agency cooperation. This approach is finally taking shape in Alaska. Some current investigations include the cooperation of officers from federal agencies, the Child Exploitation Unit, CIB's Sex Crimes Unit, and CIB's Major Crimes Unit.

CHILD EXPLOITATION CRIMES IN ALASKA

Alaska has taken decisive actions in recent years to reduce child sexual victimization. Alaska's criminal statutes pertaining to child sexual abuse are, for the most part, well written and carry substantial sentences. Appropriate sentences are particularly important in these kinds of crimes, as many child sexual offenders are serial offenders who are less susceptible to treatment and rehabilitation than a one-time offender might be.