

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 86/2

9806 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 33

- A. 0 days
- B. 1 or 2 days
- C. 3 to 5 days
- D. 6 to 9 days
- E. 10 to 19 days
- F. 20 to 29 days
- G. All 30 days

The next 2 questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.

26. Have you ever had a drink of alcohol, other than a few sips?
- A. Yes
 - B. No
27. How old were you when you had your first drink of alcohol other than a few sips?
- A. I have never had a drink of alcohol other than a few sips
 - B. 8 years old or younger
 - C. 9 years old
 - D. 10 years old
 - E. 11 years old
 - F. 12 years old
 - G. 13 years old
 - H. 14 years old or older

The next 2 questions ask about marijuana use. Marijuana also is called grass or pot.

28. Have you ever used marijuana?
- A. Yes
 - B. No
29. How old were you when you tried marijuana for the first time?
- A. I have never tried marijuana
 - B. 8 years old or younger
 - C. 9 years old
 - D. 10 years old
 - E. 11 years old
 - F. 12 years old
 - G. 13 years old
 - H. 14 years old or older

The next 4 questions ask about other drug use.

30. Have you ever used any form of cocaine, including powder, crack, or freebase?
A. Yes
B. No
31. Have you ever sniffed glue, or breathed the contents of spray cans, or inhaled any paints or sprays to get high?
A. Yes
B. No
32. Have you ever used steroids?
A. Yes
B. No
33. Have you ever used a needle to inject any illegal drug into your body?
A. Yes
B. No

The next 4 questions ask about sexual intercourse.

34. Have you ever had sexual intercourse?
A. Yes
B. No
35. How old were you when you had sexual intercourse for the first time?
A. I have never had sexual intercourse
B. 8 years old or younger
C. 9 years old
D. 10 years old
E. 11 years old
F. 12 years old
G. 13 years old
H. 14 years old or older
36. With how many people have you ever had sexual intercourse?
A. I have never had sexual intercourse
B. 1 person
C. 2 people
D. 3 or more people
37. The last time you had sexual intercourse, did you or your partner use a condom?
A. I have never had sexual intercourse

- B. Yes
- C. No

The next 7 questions ask about body weight.

- 38. How do you describe your weight?
 - A. Very underweight
 - B. Slightly underweight
 - C. About the right weight
 - D. Slightly overweight
 - E. Very overweight

- 39. Which of the following are you trying to do about your weight?
 - A. Lose weight
 - B. Gain weight
 - C. Stay the same weight
 - D. I am not trying to do anything about my weight

- 40. Have you ever exercised to lose weight or to keep from gaining weight?
 - A. Yes
 - B. No

- 41. Have you ever eaten less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight?
 - A. Yes
 - B. No

- 42. Have you ever gone without eating for 24 hours or more (also called fasting) to lose weight or to keep from gaining weight?
 - A. Yes
 - B. No

- 43. Have you ever taken any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight? (Do not include meal replacement products such as Slim Fast.)
 - A. Yes
 - B. No

- 44. Have you ever vomited or taken laxatives to lose weight or to keep from gaining weight?

- A. Yes
- B. No

The next 5 questions ask about physical activity.

45. **On how many of the past 7 days did you exercise or participate in physical activity for at least 20 minutes that made you sweat and breathe hard, such as basketball, soccer, running, swimming laps, fast bicycling, fast dancing, or similar aerobic activities?**
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
46. **On an average school day, how many hours do you watch TV?**
- A. I do not watch TV on an average school day
 - B. Less than 1 hour per day
 - C. 1 hour per day
 - D. 2 hours per day
 - E. 3 hours per day
 - F. 4 hours per day
 - G. 5 or more hours per day
47. **In an average week when you are in school, on how many days do you go to physical education (PE) classes?**
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
48. **Do you play on any sports teams? (Include any teams run by your school or community groups.)**
- A. Yes
 - B. No
49. **Have you ever been injured while exercising, playing sports, or being physically active and had to be treated by a doctor or nurse?**

- A. Yes
- B. No

The next question asks about AIDS education.

50. Have you ever been taught about AIDS or HIV infection in school?
- A. Yes
 - B. No
 - C. Not sure

**This is the end of the survey.
Thank you very much for your help.**

1995 Youth Risk Behavior Survey
<http://www.phonet.com/~bsimon/edsurvey4.html>

1. How old are you?
 - a. 12 years old or younger
 - b. 13 years old
 - c. 14 years old
 - d. 15 years old
 - e. 16 years old
 - f. 17 years old
 - g. 15 years old or older
 2. What is your sex?
 - a. Female
 - b. Male
 3. In what grade are you?
 - a. 9th grade
 - b. 10th grade
 - c. 11th grade
 - d. 12th grade
 - e. Ungraded or other
 4. How do you describe yourself?
 - a. White - not Hispanic
 - b. Black - not Hispanic
 - c. Hispanic or Latino
 - d. Asian or Pacific Islander
 - e. American Indian or Alaskan Native
 - f. Other
- The next 17 questions are about safety and violence.
5. How often do you wear a seat belt when riding in a car driven by someone else?
 - a. Never
 - b. Rarely
 - c. Sometimes
 - d. Most of the time
 - e. Always
 6. During the past 12 months, how many times did you ride a motorcycle?
 - a. 0 times
 - b. 1 to 10 times
 - c. 11 to 20 times
 - d. 21 to 39 times
 - e. 40 or more times
 7. When you rode a motorcycle during the past 12 months, how often did you wear a helmet?
 - a. I did not ride a motorcycle during the past 12 months
 - b. Never wore a helmet
 - c. Rarely wore a helmet
 - d. Sometimes wore a helmet
 - e. Most of the time wore a helmet
 - f. Always wore a helmet
 8. During the past 12 months, how many times did you ride a bicycle?
 - a. 0 times
 - b. 1 to 10 times
 - c. 11 to 20 times
 - d. 21 to 39 times
 - e. 40 or more times
 9. When you rode a bicycle during the past 12 months, how often did you wear a helmet?
 - a. I did not ride a bicycle during the past 12 months
 - b. Never wore a helmet
 - c. Rarely wore a helmet
 - d. Sometimes wore a helmet
 - e. Most of the time wore a helmet
 - f. Always wore a helmet
 10. During the past 30 days, how many times did you ride in a car or other vehicle driven by someone who had been drinking alcohol?
 - a. 0 times
 - b. 1 time
 - c. 2 or 3 times
 - d. 4 or 5 times
 - e. 6 or more times
 11. During the past 30 days, how many times did you drive a car or other vehicle when you had been drinking alcohol?
 - a. 0 times
 - b. 1 time
 - c. 2 or 3 times
 - d. 4 or 5 times
 - e. 6 or more times
 12. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club?
 - a. 0 days
 - b. 1 day
 - c. 2 or 3 days
 - d. 4 or 5 days
 - e. 6 or more days
 13. During the past 30 days, on how many days did you carry a gun?
 - a. 0 days
 - b. 1 day
 - c. 2 or 3 days
 - d. 4 or 5 days
 - e. 6 or more days
 14. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club on school property?
 - a. 0 days
 - b. 1 day
 - c. 2 or 3 days
 - d. 4 or 5 days
 - e. 6 or more days
 15. During the past 30 days, how many days did you not go to school because you felt you would be unsafe at school or on your way to or from school?
 - a. 0 days
 - b. 1 day
 - c. 2 or 3 days
 - d. 4 or 5 days
 - e. 6 or more days

16. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club on school property?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or 7 times
- f. 8 or 9 times
- g. 10 or 11 times
- h. 12 or more times

17. During the past 12 months, how many times has someone stolen or deliberately damaged your property such as your car, clothing, books on school property?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or 7 times
- f. 8 or 9 times
- g. 10 or 11 times
- h. 12 or more times

18. During the past 12 months, how many times were you in a physical fight?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or 7 times
- f. 8 or 9 times
- g. 10 or 11 times
- h. 12 or more times

19. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or more times

20. During the past 12 months, how many times were you in a physical fight on school property?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or 7 times
- f. 8 or 9 times
- g. 10 or 11 times
- h. 12 or more times

21. The last time you were in a physical fight, with whom did you fight?

- a. I have never been in a physical fight
- b. A total stranger
- c. A friend or someone I know
- d. A boyfriend, girlfriend, or date
- e. A parent, brother, sister, or other family member
- f. Someone not listed above
- g. More than one of the persons listed above

Sometimes people feel so depressed and hopeless about the future that they consider attempting suicide, that is, taking some action to end their own life. The next four questions ask about attempted suicide.

22. During the past 12 months, did you ever seriously consider attempting suicide?

- a. Yes
- b. No

23. During the past 12 months, did you make a plan about how you would attempt suicide?

- a. Yes
- b. No

24. During the past 12 months, how many times did you actually attempt suicide?

- a. 0 times
- b. 1 time
- c. 2 or 3 times
- d. 4 or 5 times
- e. 6 or more times

25. If you attempted suicide during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?

- a. I did not attempt suicide during the past 12 months
- b. Yes
- c. No

The next ten questions ask about tobacco use.

26. Have you ever tried cigarette smoking, even one or two puffs?

- a. Yes
- b. No

27. How old were you when you smoked a whole cigarette for the first time?

- a. I have never smoked a whole cigarette
- b. 8 years old or younger
- c. 9 or 10 years old
- d. 11 or 12 years old
- e. 13 or 14 years old
- f. 15 or 16 years old
- g. 17 years old or older

28. During the past 30 days, on how many days did you smoke cigarettes?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

29. During the past 30 days, on the days you smoked, how many cigarettes did you smoke per day?

- a. I did not smoke cigarettes during the past 30 days
- b. Less than 1 cigarette per day
- c. 1 cigarette per day
- d. 2 to 5 cigarettes per day
- e. 6 to 10 cigarettes per day

- f. 11 to 20 cigarettes per day
- g. More than 20 cigarettes per day

30. During the past 30 days, how did you usually get your own cigarettes? (Select only one response.)

- a. I did not smoke cigarettes during the past 30 days
- b. I bought them in a store such as a convenience store, super market, or gas station
- c. I bought them from a vending machine
- d. I gave someone else money to buy them for me
- e. I borrowed them from someone else
- f. I stole them
- g. I got them some other way

31. When you bought cigarettes in a store during the past 30 days, were you ever asked to show proof of age?

- a. I did not smoke cigarettes during the past 30 days
- b. I did not buy cigarettes in a store during the past 30 days
- c. Yes, I was asked to show proof of age
- d. No, I was not asked to show proof of age

32. During the past 30 days, on how many days did you smoke cigarettes on school property?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

33. Have you ever tried to quit smoking cigarettes?

- a. Yes
- b. No

34. During the past 30 days, on how many days did you use tobacco or snuff, such as Redman, Levi Garrett, Beechnut, Skoal, Sxcoal Bandits, or Copenhagen?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

35. During the past 30 days, on how many days did you use chewing tobacco or snuff on school property?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

The next five questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.

36. How old were you when you had your first drink of alcohol other than a few sips?

- a. I have never had a drink of alcohol other than a few sips
- b. 8 years old or younger
- c. 9 or 10 years old
- d. 11 or 12 years old
- e. 13 or 14 years old
- f. 15 or 16 years old
- g. 17 years old or older

37. During your life, on how many days have you had at least one drink of alcohol?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 9 days
- d. 10 to 19 days
- e. 20 to 39 days
- f. 40 to 99 days
- g. 100 or more days

38. During the past 30 days, on how many days did you have at least one drink of alcohol?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

39. During the past 30 days, on how many days did you have 5 or more drinks of alcohol in a row, that is, within a couple of hours?

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 to 5 days
- e. 6 to 9 days
- f. 10 to 19 days
- g. 20 or more days

40. During the past 30 days, on how many days did you have one at least one drink of alcohol on school property?

- a. 0 days
- b. 1 or 2 days
- c. 3 to 5 days
- d. 6 to 9 days
- e. 10 to 19 days
- f. 20 to 29 days
- g. All 30 days

The next four questions ask about marijuana use. Marijuana is also called grass or pot.

41. How old were you when you tried marijuana for the first time?

- a. I have never tried marijuana
- b. 8 years old or younger
- c. 9 or 10 years old
- d. 11 or 12 years old
- e. 13 or 14 years old
- f. 15 or 16 years old
- g. 17 years old or older

42. During your life, how many times have you used marijuana?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 to 99 times
- g. 100 or more times

43. During the past 30 days, how many times did you use marijuana?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

44. During the past 30 days, how many times did you use marijuana on school property?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

The next nine questions ask about cocaine and other drug use.

45. How old were you when you tried any form of cocaine, including powder, crack, or freebase for the first time?

- a. 1 have never tried cocaine
- b. 8 years old or younger
- c. 9 or 10 years old
- d. 11 or 12 years old
- e. 13 or 14 years old
- f. 15 or 16 years old
- g. 17 years old or older

46. During your life, how many times have you used any form of cocaine, including powder, crack, or freebase?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

47. During the past 30 days, how many times did you use any form of cocaine, including powder, crack, or freebase?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

48. During your life, how many times have you used the crack or freebase forms of cocaine?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times

- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

49. During your life, how many times have you sniffed glue, or breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

50. During your life, how many times have you taken steroid pills or shots without a doctor's prescription?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

51. During your life, how many times have you used any other type of illegal drug, such as LSD, PCP, ecstasy, mushrooms, speed, ice, or heroin?

- a. 0 times
- b. 1 or 2 times
- c. 3 to 9 times
- d. 10 to 19 times
- e. 20 to 39 times
- f. 40 or more times

52. During your life, how many times have you used a needle to inject any illegal drug into your body?

- a. 0 times
- b. 1 time
- c. 2 or more times

53. During the past 12 months, has anyone offered, sold, or given you an illegal drug on school property?

- a. Yes
- b. No

The next two questions ask about AIDS education and information.

54. Have you ever been taught about AIDS or HIV infection in school?

- a. Yes
- b. No
- c. Not sure

55. Have you ever talked about AIDS or HIV infection with your parents or other adults in your family?

- a. Yes
- b. No
- c. Not sure

The next eight questions ask about sexual behavior.

56. Have you ever had sexual intercourse?

- a. Yes
- b. No

57. How old were you when you had sexual intercourse for the first time?

- a. I have never had sexual intercourse
- b. 11 years old or younger
- c. 12 years old
- d. 13 years old
- e. 14 years old
- f. 15 years old
- g. 16 years old
- h. 17 years old or older

58. During your life, with how many people have you had sexual intercourse?

- a. I have never had sexual intercourse
- b. 1 person
- c. 2 people
- d. 3 people
- e. 4 people
- f. 5 people
- g. 6 or more people

59. During the past 3 months, with how many people did you have sexual intercourse?

- a. I have never had sexual intercourse
- b. I have had sexual intercourse, but not during the past 3 months
- c. 1 person
- d. 2 people
- e. 3 people
- f. 4 people
- g. 5 people
- h. 6 or more people

60. Did you drink alcohol or use drugs before you had sexual intercourse last time?

- a. I have never had sexual intercourse
- b. Yes
- c. No

61. The last time you had sexual intercourse did you or your partner use a condom?

- a. I have never had sexual intercourse
- b. Yes
- c. No

62. The last time you had sexual intercourse, what one method did you or your partner use to prevent pregnancy? (Select only one response.)

- a. I have never had sexual intercourse
- b. No method was used to prevent pregnancy
- c. Birth control pills
- d. Condoms
- e. Withdrawal
- f. Some other method
- g. Not sure

63. How many times have you been pregnant or gotten someone pregnant?

- a. 0 times
- b. 1 time
- c. 2 or more times
- d. Not sure

The next six questions ask about body weight.

64. How do you describe your weight?

- a. Very underweight
- b. Slightly underweight

- c. About the right weight
- d. Slightly overweight
- e. Very overweight

65. Which of the following are you trying to do about your weight?

- a. Lose weight
- b. Gain weight
- c. Stay the same weight
- d. I am not trying to do anything about my weight

66. During the past 30 days, did you diet to lose weight or to keep from gaining weight?

- a. Yes
- b. No

67. During the past 30 days, did you exercise to lose weight or to keep from gaining weight?

- a. Yes
- b. No

68. During the past 30 days, did you vomit or take laxatives to lose weight or to keep from gaining weight?

- a. Yes
- b. No

69. During the past 30 days, did you take diet pills to lose weight or to keep from gaining weight?

- a. Yes
- b. No

The next seven questions ask about food you ate yesterday. Think about all meals and snacks you ate yesterday from the time you got up until you went to bed. Be sure to include food you ate at home, at school, at restaurants, or anywhere else.

70. Yesterday, how many times did you eat fruit?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

71. Yesterday, how many times did you drink fruit juice?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

72. Yesterday, how many times did you eat green salad?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

73. Yesterday, how many times did you eat cooked vegetables?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

74. Yesterday, how many times did you eat hamburger, hot dogs, or sausage?

- a. 0 times
- b. 1 time

- c. 2 times
- d. 3 or more times

75. Yesterday, how many times did you eat french fries or potato chips?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

76. Yesterday, how many times did you eat cookies, doughnuts, pie, or cake?

- a. 0 times
- b. 1 time
- c. 2 times
- d. 3 or more times

The next eight questions ask about physical activity.

77. On how many of the past 7 days did you exercise or participate in sports activities for at least 20 minutes that made you sweat and breathe hard, such as basketball, jogging, swimming laps, tennis, fast bicycling, or similar aerobic activities?

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 days
- e. 4 days
- f. 5 days
- g. 6 days
- h. 7 days

78. On how many of the past 7 days did you do stretching exercises, such as toe touching, knee bending, or leg stretching?

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 days
- e. 4 days
- f. 5 days
- g. 6 days
- h. 7 days

79. On how many of the past 7 days did you do exercises to strengthen or tone your muscles, such as push-ups, sit-ups, or weight lifting?

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 days
- e. 4 days
- f. 5 days
- g. 6 days
- h. 7 days

80. On how many of the past 7 days did you walk or bicycle for at least 30 minutes at a time? (Include walking or bicycling to or from school.)

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 days
- e. 4 days
- f. 5 days

- g. 6 days
- h. 7 days

81. In an average week when you are in school, on how many days do you go to physical education (PE) classes?

- a. 0 days
- b. 1 day
- c. 2 days
- d. 3 days
- e. 4 days
- f. 5 days

82. During an average physical education (PE) class, how many minutes do you spend actually exercising or playing sports?

- a. I do not take PE
- b. Less than 10 minutes
- c. 10 to 20 minutes
- d. 21 to 30 minutes
- e. More than 30 minutes

83. During the past 12 months, on how many sports teams run by your school, did you play? (Do not include PE classes.)

- a. 0 teams
- b. 1 team
- c. 2 teams
- d. 3 or more teams

84. During the past 12 months, on how many sports teams run by organizations outside of your school, did you play?

- a. 0 teams
- b. 1 team
- c. 2 teams
- d. 3 or more teams

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 25, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/15/99

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 70

HOUSE BILL NO. 70

PUBLIC SCHOOL SURVEYS

"An Act relating to questionnaires or surveys administered in public schools."

recommends it be replaced with the following committee substitute

CSHB 70 (HES)

[] the same title [X] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dep/Date)

[] fiscal note(s) _____

[] fiscal note(s) _____

[X] zero fiscal note(s) DOE

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
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CHAIR'S SIGNATURE

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EMOTIONAL LESSONS

Out on the Tundra,
Kids Learn to Better
Understand Their Own
and Others' Feelings

By LEE SHERMAN

BETHEL, Alaska—

Teacher Terry Jennings stands before a cluster of cross-legged kindergartners at the K-2 school Mikelnguut Elitnaurviat—"Little Children's School" in Yup'ik, the lyrical language of the Eskimo people native to this remote corner of southwest Alaska. Most folks just call the school M.E.

"What does a good listener look like?" Jennings asks the fidgety kids, then pauses. "Joseph?"

"They're not doing bad stuff," Joseph's volunteers.

"Misty?"

"Keep your hands to yourself," she offers.

"Fanny?"

"Not pinch."

Jennings points to a poster headed "Good Listening Rules." One by one, he reviews the rules: Raise hands. Keep hands and feet to yourself. Listen when someone is talking. ("We listen with our eyes and with our ears," Jennings reminds the small students, pointing first to his eyes, then to his ears.) And sit how?

"Crisscross applesauce!" the children chime.

Next he holds up a black-and-white photo of a little girl talking to a little boy. "Theresa is telling her cousin Raphael about a bad

dream she had," Jennings explains to the students. "How does a bad dream make you feel?"

"Scared," says Misty.

"Mad," says Joseph.

"Sad," says Catherine.

Asks Jennings: "If something makes you feel mad or sad or scared, what could you do about it?"

Answers pop up around the room: Open your eyes. Wake up and turn on the night light. Walk away.

"Could you go talk to somebody about your dream?" Jennings prompts.

"I had a dream last night about some bad guys!" one boy offers.

Jennings once again draws their attention to the photo. "Raphael is definitely listening to Theresa," he says. "How do we know?"

Catherine raises her hand. "He's looking at her," she says.

Jennings nods. "He's not looking at an airplane or fiddling with something," he notes. The teacher then acts out a pantomime of a good listener, nodding thoughtfully, then putting his hand under his chin as though hanging on a speaker's every word. "I could also ask questions, like, 'What happened in your bad dream?'" Jennings coaches.

"Sometimes," the teacher continues, "when you get angry or scared or sad, you blow up like a big balloon full of angry or scared

or sad. When you talk to someone, it's like letting the air out of the balloon."

To wrap up the 20-minute lesson, Jennings switches on a boom box. With lots of energetic wiggling, the kids clap and sing along with the recording:

"I feel proud when I build a big tower;

I feel mad when it gets knocked down.

I feel happy when I eat an ice cream cone;

I feel sad when it plops to the ground.

Whatever I feel, I'll tell you about it. I might want to shout it.

Or whisper in your ear.

Whatever I feel, I'll tell you about it. I'll tell you just how I feel, I feel.

I'll tell you just how I feel."

Bullets and blood seem light-years from this peaceful scene at M.E. Yet this gentle lesson is the direct offspring of the terrible morning in 1997 when Bethel Regional High School lost two loved ones to a student's gunfire. Hoping to equip kids with better coping skills and problem-solving strategies, the school district adopted a curriculum that starts in the earliest years teaching children to recognize and understand feelings, to make positive and effective choices, and to keep anger from

spinning out of control. The curriculum they chose is Second Step. Developed by the Seattle nonprofit group Committee for Children, Second Step was one of only 10 programs nationwide that rated an

A in a recent report on antiviolen-
 cence curricula (see the sidebar
 on Page 26 for a complete list of
 top-rated curricula). Besides
 praising the curriculum's "beau-
 tiful, high-quality materials," the
 report, *Safe Schools, Safe Students*
 by the nonprofit policy research
 group Drug Strategies, stressed the
 "rigorous ongoing evaluation
 (that) shows significant reductions
 in physical aggression in the class-
 room, as well as increased prosocial
 behavior."

At M.E., where every staff person
 —from kindergarten teacher lea-
 nings to the cook, the custodian,
 and the secretary—has been trained
 in the curriculum, children hear
 the same message from one end of

PHOTOS BY DEAN SWOBOD



ter
y
ould
e
ght
if you don't follow
my advice and fight
back, they will fight
with you and make
you cry."
—Lucy Beaver of Bethel
From *Yupik Lives:
Orak Traditions of
an Eskimo People*
Lower Kuskokwim
School District

campus to the other, says Principal Larry Ctibor. "Second Step gets everybody on the same track," he says. "Before, we had a school discipline plan and classroom rules, but different people were using a lot of different terminology to deal with problems. Now, no matter where they are at school—on the playground, in the lunchroom, library, PE, or walking down the hall—they'll hear the same phrases and vocabulary from everybody they encounter. When you follow that through, year after year, that's a powerful tool for working with kids."

Second Step was built on research showing that violent criminals and juvenile offenders typically lack three basic skills needed for living peacefully in society:

EMPATHY. Portraying empathy as the cornerstone of violence prevention, the Second Step teacher's guide explains that "because empathic people tend to understand other points of view, they are less likely to misunderstand and become angry about others' behaviors."

IMPULSE CONTROL. The curriculum uses two proven strategies for teaching kids to act less impulsively and aggressively: problem solving, which teaches children to use reason in social situations; and behavioral skills training, which teaches "target behaviors,"

such as apologizing or joining in, that can be used in many situations. **ANGER MANAGEMENT.** Elementary- and middle-school kids learn to recognize anger cues and triggers; calm themselves down before anger takes hold; and think over the incident afterward. Younger children learn to calm themselves with deep breathing, counting, and coaching themselves with statements like "calm down."

Overly aggressive and impulsive kids sap teachers' energy and rob classmates of learning time. Their peers often deride and reject them. Antisocial behavior—such as poking and pushing, rushing into things, behaving defiantly, interrupting others, and blurting out irrelevant thoughts—starts to show up as early as age three, according to the Second Step teacher's guide.

"What is in store down the road for these high-risk children if their impulsive and aggressive behavior remains unchecked? Research shows that many are headed for a lifetime of failure, exacting a great toll from society," the guide states.

Early and effective intervention can prevent the failure, abuse, and crime that can darken these children's futures—and harm those around them. By beginning with preschoolers, Second Step aims to steer kids early toward peaceful

problem solving. The social skills children build when they're young may well stop them from lashing out later in life, the curriculum's creators argue.

Ledger-sized posters are the main props in the preschool and elementary units of the Second Step curriculum. The once-a-week lessons each center on a different poster-sized photograph. Some depict children showing emotion. Others suggest a story. The photo that Jennings showed his kindergartners—"Theresa" telling "Raphael" about her bad dream—is an example.

On the back of each poster, the lesson is laid out clearly for the teacher. The units are built around the three broad skill areas of empathy, impulse control, and anger management. Within those broad areas, each lesson targets a specific strategy or concept (example: active listening); presents a set of objectives (students will be able to demonstrate physical and verbal skills of active listening); provides questions for discussion ("Do you think Raphael is listening to Theresa? How can you tell?"); gives guidance for role plays (pairs of students demonstrate active listening); and offers suggestions for reinforcing the lesson throughout the week (calling attention to students who

show good listening skills).

Song tapes, like the one about sharing feelings Jennings played for his kindergartners, and a couple of loveable puppets—Impulsive Puppy and Slow-Down Snail—supplement the posters for the littlest kids. In middle school, the highest level of the curriculum, lessons revolve around videos and scripted role plays. (Bethel Regional High School has adopted a curriculum called *Get Real About Violence*, published by CHEF in Seattle, and another called the *Resolving Conflict Creatively Program (RCCP)* from the RCCP National Center in New York City.)

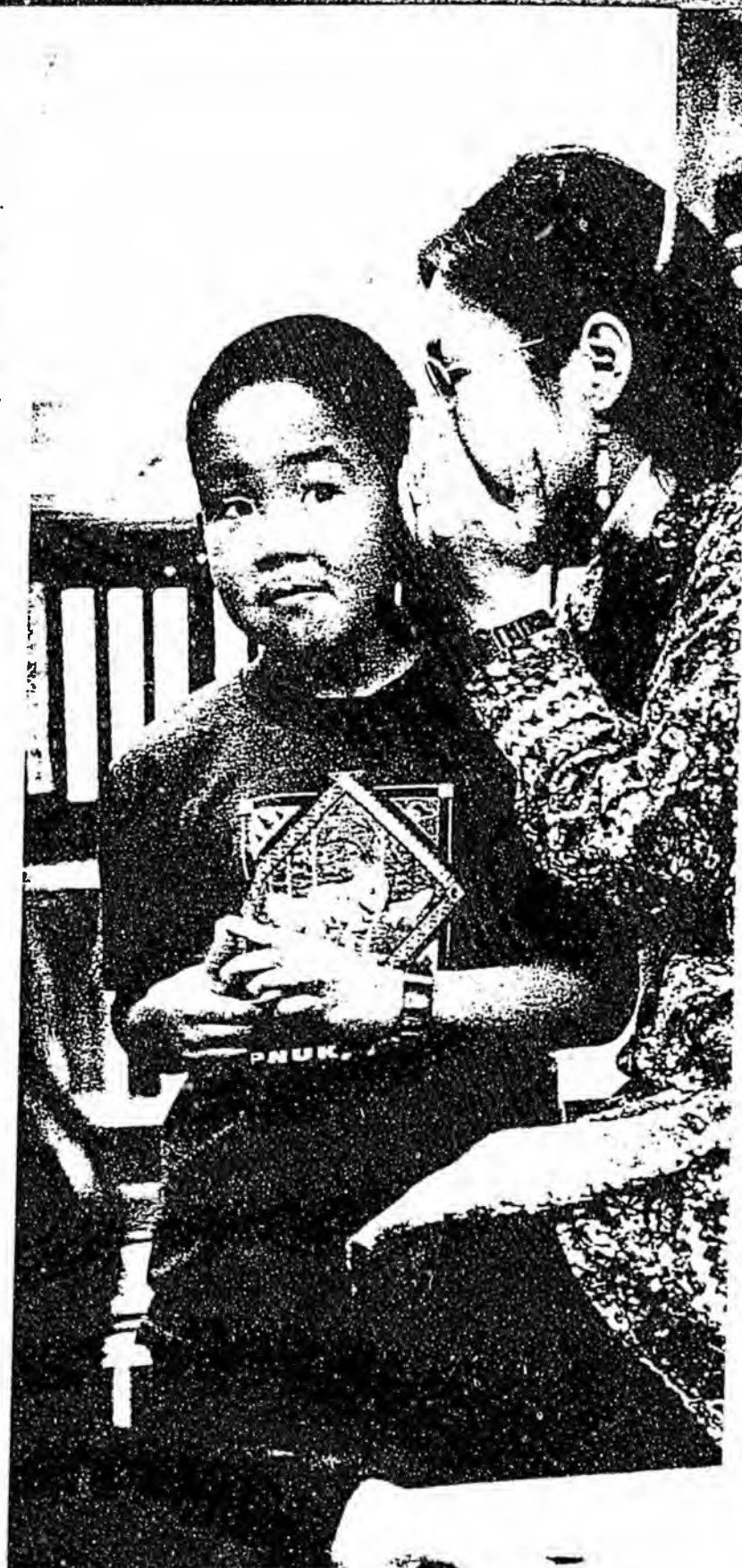
Teacher Kathy Baldwin is a convert. Skeptical at first about using *Second Step* with her first-graders, ("I wasn't sure how they would relate to the pictures"), she was "amazed" at their eager response. "They were real interested, and they always had something to say about what was happening in their own lives," she recalls. When the posters portrayed anger, some children, particularly those who had older brothers or sisters, would relate the photo to the high school shooting spree of 11th-grader Evan Ramsey. Says Baldwin: "The kids would bring it up themselves. (They'd say), 'Oh, you mean getting mad like Evan did.'"

A SHATTERED PEACE

Residents refer to the incident simply as *The Shooting*. Two years later, talking about it still comes hard for many. Throats tighten up. Words fail. Eyes trail off into some unfocused distance. Late at night, as sled dogs yip and whine under an arctic moon, some who were at the scene that day lie awake, remembering the hot smell of gunpowder, the *plink-plink-plink* of shotgun pellets, the gallop of panicked students, the troopers storming the building, the boy being slammed to the floor on his face, the handcuffs, the blood. Others remember no details, only a blur of fear and confusion that left them numb.

It was a cold February morning. Students were just getting to school, shedding coats, gloves, and snow boots—necessities on the frozen tundra. The plinking of the shotgun seemed unreal, impossible, like a segment ripped from a movie script or a story torn from somebody else's front page. It was the kind of thing that was connected to other places: big cities, impersonal places, places you watch on the six o'clock news. It was never supposed to happen here, in this small town where everybody knew everybody else—or thought they did.

Two people died that day: Ron Edwards, Principal of Bethel Region-





24 al High School, and sophomore Josh Palacios, a popular basketball player. Two other students were wounded. The event was made more terrible by a tragic irony: The shooter was the longtime foster son of the district superintendent.

Afterward, at packed community meetings, the outraged question, How could this happen? soon evolved into a problem-solving question, How can we stop this from happening again? The first ideas that surfaced were physical measures—metal detectors, campus cops, locked-down buildings. But, as district Safety Coordinator Kent Harding points out, “You can impose security systems to where it becomes more of a penal institution than a public school.”

Besides, such solutions, had they been in place, wouldn't have altered the seeds of the deed—the troubled life of 16-year-old Evan, son of a convicted felon and an alcoholic mother. Described by *Boston Globe* reporter Steve Fainaru as an obsessive player of violent video games who was “frequently picked on by stronger, more popular boys,” and who “struggled to control an explosive temper,” Evan (say ee-VAN) was not unlike countless kids whose inner battles go unnoticed in a revved-up, disordered world. In Bethel, as in com-

munities everywhere, troubles rooted off-campus in chaotic homes and fragmented families inevitably invade schoolhouses.

“By far the most serious concern of many parents and teachers is that the issues that led to the shootings extend far beyond the walls of Bethel Regional High,” Fainaru wrote in a three-part series on the Bethel killings titled “Alaska School Murders: A Window on Teen Rage” (October 18-20, 1998). Jacqueline Volkmann, a social worker at the high school the year of the shooting, told Fainaru: “There’s so many kids out there who believe they are nobodies, nothing. Kids that feel alone, rejected, abandoned. So many kids nobody pays attention to.”

Some of these cast-off kids show outward signs of potential violence. Former teacher Pat Martin recalls that while the mayhem raged in the hallways that day, students huddling behind classroom doors were asking, Who’s the shooter? Seven or eight names came up—names of confused youths who seemed angry enough to blast away classmates and staff.

But no one saw Evan’s explosion coming. “The whole time Evan was ramming through the school shooting his gun off, his name was never mentioned,” says Martin, who was a close friend of the slain princi-

pal. “The scary part,” she adds, “is that most of those seven or eight kids—kids the other students feel have the same capability (for violence as Evan)—are still there.”

As if to prove Martin’s point, while Evan sat in prison awaiting trial the following year, other boys’ threats to bring guns to school kept Bethel High students confined to their classrooms on two occasions. And that winter in Quinahagak, one of 22 Eskimo villages served by the Lower Kuskokwim School District, a 13-year-old shot his mother to death in her bed and then tried to kill his father. Rocked once again, the district was all the more stunned because the boy’s mother was a longtime school secretary.

Troubled kids are not in short supply in Bethel, the hub for dozens of roadless villages scattered across the delta where the Kuskokwim and Yukon rivers empty into the Bering Sea. Villagers, most of Yup’ik Eskimo ancestry, travel by small planes, aluminum skiffs, and snow machines to Bethel for jobs, social services, medical care, business dealings, and (especially when the annual state dividends arrive) for parties. Though alcohol is not for sale in Bethel and is illegal in the villages, it seeps in. The toll on many families is steep.

Such troubles show up in

classrooms in the form of behavior problems ranging from spitwads to suicide. The shooting is the extreme end of a spectrum of disruption that plays out every day in district schools. Last year at Bethel’s Kilbuck Elementary School, the incendiary message “KKK” was carved in big letters on the side of the building, and obscene words were scrawled on bathroom stalls, according to Principal Phyllis Williams. Bullying and harassment—the same kind of razzing and hassling that Evan reportedly suffered at school—are commonplace, she says. Threats and name-calling, what Williams sums up as “the inability to be tolerant and accepting,” interfere with learning, and poison relationships among students.

These issues were nothing new in Bethel. But it was the high school shooting that focused the community’s attention. Townspeople, teachers, and district personnel began to ask, Did Evan lack certain social skills that might have steered him from his murderous course? Can we teach those skills to the children who remain in our care? Is there a curriculum that could help kids—all kids—better vent their frustrations, understand their feelings, and get along with others? Can we use the shooting as a catalyst for change in our community?

WOW, THAT LOOKS LIKE ME!

All but two of the first-graders in Abby Augustine's classroom in the Bethel Immersion School have the raven-black hair and deep-brown eyes of their Yup'ik ancestors, who for thousands of years have drawn sustenance from the marshes, ocean, and endless tundra of the Yukon and Kuskokwim deltas. Before Western culture, technology (including TV), and alcohol began eroding ancient practices, Yup'ik life centered around hunting, fishing, and gathering. Respect for nature and for animals was a core value. So was respect for others, especially elders. Sharing, helping, and cooperating—themes that pop up often in the Second Step curriculum—are among other values listed on a "Yup'ik Values" poster created by the district's art staff for classroom display.

Rekindling respect for native values—lost to many families in recent years—is a district goal. To that end, the district screens texts for compatibility with Yup'ik beliefs. It publishes storybooks and primers based on such traditional Yup'ik practices as gathering wild eggs, picking berries, and smoking fish. These books, along with richly illustrated legends such as "How the Crane Got Its Blue Eyes," are

printed in both English and Yup'ik for use in bilingual and immersion classrooms. Bilingual specialists also are writing thematic units, based on Yup'ik practices and knowledge, that meet state standards in science, math, social studies, and language arts.

In the spirit of honoring local culture, the Second Step curriculum is being modified (with permission from the curriculum's publisher) to fit the community. If children are to internalize the messages in the posters, they need to identify with the pictures, district curriculum specialists say. So they commissioned a photographer to capture images of local children modeling emotions and acting out scenarios such as playground disputes or bus-stop squabbles. These Yup'ik faces will replace the photos on 35 Second Step posters.

"It's very important for kids to see kids who look like them," says Nita Rearden, a specialist in bilingual programs for the district. "If they do, they can apply their own little feelings to that picture. It opens them up to talk about something that might be inside them."

Sophie Shield learned to read in the delta village of Tuntutuliak with the standard 1950s primer. Nothing in those pages reflected village life. The need for culturally

f some among you try to do you harm, do not retaliate, but avoid confrontation; rather show compassion as you go through life."

—From *One Must Arrive with a Story to Tell:*

***Traditional Narratives by the Elders of Tununak, Alaska*
Lower Kuskokwim School District**

TOP 10 CURRICULA

Drug Strategies, a nonprofit research group led by former Oregon Governor Neil Goldschmidt, rated 84 antiviolence programs in its 1998 publication *Safe Schools, Safe Students: A Guide to Violence Prevention Strategies*. Second Step, the curriculum being used in Belhel, is one of only 10 programs that got an A rating for program quality. The other top scorers got the following kudos from the raters:

- Aggressors, Victims, & Bystanders: "A beautifully organized, teacher-friendly, well-developed 12-session curriculum."
- No Bullying: "Imaginative, well-organized program emphasizing the importance of adult intervention in bullying situations."
- PACT: "Brief, highly focused 10- to 16-lesson program for African-American and other adolescents, designed for small-group discussions."
- PeaceBuilders: "Creative and solidly based comprehensive school climate program that emphasizes praising others, avoiding negative comments, being aware of injustices, righting wrongs, and seeking out 'wise people.'"
- Peer Mediation: Conflict Resolution in Schools: "A strong, well-organized, very complete program with detailed and extensive background and support materials. Excellent discussion of discipline and school rules."
- Reconnecting Mouth: "Beautifully organized five-month program to be taught daily in small-group sessions, especially to students who are at risk for drug use, depression, and aggression, as well as academic failure and dropping out of school."
- Responding in Peaceful and Positive Ways: "This well-evaluated 25-lesson curriculum ... uses games and group work well to emphasize social problem-solving and resistance skills."
- Safe Dates: "Well-evaluated, nine-session curriculum highly focused on prevention of dating violence, designed to keep students from becoming involved in abusive relationships."
- Voices of Love and Freedom: "Creative, innovative program that uses a structured approach to children's books and multicultural appreciation to prevent violence while promoting literacy skills."

Copies of the report are \$12.95. For ordering information, call (202) 663-6090.

appropriate materials is very real to her. "I grew up with Dick, Jane, and Sally," says Shield, who works closely with Rearden to translate and adapt materials. "It was all foreign to me. They were aliens to us. It was far away. For the local kids, how nice it would be for them to look at the pictures and say, 'Wow, that looks like me!' Instead of frilly dresses, they (would see) mukluks and parkas. How nice it would be!"

One November morning as snow falls steadily outside, Augustine's immersion students—many of them clad in snowsuits and boots—wrestle with a lesson in listening skills. The message is the same one Jennings delivered to his kindergartners moments earlier in the building next door. But this time, it's in Yup'ik: *Qaneryukuwet yag-gluten* (If you want to speak, raise your hand). *Unateten il'gaten-llu ilatnun agluuteksaunaki* (Keep your hands and feet to yourself). *Ilaput qanqan niicugniagluta* (When someone is talking, we listen to them).

Augustine then segues to a Second Step lesson in empathy. Speaking in Yup'ik, she tells the first-graders to pretend they're detectives, looking for clues about how other kids are feeling. She holds up a picture of a little girl with a big grin. How is she feeling?

the teacher asks the class. Happy, several students say. What clues tell us she's happy? the teacher asks. Mouth turned up, eyes wrinkled, teeth showing. Augustine writes *angniq* ("happy") on the board, and then calls Karis to the front of the room and asks her to imitate the emotion shown in the photo. Karis smiles broadly. What things make you happy? the teacher asks the students. One girl says she's happy when she has a birthday. Another says she's happy when she goes sledding.

Moving on with the lesson, Augustine shows first a photo of a boy looking sad (clues: mouth in a frown, chin wrinkled, eyes down-cast) and a girl looking mad (clues: arms crossed, eyebrows knit, forehead wrinkled). In pairs, the children stand up and role play events that stir up different emotions. In one role play, a girl gives a sucker to a boy, who smiles and looks happy. In another role play, a boy hands a piece of paper to a girl, who abruptly tears it in half. This sets off an excited buzz among the watching children. They mimic the ripping motion, and chatter among themselves about the girl's aggressive action. At lesson's end, the children use crayons to color in faces showing anger, fear, happiness, and sadness. With glue, they

tack down bits of yarn for hair.

Role playing, central to the Second Step curriculum, isn't a perfect fit with Yup'ik culture. Native children often are uncomfortable standing up and speaking out in class.

"It stems back to our ancestors, when only the elders spoke," says Shield. "In the old days, we as little kids were taught to listen to the elders all the time."

Teachers in Bethel and the villages beyond need to be sensitive, Shield says, to this deeply rooted discomfort. She suggests that teachers call for volunteers instead of demanding that students engage in role play.

Overcoming discomfort with role playing is the biggest challenge facing the district as it works to train teachers across the delta in using Second Step, says curriculum specialist Nancy Brown, who's leading the training effort. Eventually, she says, the district plans to translate the materials into Yup'ik. The curriculum will be presented to parents in coming months, in hopes that families will adopt—and thereby reinforce—the tools and words kids are learning in school. The district must skillfully blend "home language" with "school language" to reach parents in their comfort zone, Brown

says. Parents need to understand that "trying to take over the role of parents" is not the district's goal, she says.

Sometimes, culture clashes show up in unexpected places. The family kit that accompanies the curriculum (*Family Guide to Second Step: Parenting Strategies for a Safer Tomorrow*) comes with refrigerator magnets—those ubiquitous trinkets of middle-class kitchens. But out on this windswept river delta, which feels like a deep-freeze much of the year, "not all villagers have fridges," Brown notes.

Cultural mismatches aside, Rearden believes that Second Step shows great promise for bringing change to this distant corner of Alaska.

"It's for every person," she says, "because we all have the same feelings." ■

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 70(RLS)

BY REPRESENTATIVE KAPSNER

1 Page 1, lines 1 - 2:

2 Delete all material.

3 Insert ""An Act relating to questionnaires or surveys administered in public
4 schools.""

5 Page 1, line 4, through page 3, line 19:

6 Delete all material.

7 Insert

8 ** Section 1. AS 14.03.110 is amended to read:

9 Sec. 14.03.110. Questionnaires and surveys administered in public schools.

10 A school district, principal or other person in charge of a public school, or teacher
11 in a public school may not administer or permit to be administered in a school a
12 questionnaire or survey, whether anonymous or not, that inquires into personal or
13 private family affairs of the student not a matter of public record or subject to public
14 observation unless written permission is obtained from the student's parent or
15 guardian.

16 * Sec. 2. AS 14.03.110 is amended by adding a new subsection to read:

17 (b) Written permission required under (a) of this section is valid until the
18 commencement of the subsequent school year or until one of the following occurs:

19 (1) the child completes or withdraws from the course, activity, or
20 program for which the permission of the parent or guardian was granted; or

21 (2) the parent or guardian who gave permission submits a written
22 withdrawal of permission to the school principal."

HB

72

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SSHB 72

Revision Date/Time (Note if correction): _____ Dept. Affected: Health and Social Services
 Title: Relating to services for persons with handicaps BRU: Medical Assistance
(DD waitlist) Component: Medicaid Services
 Sponsor: Brice COMPONENT SERIAL NO. 2077
 Requestor: House (HES) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	7,127.8	27,870.7	34,873.0	42,422.4	50,552.9	59,300.5
MISCELLANEOUS						
TOTAL OPERATING	7,127.8	27,870.7	34,873.0	42,422.4	50,552.9	59,300.5

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	4,262.4	16,666.7	20,854.1	25,368.6	30,230.6	35,461.7
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	2,865.4	11,204.0	14,018.9	17,053.8	20,322.3	23,838.8
Other (please specify)						
TOTAL	7,127.8	27,870.7	34,873.0	42,422.4	50,552.9	59,300.5

Estimate of any current year (FY1999) cost: \$0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Sponsor Substitut e for House Bill 72 would require state agencies to provide services to all individuals with developmental disabilities who meet the criteria in statute. Approximately 60 percent of individuals currently receiving these services are funded by the Medicaid Home and Community-Based Services Waivers, either the waiver for People with Mental Retardation or Developmental Disabilities (PMRDD) or the waiver for Children with Complex Medical Conditions (CCMC).

The Division of Mental Health and Developmental Disabilities estimates that 1000 people would receive services under this legislation initially, with an additional 250 per year in subsequent years. This fiscal note shows the cost to the Medicaid program of providing services for the 60 percent of those individuals who will qualify for Medicaid home and community-based waivers.

See the following page for our assumptions.

Prepared by: Jon Sherwood Phone: 465-3355
 Division: Medical Assistance Date/Time: 3/1/99 9:08 AM
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/3/99
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

The cost to Medicaid of adding new Home and Community Based Services Waiver recipients has two components. First there is the cost of waiver services. Second, for individuals who do not currently receive Medicaid, there is the cost of providing regular Medicaid services in addition to waiver services.

The estimates below are based on the weighted average of the costs of the two waiver that serve these individuals, the PMRDD and the CCMC waivers. Two adjustments have been made. Because current costs include people deinstitutionalized from Harborview and Hope Cottages, who are more expensive to serve, the average cost of waiver services was reduced by one-third. Also, the cost of providing regular Medicaid services has reduced to reflect that an estimated 60 percent of all individuals newly eligible for waivers are already receiving regular Medicaid services.

	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>
Total Number of client added	1,000	1,250	1,500	1,750	2,000	2,250
Percent on Medicaid HCB Waivers	60%	60%	60%	60%	60%	60%
Total New Clients on HCB Waivers	600	750	900	1,050	1,200	1,350
Weighted Ave. FY 98 Cost per Year	32,780	32,780	32,780	32,780	32,780	32,780
Inflation Rate	4.27%	4.27%	4.27%	4.27%	4.27%	4.27%
Adjustment factor for inflation	1.0872	1.1336	1.1821	1.2325	1.2852	1.3400
Estimated Annual Cost per Client	\$ 11,880	\$ 37,161	\$ 38,748	\$ 40,402	\$ 42,127	\$ 43,926
Total Cost of New Clients	<u>\$7,127,836</u>	<u>\$27,870,729</u>	<u>\$34,872,971</u>	<u>\$42,422,388</u>	<u>\$50,552,942</u>	<u>\$59,300,497</u>

Assumptions:

Ratio of new recipients on PMRDD and CCMC waiver is equal to the ratio of current recipients on the two waivers.

Waiver services for new recipients are one-third less expensive than for current recipients.

60 percent of new waiver recipients are already eligible for regular Medicaid services.

In FY 00, new recipients will be eligible for an average of 4 months.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 72

Revision Date: 03/02/99 Dept. Affected: Health and Social Services
 Title: Relating to Services for Persons with BRU: Community DD Grants
Handicaps (DD Waitlist) Component: Community DD Grants
 Sponsor: Brice COMPONENT SERIAL NO. 309
 Requestor: House (HES) See also (SN#): 1827; 236

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY00	FY01	FY02	FY03	FY04	FY05
PERSONAL SERVICES	309.0	309.0	309.0	309.0	309.0	309.0
TRAVEL	50.0	50.0	50.0	50.0	50.0	50.0
CONTRACTUAL	25.0	25.0	25.0	25.0	25.0	25.0
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	40.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS	4,752.0	18,580.5	23,496.6	28,812.7	34,528.8	40,644.9
MISCELLANEOUS						
TOTAL OPERATING	5,181.0	18,969.5	23,885.6	29,201.7	34,917.8	41,033.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	5,181.0	18,969.5	23,885.6	29,201.7	34,917.8	41,033.9
Other (please specify)						
TOTAL	5,181.0	18,969.5	23,885.6	29,201.7	34,917.8	41,033.9

POSITIONS:

FULL-TIME	5.0	5.0	5.0	5.0	5.0	5.0
PART-TIME						
TEMPORARY						

Estimate of any current year (FY99) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

HB 72 will eliminate the Developmental Disabilities wait list and make all services for eligible individuals an entitlement. This will require the Division to serve people within a specific time-frame from when they become determined eligible. Individuals who are eligible for Medicaid services will be served on a Medicaid Waiver. Those ineligible for Medicaid will be served with Division GF/MH grant funds. If passed, HB 72 will go into effect January 1, 2000.

Fiscal Assumptions:

1. This fiscal note assumes that the current waitlist is approximately 1000 persons as of this date. HB 72 would eliminate the waitlist by providing full services for all individuals.

Assuming that historically 60% (600) individuals are Medicaid eligible then approximately 40% (400) would have to be served using GF/MH grant funds, and;

Assuming the average amount for full-services for each individual is \$37,161 a year. If the bill goes into effect on January 1, 2000, there would be approximately 4 months in FY2000 where individuals would be fully served with GF/MH state funds. The total amount for the 400 individuals being fully served for 4 months would be \$4,752.0.

Prepared by: Constance E. Anderson Phone: 465-4827 TTY
 Division: Mental Health and DD Date: 03/02/99
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/3/99
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Over the past 4 years the average number of individuals added to the waitlist was approximately 250 per year. Assuming that 40% of these individuals are not Medicaid eligible, 100 consumers would need to be funded by state GF/MH grant funds.

Historically, the cost of providing full services has risen consistently by \$2000 per individual per year. The amount of funding needed to fully serve each individual has averaged over the past 4 years approximately \$37161/year. Given this assumption, FY00 would require an average full services amount of \$37161 per consumer. This would bring the total amount of GF/MH needed to serve the 100 new consumers to \$18,580.5 in FY01. Following this trend there is a projection of: FY02 - \$23,496.6; FY03 - \$28,812.7; FY04 - \$34,528.8; and FY05 - \$40,644.9.

2. There would be an initial and on-going need for increased Developmental Disabilities staff. Based on current workload, is projected that there would need to be one full-time Project Assistant to process the Medicaid Waivers, including Prior Authorizations and billing issues.

Each of the four regions would also require additional staff. At present Northern Regional Office has one person on staff. Considering the average workload per Regional Program Specialist, it is assumed that an additional staff member would be required to serve those removed initially from the waitlist and those who are newly determined eligible each year.

Anchorage Regional Office currently has three Regional Program Specialists on staff. It is projected that they too will need an additional person to cover the increased workload.

Southeast Regional Office also has one staff member and it is projected that another would have to be hired to provide services in a timely manner.

The South-central Office, which also covers the Yukon-Kuskokwim area, the Kenai Peninsula, Valdez area, Kodiak Island and the Aleutian Chain, is currently understaffed with one full-time Regional Program Specialist. Bringing the office to two full-time employees is the minimum needed to cover an area this size.

The additional staff would not only be required to complete their own duties pertaining to the increase of fully-served individuals, but would also be required to provide support to the provider agencies who would have to increase their infrastructure to accommodate those individuals.

DD Grant	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Served	400	500	600	700	800	900
Cost/Svd	11880	37161	39161	41161	43161	45161
	4,752.	18,580.5	23,496.6	28,812.7	34,528.8	40,644.9

Note: The amount calculated for FY2000 is based on a 6 month period from January 1, 2000 to June 30, 1999.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SSB 72

Revision Date/Time (Note if correction): _____ Dept. Affected: Health and Social Services
 Title: Relating to services for persons with handicaps BRU: Public Assistance Admin
 (DD waitlist) Component: Public Assistance Admin
 Sponsor: Brice COMPONENT SERIAL NO. 233
 Requestor: House (HES) See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES	48.6	48.6	48.6	48.6	48.6	48.6
TRAVEL						
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	5.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.1	55.1	55.1	55.1	55.1	55.1

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	30.0	27.5	27.5	27.5	27.5	27.5
1003 GF Match	30.1	27.6	27.6	27.6	27.6	27.6
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	60.1	55.1	55.1	55.1	55.1	55.1

Estimate of any current year (FY1999) cost: \$0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This legislation sets limits on the length of time an individual may remain on the waiting list for developmental disability services from the Division of Mental Health and Developmental Disabilities. Eliminating this wait list will allow additional people to qualify for Medicaid home and community-based waiver services. The Division of Public Assistance will be required to devote additional staff time to determine eligibility for home and community-base Medicaid waiver services.

Assumptions:

This legislation will be implemented July 1, 1999.
 Approximately 250 additional individuals who are now on the waitlist will qualify for Medicaid waiver services.
 One staff person is able to maintain a Medicaid waiver caseload of between 250 to 300 persons.
 Caseloads will remain level from FY2000 through FY 2005.

Prepared by: Jim Nordlund Phone: 465-2680
 Division: Division of Public Assistance Date/Time: 2/26/99 2:28 PM
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/3/99
 Agency: Department of Health & Social Services

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DEVELOPMENTAL DISABILITIES AND AGING

By Barbara Wright and Martha King

Medicaid accounts for about 70 percent of public funding for residential and day services for people with developmental disabilities.

States are under pressure to provide community services for people moving out of institutional care.

Medicaid accounts for about 70 percent of public funding for residential and day services for people with such developmental disabilities as mental retardation, cerebral palsy, autism or epilepsy. As the baby boom generation ages, state legislators face growing demands in this area. Nearly two-thirds of people with developmental disabilities, including the majority of adults, live with their families—and nearly 500,000 live with caregiver, age 60 or older. As these aging caregivers die or can no longer provide assistance, additional demands will strain services that already have waiting lists in most states.

States are also under pressure to provide community services for people moving out of institutional care settings—stemming from federal policy changes, residents' preferences, and from budgetary considerations. A 1987 federal law requires an annual review of residents with mental retardation in Medicaid-certified nursing homes to determine if they actually need such care. When the policy was first begun, residents in nursing care 30 months or longer had the option to stay, but states had to discharge people who were determined not to need nursing home care. This resulted in a decrease of 6,000 nursing home residents between 1992 and 1996. Even so, only 10 percent to 25 percent of the 38,438 people with mental retardation residing in nursing homes in 1996 actually met the criteria for the expensive 24-hour care. But many states lack enough community facilities to house them—in 1996, state waiting lists for community-based services already contained more than 83,000 names.

Although legislators face increasing demands for services, they also have options to make services appropriate and cost-efficient. For example, the Illinois Home-Based Support Services Program helps 600 adults with severe disabilities live with their families, for about \$8,839 per person in 1996. In contrast, individual institutional care in Illinois averaged \$82,350 that year.

Residential services for people with developmental disabilities include supported living, in which people live alone or with roommates in their own homes or apartments. Other successful residential services and supports include personal assistance, home health care, "assistive" technologies and home modifications. Activities for seniors with developmental disabilities include opportunities to continue working (e.g., work

The Number of People with Developmental Disabilities Living with Elderly Caregivers (1996)

Alabama	8,362
Alaska	402
Arizona	8,898
Arkansas	4,694
California	49,374
Colorado	5,611
Connecticut	6,378
Delaware	1,345
District of Columbia	1,017
Florida	40,145
Georgia	10,949
Hawaii	2,209
Idaho	1,764
Illinois	20,602
Indiana	10,208
Iowa	5,631
Kansas	5,019
Kentucky	7,325
Louisiana	6,808
Maine	2,270
Maryland	8,526
Massachusetts	11,745
Michigan	17,453
Minnesota	7,283
Mississippi	4,777
Missouri	10,378
Montana	1,560
Nebraska	3,048
Nevada	2,787
New Hampshire	1,985
New Jersey	15,789
New Mexico	2,630
New York	32,391
North Carolina	13,483
North Dakota	1,110
Ohio	21,109
Oklahoma	6,235
Oregon	6,150
Pennsylvania	27,115
Rhode Island	2,219
South Carolina	6,432
South Dakota	1,291
Tennessee	9,766
Texas	29,129
Utah	2,547
Vermont	1,011
Virginia	11,115
Washington	8,747
West Virginia	3,760
Wisconsin	8,572
Wyoming	691
United States	479,862

Source: Braddock, 1999.

activity centers, supported employment, job placements) as well as retirement activities (e.g., adult day care, leisure and volunteer options). Support services that benefit older families include respite services and information that helps families make future residential, legal and financial arrangements for their relative with a disability.

State Actions

Medicaid's home- and community-based services waiver provides federal money for states to fund community-based services. Created in 1981, the waiver allows states to use Medicaid funds for long-term care services for people moving from institutions or who are at risk of institutional care. Nearly all states operate waiver programs for people with disabilities and such waivers serve nearly 200,000 people nationwide. The Balanced Budget Act of 1997 will extend supported employment services to about 150,000 participants. In addition to Medicaid, many states also sponsor programs funded solely with state general funds.

Between 1977 and 1996, 32 states reduced their reliance on institutional care by more than 50 percent, transferring residents with developmental disabilities to smaller community-based residences. The District of Columbia, Michigan, New Hampshire, Rhode Island, Vermont and West Virginia reduced their institutional populations by more than 90 percent.

Maryland's "Waiting List Initiative" is designed to help the state reduce its backlog of people waiting for community services. The five-year initiative gives priority to households where elderly parents care for adult children with developmental disabilities. When someone in Maryland moves from an institution into the community, the savings from the reduced service costs are allocated to the "Waiting List Equity Fund." An estimated 2,000 people from the state's waiting list will receive services in FY 1999, including all people who have primary caregivers who are over age 70.

Connecticut supports nearly 2,000 people with developmental disabilities who are age 55 or older, with services such as its Day Support Options program. The state encourages employers to hire people with disabilities. Seniors with disabilities have a number of residential options, including community living arrangements, community training homes, individual homes or apartments, and family homes.

From a peak institutional population of 26,000 in the late 1960s, New York has transferred all but about 1,000 people with mental retardation to the community. Now the state has initiated a major Aging in Place initiative to train staff and clinicians about what happens when people with mental retardation age and how to meet their special needs. New York also funds the nation's largest series of day programs for older people with developmental disabilities. Approximately 60 senior programs serve over 900 people, with \$3.5 million in state funds.

Selected References

- Braddock, D. "Aging and Developmental Disabilities: Demographic and Policy Issues Affecting American Families." *Mental Retardation* (in press).
- National Association of State Directors of Developmental Disability Services. "Senate Panel Holds Forum On Aging Caregivers of Persons With DD," *Perspectives* 4, no.10, October 1998.

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Medicaid's home- and community-based services waiver provides federal money for states to fund community-based services.

Representative Tom Brice

ALASKA STATE LEGISLATURE

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Representative Tom Brice Sponsor Statement for Sponsor Substitute House Bill 72

The State of Alaska, following the national trend, eliminated institutionalized care for citizens with developmental disabilities (DD) in favor of community based care. When the state changed its approach for care it failed to appropriate adequate funds to provide community based services for the disabled community. To catalogue the needs for care that these folks have, the Department of Health and Social Services created a wait list. Needless to say, there are a number of concerns that families have about their inability to receive services. The duration on the state's (DD) waitlist can be up to seven years, but is dependent on the level of crisis the individual is facing, among other things.

Currently, there is between 840 and 1100 disabled Alaskans on the state's (DD) waitlist. In a survey titled "State Ranking for Services Needed by People on the Waiting List per 100,000 State Population -1997," Alaska was ranked as the 5th worse in the nation with 209.3 people needing services per 100,000. SSHB 72 establishes mechanisms to eliminate that problem.

SSHB 72 does three primary things. 1) It implements a concrete time line to eliminate Alaska's DD waitlist; 2) It removes funding barriers so the Department of Health, and Social Services Developmental Disabilities Division can administer the community based care program at an appropriate financial level and 3) It revises sections of our current statutes to reflect correct terminology used for persons with disabilities.

SPONSOR STATEMENT

District 30




Representative Tom Brice

ALASKA STATE LEGISLATURE

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Fairbanks, AK 99701
907-456-7423 / Fax: 451-9293
While in Juneau
State Capitol
Juneau, AK 99801-1182
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To: Representative Fred Dyson Co-Chairman, Health, Education and Social Services Committee

From: Representative Tom Brice 

Date: February 24, 1999

Re: Sectional Analysis for SSHB 72 Persons with Disabilities

Sections 1,2,3 Revises language within AS 47.80. to replace "handicaps with "disabilities."

Section 4 Amends AS 47.80.100 (a) and (b) to replace "handicaps with "disabilities."

(c) Is a substantive change. Lines 4-5 on page 3 were deleted to allow various departments to attain full funding for services requested.

Section 5 Amends AS 47.80.110 (6) to replace "handicaps with "disabilities."

Section 6 Adds a new section 47.80.115 which provides a timeline for persons with disabilities who are deemed eligible to receive services.

Section 7 - 8 Revises language within AS 47.80. to replace "handicaps with "disabilities."

Section 9 Corrects the reference to the Federal Act and sets out the Act using the citation method commonly used in the Alaska Statutes.

Section 10 - 19 Revises language within AS 47.80. to replace "handicaps with "disabilities."

SECTIONAL ANALYSIS

District 30



Waiting lists for DD and ILP services--Analysis by Legislative District
As of January 1998

House District	Senate District	Community reference points	ILP wait list	DD wait list
1	A	Ketchikan, Meyers Chuck, Ward Cove, Annette, Hyder	26	20
2	A	Sitka, Petersburg, Wrangell	0	18
3,4	B	Juneau, Douglas, Auke Bay, Hunter Bay	9	58
5	C	Haines, Angoon, Craig, Gustavus, Yakutat, Hoonah, Kake, Klawock, Skagway, Thorne Bay	0	18
6	C	Kodiak, Port Lions, Afognak	5	13
7	D	Homer, Anchor Point, Kasilof, Nikolaevsk	14	24
8	D	Seward, Soldotna, Cooper Landing, Sterling	12	34
9	E	Kenai, Nikiski, Salmoiff	15	14
10-23	E-L	Anchorage, Elmendorf AFB, Fort Richardson	22	260
24, 25	L, M	Eagle River	5	28
25, 26	M	Chugiak	1	10
26, 28	M,N	Wasilla, Big Lake	8	47
27	N	Palmer, Sunon	5	34
28	N	Willow, Houston, Talkeetna	2	5
29-31	O, P	Fairbanks, Emmonak, Eielson AFB	10	84
32-34	P, Q	North Pole, Healy, Two Rivers, Salcha	6	20
35	R	Valdez, Cordova, Delta Junction, Glennallen	8	19
36	R	Tok, Aniak, Fort Yukon, Copper Center, Crooked Creek, Galena, Kalskag, Lower Kalskag, Nikolai, Stevens Village, Koyukuk, Huslia, Grayling, Marshall, Nenana, Russian Mission, Pilot Station, Tuluksak, Shageluk, Sleemute, Northway, Chitina	18	28
37	S	Barrow, Kotzebue, Nuiqsut, Point Hope, Selawik, Wainwright	10	13
38	S	Alakanuk, Nome, St. Mary's, Chevak, Emmonak, Gambell, Hooper Bay, Scammon Bay, Kotlik, Tununak, Stebbins, Koyuk, Shaktoolik, Mekoryak, Unalakleet	92	28
39	T	Bethel, Aleknagik, Akiachak, Akiak, Dillingham, Togiak, Kwethluk, Kasigluk, Napakiak, Kipnuk, Kongiganak, Atmauthluk, Goodnewsbay, Tuntutuliak, Kwigillingok, New Stuyahok, Nunapitchuk, Quinhagak	59	52
40	T	Unalaska, St. Paul, Dutch Harbor, False Pass, Igiugik, Iliamna, Naknek, Adak, Sand Point	2	11
		Total	329	838



A STATUS REPORT TO THE NATION
ON PEOPLE
WITH MENTAL RETARDATION
WAITING FOR COMMUNITY SERVICES

by

Sharon Davis Ph.D.
Director, The Arc's
Department of Research and Program Services

With assistance from

Alan Abeson, Ed.D., Executive Director
June C. Lloyd, Intern

November 1997

A Status Report to the Nation on People with Mental Retardation Waiting for Community Services

"I don't want to wait until I'm unable to take care of her. I want to be at peace with myself to be able to see she made it on her own."

"I'm a widow age 74 and my son is 42 years old. I was in the hospital twice this summer. If I should die tomorrow, I want him to have a place to go."

(Quotes from Massachusetts parents in Griffiths, 1997)

Many thousands of families in the United States provide care for sons and daughters with mental retardation. Many of them depend on community supports and services to assist them in meeting the needs of their family member. Tragically, however, in most states, when these families seek services and supports, they come face to face with lengthy and sometimes unending waiting lists.

In 1987, The Arc of the United States conducted the first ever study of waiting lists for community services (Davis, 1987). We found 63,634 individuals with mental retardation waiting for residential services and 76,039 waiting for day vocational services for a total of 139,673 services needed. Because some individuals were waiting for more than one service, the number of actual people waiting was somewhat fewer than the total number of services needed.

Ten years later, The Arc has again examined the status of waiting lists reported by states for community services across the country. We found 52,072 waiting for residential services; 64,962 waiting for day vocational services; 15,862 waiting for either or both for a total of 132,896 services needed. In addition, in 1997 we collected data on a variety of services not strictly residential or day vocational and found 65,290 people waiting. The total services needed by individuals in communities is 218,186 in 1997. Additionally, there are 5,376 people in state institutions waiting for community placement in 16 states that reported such data. This brings the grand total of services needed to 223,562 in the 48 states reporting waiting list information. Finally, if all 53,661 people living in state institutions are added to the waiting list, consistent with The Arc's position on "Where People Live," the waiting list for community services would grow to 271,847.

In summary, to describe the waiting list situation as a crisis for America is no exaggeration. This report makes clear that in the 10 years since The Arc first collected this information, the situation has only grown worse. Further, because of the data gathering mechanisms used by states, as described in this report, it must be acknowledged that the people waiting for 271,847 community services is probably not the true picture of need. The Arc believes it is even greater. Relieving waiting is a priority for The Arc and one which will continue to be addressed.

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The Waiting List Problem

Since the early 1970s families have been encouraged to keep children with disabilities at home. Many of these children especially when young can benefit from early intervention and other services, and their families can be greatly helped by family support services, such as respite care, counseling, and cash subsidies which allow them to keep the child at home. This is where many families start to learn about waiting lists, as the service(s) they need or want may not be available to them.

As these children become adults, many still live with their families. Older families especially, who have kept an adult family member at home over the years, are greatly disturbed by the waiting list situation. Sometimes, parents in their 80s who are concerned about what will happen to their sons or daughters after they die, learn they must wait 10 or 12 years for services. Because of long waiting lists for existing residential services in particular, they have difficulty developing thoughtful future plans. They are under a tremendous amount of stress and worry. Some parents believe that the only way off the list for their adult child is for the parents to suffer serious illness or die. This was true for a New Jersey father whose child finally obtained a home in the community after he suffered a massive stroke.

This suffering is not limited only to families, but also to the thousands of individuals who are waiting and waiting! Many of them are young people leaving school only to encounter waiting lists for employment and other daytime services. They are often deprived of the opportunity to experience full life in the community. As these people age, their families cannot help them make the transition to a new living situation and ease the way to such change before the parents die. This means that when the crisis hits, the person with mental retardation loses a parent and moves out of the family home at the same time--a traumatic situation for all!

How This Study Was Conducted

Data Collection

State chapters of The Arc were contacted by mail and requested to assist in collecting information on waiting lists from the appropriate state agency or to provide a contact person who would have the waiting list information. Where additional information was needed or where there was no state chapter of The Arc, the state Developmental Disabilities Council or the state mental retardation/developmental disabilities agency was contacted. Written reports on the waiting list were obtained if available.

The following data were collected:

- Name of agency collecting and maintaining waiting list information
- Sources of waiting list data
- The frequency with which data is collected and date last collected
- Numbers of individuals waiting for each type of community service

- Whether or not numbers were an unduplicated count (meaning that no one was counted more than once)
- Numbers of individuals by age or by age of caregiver, where available
- Number of individuals residing in state institutions
- Number in state institutions on waiting list for community placement

The nature of the data varied considerably from state to state. Some states maintained detailed information on types of services requested; others did not. In general, the following descriptions explain the data in the tables:

- **Residential Services.** Requests for community-based residential placements, including group homes, supported apartments, supported living and any other community living arrangement.
- **Day/Vocational Programs.** Requests for placement in day activity centers, adult day care, work activity centers, sheltered workshops, supported employment programs, job placements and other day programs.
- **Support and Other Services.** Requests for family support services, respite care, personal assistance services, case management, early intervention services, transportation and other services not included in residential and day employment

No attempt was made to collect data on waiting lists for transportation services. In reality, however, a lack of transportation deprives many people with disabilities from taking advantage of services which do exist.

Overview of State Data Collection Activities

Information regarding waiting lists was obtained from all states and the District of Columbia. Four states reported no waiting lists (California, Rhode Island, Nevada, Kansas). Three did not collect statewide data (Iowa, Ohio, West Virginia). Several others collected limited waiting list data (i.e. Medicaid waiver only in Idaho, family support only in Illinois). Several did not break out the list by type of service for which people were waiting.

Cautions Regarding Interpreting State Data

The Arc urges caution in interpreting the numbers of services for which people are waiting in each state. While some states are quite confident that their data collection process is at least capturing those with the most needs, some are unsure. Others are concerned that their numbers may be inflated by people placing their names on more than one community program's waiting list. Further, the data from other states is sketchy. The Arc believes that no matter the effort, most states' numbers probably underestimate the true need. Many families are managing on their own and are out of touch with the service system. Their needs only become apparent when a crisis occurs. Finally, despite these cautions the fact is that waiting lists are a serious problem for the entire nation.

The numbers collected for this report represent numbers of people waiting for a particular service category. Some people are waiting for more than one service in all but 15 states. Therefore, the total waiting list represents number of individual services needed. The number of individuals waiting for services will be somewhat fewer. In a 1991 survey of people on waiting lists, it was estimated that 19.5 percent of the reported number of people waiting for services could be attributed to duplicate counting (Hayden, 1992).

The data in this report represent the most recent numbers collected by each state at the time of reporting to The Arc during the months of July through October. In most cases, the numbers represent people on the waiting list in 1997. A few states reported 1996 data.

Data are collected by states in a variety of ways, and as indicated few states believe that they accurately identify all of the people with service needs. Most states recognize that many families may not choose to put their family member's name on a waiting list, if they believe it is unlikely to result in a service. Wisconsin notes that the 2,215 people who are on waiting lists for a place to live represent a fraction of the 7,600-plus adults with developmental disabilities who are currently living with family members (and not receiving any paid residential supports). On the other hand, there may be individuals on the waiting list who would refuse services if offered, particularly residential, as they are not ready to move from the family home at the present time. A survey of waiting list families in Massachusetts revealed 33 percent estimated they would need residential services in 2-5 years and 18 percent "in the distant future." The family's recognition of future need plus the reality of being forced to wait led them to place their family member's name on the waiting list.

In some cases, individuals whose names are on a waiting list for a particular service, may already be receiving some service. However, they desire additional services or a different type of service. A person living in a group home could be on a waiting list for a supported apartment, for example. Or, someone who was receiving supported employment services, could be on a waiting list for counseling, if counseling services were scarce. While Pennsylvania has a waiting list of 28,000, it is believed only 2,000 are not receiving any services.

Finally, in most states, these numbers waiting for services also include people with other developmental disabilities and conditions related to mental retardation. However, in a study of people receiving state supported employment services, approximately 90 percent were identified as having mental retardation (McGaughey *et al.*, 1993). Based on this information, we estimate most people on waiting lists are people with mental retardation.

The National Waiting List

The number of community services requested by families across the country in the 48 states providing data is 223,562. This includes 5,376 people living in state institutions who have been identified as waiting for community placement. While four states reported no waiting lists, other states with no data collected acknowledge they know people need services. They simply have not created the capacity to collect the data on a statewide basis. The states falling into this category are Iowa, Ohio and West Virginia. Illinois collects data on waiting lists for its family support program only. Wyoming reports no adults waiting for residential or day/vocational programs, but 12 children are reported as waiting for services.

Table 1 displays the numbers of services requested in each state. The total number of residential services requested is 52,072. The total number of day or vocational services requested is 64,962. A third category includes services needed which could be either or both residential or day/vocational. This includes data from five states where numbers were not broken out by type of service and totals 35,862 service requests. The number of support/other services requested is 65,290. The total service requests from people living in the community is 218,186. In 1991, the University of Minnesota collected waiting list data for residential, day, vocational, support and other services and found a total of 186,272 services requested (Hayden, 1992). Thus, the increase in total requests for services in six years is 31,914. Add the 5,376 people living in state institutions who are ready to leave, and the increase becomes 37,290. If the 53,661 people in state institutions are also added to the list, as The Arc believes they should be, the waiting list for community services grows to 271,847.

The numbers represent services needed and should not be considered the total number of individuals requesting services and supports. Only 15 states indicated that the numbers reported were unduplicated numbers of individuals waiting.

State Rankings on 1997 Data

Table 2 illustrates the number of services for which people are waiting per 100,000 state population in 1997. It is based on each state's total numbers of services for which people are waiting, combining residential, day/vocational and support/other services. By examining the number of services people are waiting for as a function of a specific population figure, large and small states can be compared on an equal basis. The states with the most services needed are at the top of the list.

Louisiana heads the list with 320.3 services needed per 100,000 state population. It is followed by New York with 276 services for which people are waiting per 100,000 population; Pennsylvania with 232.1; Oregon with 226; Alaska with 209.3; and North Carolina with 171.4. Of these six, Pennsylvania's data is the most questionable. It is currently in the process of collecting more accurate data. However, Louisiana, New York, Oregon, Alaska and North

APPENDIX

People in State Institutions Waiting for Community Placement

State	Institutional Population	No. Waiting for Community Placement
Alabama	721	0
Alaska	8	8
Arizona *	114	N/A
Arkansas	1,243	N/A
California	4,000	N/A
Colorado *	219	N/A
Connecticut	1,106	N/A
Delaware	278	150
D.C.	0	
Florida	1,585	N/A
Georgia	1,994	N/A
Hawaii	29	29
Idaho *	123	N/A
Illinois	3,496	N/A
Indiana	1,261	N/A
Iowa *	687	N/A
Kansas *	693	N/A
Kentucky *	644	N/A
Louisiana	2,000	206
Maine	0	0
Maryland	740	0
Massachusetts	1,550	770
Michigan	316	N/A
Minnesota	268	72
Mississippi	1,424	130
Missouri	1,494	N/A
Montana	142	79
Nebraska	395	N/A
Nevada	181	N/A
N. Hampshire	0	
New Jersey	4,055	1,600
New Mexico		
New York *	3,768	N/A
N. Carolina	2,400	96
N. Dakota *	147	N/A
Ohio *	2,087	N/A
Oklahoma	455	0
Oregon	378	307
Pennsylvania *	3,272	N/A
Rhode Island	0	
S. Carolina	1,388	N/A
S. Dakota	229	62
Tennessee	1,438	800
Texas	2,400	N/A
Utah	289	N/A
Vermont	0	
Virginia	1,966	1,000
Washington	1,307	N/A
West Virginia	52	52
Wisconsin	1,179	N/A
Wyoming *	139	15
TOTAL	53,661	5,376
* Data from Prouty & Lakin, 1997		
** N/A = Not available		

TABLE 2

State Ranking for Services Needed by People on the Waiting List per
100,000 State Population - 1997

<u>Rank</u>	<u>State</u>	<u>Services needed per 100,000</u>
1	Louisiana	320.3
2	New York	276.0
3	Pennsylvania	232.1
4	Oregon	226.0
5	Alaska	209.3
6	North Carolina	171.4
7	Alabama	154.6
8	Utah	152.1
9	Wisconsin	149.5
10	Maryland	147.3
11	Maine	141.7
12	Washington	127.9
13	Nebraska	123.9
14	Hawaii	117.6
15	New Mexico	103.8
16	Montana	98.5
17	Arkansas	77.8
18	Virginia	72.6
19	New Jersey	68.6
20	Tennessee	66.8
21	Connecticut	64.4
22	South Carolina	61.7
23	Oklahoma	61.4
24	Delaware	58.6
25	Texas	57.5
26	Massachusetts	52.1
27	Minnesota	50.8
28	Kentucky	45.6
29	Florida	44.3
30	Vermont	42.2
31	Georgia	41.0
32	Indiana	35.2
33	Missouri	33.0
34	Illinois	31.2
35	Colorado	30.7
36	Michigan	30.6
37	Mississippi	28.5
38	North Dakota	21.2
39	New Hampshire	16.5
40	Idaho	16.0
41	Arizona	14.7
42	DC	10.8
43	South Dakota	3.7
44	Wyoming	2.5
45	California (no waiting list)	
46	Kansas (no waiting list)	
47	Nevada (no waiting list)	
48	Rhode Island (no waiting list)	
	Iowa (data not collected)	
	Ohio (data not collected)	
	W. Virginia (data not collected)	

Carolina have data collection systems in place which provide them with data which they consider relatively accurate. It can easily be that as a function of doing the best job in collecting waiting list numbers, these states appear to be doing less to serve people on the waiting list.

At the bottom of the list are those states reporting no waiting lists: California, Kansas, Nevada and Rhode Island (listed in alphabetical order).

The states reporting the fewest services needed per 100,000 state population are Wyoming (2.5); South Dakota (3.7); District of Columbia (10.8); Arizona (14.7); Idaho (16.0) and New Hampshire (16.5). In Arizona, the numbers for people waiting for day/vocational services were not available in time to include them. Idaho only maintained a waiting list for people waiting for Medicaid Home and Community Based waiver services. The other states are small and rural. We've noted in past reports on community services that they often seem to be able to identify people and provide services to those who need them more easily than larger states.

Each state needs to weigh the value of the information in Table 2 based on what is known within the state about the waiting list and the state's effort to alleviate the waiting for families and individuals. The data should be used cautiously unless the state has confidence in its own data. Comparisons with other states is not recommended because of the variations in the way data is collected by individual states and the concern it may not accurately represent the state.

Discussion

The effort a state puts into gathering and maintaining waiting list information is a dramatic indicator of the importance and value a state places on supporting persons with mental retardation. In those states where data is maintained, legislators, governors, policy makers, service providers - and even the general public - are more aware of the phenomenon of service waiting lists and how they affect the status and welfare of consumers of services and supports for people with mental retardation as well as their families.

States choose not to maintain waiting lists for several reasons. If an entitlement to services exists in a state, the existence of a waiting list can be cause for litigation. Such litigation was successful in California some years ago. A few states do not collect data out of concern that the visibility of a waiting list will bring too much attention to a problem they already know exists. Other states worry that if families know about the waiting list and the effort to provide services to those on the list, more families will make themselves known to the service system. (New Jersey has found its waiting list growing as more and more families have become familiar with that state's success in obtaining funds for individuals on the waiting list.) A few other states simply have not created the capacity to collect and report aggregate data on waiting lists from local programs across the state. However, The Arc notes that a number of states have created that capacity since 1987 when waiting list data was first collected, including Texas and Connecticut. Other states have upgraded their systems for data collection (i.e. North Carolina).

Waiting lists are a critical public policy issue in almost every state. However, to date, advocates in many states have failed to communicate successfully the immediacy of family and consumer needs to legislators and others. A large number of families and individuals with disabilities on the waiting list need services now, not some time in the future. A survey of families on the waiting list for residential services in Massachusetts found 40 percent needing services immediately or within a year. The caregivers were in poorer health; their sons and daughters had significantly more behavior problems, and fewer had estate plans or designated guardians in their wills than the 60 percent who needed services later. It is possible that some of the families who did not indicate an immediate need may end up requiring services sooner than they anticipate. What is clear is that all will eventually need residential services for their family members (Griffiths, 1997). Many states have a high percentage of people on the waiting list classified as in a crisis or high need situation. In Utah, one such family has been on the waiting list for 18 years and classified as "critically in need of services" for 10 years. Once again, the only sure way for an individual to receive services in many states is for the caretaker to die.

Another issue that goes largely unrecognized is the number of families unknown to the service system. Pennsylvania recently reviewed applications for nursing home placement by aging people with mental retardation and found the majority had never before made contact with the mental retardation service system. These people were never on waiting lists. This is a problem that will likely grow, as families recognize the uselessness in many instances of trying to obtain services. There are also some families who choose not to seek services for their family member with mental retardation while they are living and can provide care. They may suddenly become known to the system only when a crisis occurs.

A major concern of families is how the state deals with individuals moving out of state institutions when many families have been waiting years or are in critical need of services. The population in large state institutions is declining at a rate of about six percent annually. They point out that they have saved the state a considerable amount of money, and now they are waiting for community services and frequently will only be served after people waiting to leave institutions.

Detrimental Effects on Individuals and Families

The unavailability of community services and supports can have detrimental effects on individuals and their families. The following examples are outlined in The Arc's position statement on "Availability of Community Services and Supports."

- Infants who cannot access early intervention services may have greater developmental delays. Early intervention must begin by the time children with disabilities are 2-3 years of age to capitalize on the developing brain's capacity to be sculpted (Thompson, 1997).

- The lack of supports for individuals and families results in emotional and financial hardships. One mother caring for her five-foot-seven-inches tall daughter with severe disabilities reported having back surgery from the heavy lifting. She still continues to care for and diaper her daughter who is 26 years old (Seymour, 1996).
- Inadequate services upon exiting school results in loss of learned abilities, productivity, self-esteem, and the ability to live a more normal lifestyle and, in addition, increases stress on the individual and family. If a community program is not available for the exiting student, when both parents are wage earners, one may have to quit working to stay home to care for the family member.
- Insufficient community housing often results in placing families in a perpetual caregiver situation and keeps the individual in a dependent situation. This is especially critical to elderly families who are literally afraid to die. Several states maintain data on the ages of family caregivers of people on the waiting list. In Maryland, for example, 40 percent of family caregivers are over age 60 and 13 percent over 80.
- The lack of access to transportation results in an inability to access employment and routine community life, thus resulting in social isolation and lost opportunities. In Illinois, the Home-Based Support Services Program has 1700 adults on its waiting list. These support funds could be used to purchase transportation services, but those on the waiting list needing these services remain isolated.

Action Is Needed to Solve the Waiting List Problem

Government at all levels must devote more financial resources to eliminating the waiting lists and other barriers to community services and supports. In addition to increased funding, creative usage of existing resources, including generic services, must also be explored to its fullest. Individuals with mental retardation and their families should drive the design of services and supports to assure consumer empowerment, choice and inclusion (The Arc, 1993.)

The Arc believes eliminating the waiting list to be very difficult, but not an insolvable problem. Solutions lie in society's recognition of the severity of the situation for many families. More effort is urgently needed for solutions to meet families' needs. Described below are some of the efforts already undertaken to find solutions.

We recognize that many states are very concerned about how to offer more services when budgets are strained and competition for existing funds is intense. Some states have increased funding for family support programs, recognizing that for many families, a little support will help them care for their family member at home a little longer. In a number of states, these supports can be used for adults as well as children.

Many states use the Medicaid Home and Community-Based Waiver, which allows Medicaid to pay for community options for people who are in an institution or at risk of going to one. The waiver can be used to move people out of institutions. It can also be used to provide community residential services to people on the waiting list, particularly those with urgent needs. Waiver services typically cost considerably less than institutional services, allowing a state to serve more individuals.

Several states have closed institutions or are in the process of closing institutions which enables them to serve more people on the waiting list. State leaders point out that institutional services are extremely costly. By closing institutions, many more people can be served. Oregon just announced the closing of the Fairview Developmental Center by the year 2000. The state estimates \$1.4 million in savings in 1998, \$6.6 million in 1999 and \$14 million thereafter can be used to serve people from the waiting list. Currently the cost of care at Fairview is about \$212,000 per resident, per year and consumes 30 percent of the state agency's program budget, while Fairview serves only 3 percent of the population with mental retardation receiving services. In Wisconsin, 50 percent of the state's funds support 4 percent of the people in institutions.

Several chapters of The Arc and other advocacy organizations have been actively involved in seeking solutions to the waiting list problem. Some solutions result in increased funds devoted to serving the waiting list. The Arc of New Jersey launched a media campaign to help the public and legislators understand the needs of families on the waiting list titled "A Key of Our Own." As a result, the voters passed a bond issue to finance the construction of community residences. The Arc then advocated for the legislature to allocate operational funds and was successful.

The Arc of New Hampshire reports success in obtaining passage by the state legislature of two bills related to waiting lists in 1997. One urged "the preservation and continued development of community services to people with developmental disabilities and their families" and the other called for "full funding for services for persons with developmental disabilities."

In Nevada, advocates, including members of The Arc, succeeded in convincing legislators to fully fund the residential and day services waiting list in 1997 with funds for two years of growth in day services. An increase in family support funds was allocated to help any families entering the residential waiting list in the next two years.

Arc Massachusetts was instrumental in bringing together a coalition of three statewide family-based groups to create solutions to the waiting list for residential and day services. The collaboration, referred to as Family to Family, unites families in a statewide information network devoted to the waiting list. They are connected with other families in similar circumstances to share experiences and work together on common concerns. Families have been surveyed regarding their needs, assisted in voicing their needs to the state legislature and guided in pursuing creative service options in partnership with other families, private organizations or government agencies. Their efforts did not go unnoticed. The legislature increased funds for

students leaving school, family support, direct support staff, and for the first time, included a separate line item in the budget for the waiting list.

The Arc of Maryland recently launched a campaign to reduce the waiting list in Maryland based largely on The Arc of New Jersey's experience. The "Key Campaign: Unlock the Waiting List" kicked off with a conference where families on the waiting list learned about successful strategies used by The Arc of New Jersey and Arc Massachusetts. The conference was designed to empower families to take specific action - media, town meetings, legislator contacts - in the effort to meaningfully address services to people on the waiting list.

The Arc of Utah has been engaged in a three-year campaign to educate legislators about the personal stories of people on the waiting list. Many people have been willing to have their stories made public. The Arc of Utah contends that maintaining the waiting list implies that there will be services available, but some people classified as having "critical needs" have been waiting 10 years. This year The Arc is sending legislators a monthly update on the waiting list with personal stories and current waiting list statistics.

Finally, The Arc believes the voices of families are key to solving the waiting list crisis. Families within The Arc are speaking out on their concerns. Their voices, heard by legislators across the country, will help make a difference. The following quotes from family interviews in Massachusetts express the sentiments of families across the country (Griffiths, 1997):

"It does not seem right that family members who were put in institutions at an early age are the first ones to get residential services at 22. Parents who kept their child at home have been abandoned by the system. Something is wrong with this."

"I am so discouraged by the 'waiting list.' It seems that I don't know who to speak to or what to say to improve the chances of getting services. I would mostly hope that I could find a safe, family-like situation for my [daughter]. At best, she could continue to thrive in her life without me always there."

"...he is very anxious that he is still at home--he sees that move as a goal which indicates being an ADULT and more control over his life. He is so frustrated to still be home with parents."

"We want to be involved in his transition to a new home and a new life."

"He can't wait much longer. I don't want to drop dead in front of him."

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TONY KNOWLES, GOVERNOR
State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995

February 25, 1999

FEB 26 1999

Representative Fred Dyson
State Capitol Building, Room 104
Juneau, Alaska 99801

Dear Representative Dyson:

On behalf of people with developmental disabilities, we would like to request that HB72 be scheduled for public hearing in the HESS committee. As you may be aware, the Key Campaign will be visiting Juneau next week, March 1st through 5th. Your presence at the annual dinner was certainly an honor last year, and we are hoping you are available to attend once again this year.

HB72 addresses the statutory usage of the term "handicap", replacing it with the term, "disabled"; and emphasizes the ongoing need for long term financial planning surrounding the issue of waitlist reduction. Despite Medicaid refinancing and modest budget increases by the legislature, the waitlist for Community Development Disability Services continues to grow. The most recent total of people waiting for services is 973, which reflects an increase of 135 individuals just in the last year.

Reasons for the uncontrolled growth of the waitlist include:

- 1) Rising Population
- 2) Families with young adults who have graduated from special education are signing up for vocational supports to find and keep jobs
- 3) Parents of adult family members with developmental disabilities seek respite and other in-home supports to keep their children at home as long as possible
- 4) A growing trend of elderly parents who anticipate being no longer able to provide for their middle-aged children are requesting out of home placements

House Bill 72 allows constituents to discuss the need to eliminate time people spend waiting for these crucial services. By scheduling this bill during the Key Campaign, individuals could have physical access in providing testimony. This is a rare opportunity for these people, who are often restricted in their ability to be heard in the policy making process.

The Governor's Council on Disabilities and Special Education would like to thank you again for your continued support. I look forward to seeing you next week during the Key Campaign.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Maltman".

David Maltman
Executive Director



TONY KNOWLES, GOVERNOR
State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995

February 24, 1999

Representative Tom Brice
State Capitol Building, Room 426
Juneau, Alaska 99801

Dear Representative Brice:

On behalf of people with developmental disabilities, we would like to thank you for introducing HB72. This legislation addresses the statutory usage of the term "handicap", replacing it with the term, "disabled"; and emphasizes the ongoing need for long term financial planning surrounding the issue of waitlist reduction.

Despite Medicaid refinancing and modest budget increases by the legislature, the waitlist for Community Development Disability Services continues to grow. The most recent total of individuals waiting for services is 973, which reflects an increase of 135 individuals needing services just in the last 12 months. Reasons for the uncontrolled growth of the waitlist include:

- 1) Rising population
- 2) Families with young adults who have graduated from special education are signing up for vocational supports to find and keep jobs
- 3) Parents of adult family members with developmental disabilities seek respite and other in-home supports to keep their children at home as long as possible
- 4) A growing trend of elderly parents who anticipate being no longer able to provide for their middle-aged children are requesting out of home placements

HB72 addresses the following issues related to people with developmental disabilities:

- Replaces outdated language referring to "handicap" persons with the term "disabled."
- Emphasizes the ongoing need for the state to develop a long-term financial plan for eliminating the time individuals spend waiting on this list.
- Provides a mechanism for people to get services after they are determined eligible.

On behalf of Alaskan's who experience a developmental disability, the Governor's Council on Disabilities and Special Education supports House Bill 72. Thank you again for supporting a measure that addresses the need to eliminate time people spend waiting for these crucial services.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Maltman".

David Maltman
Executive Director



2211 Arca Drive
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General

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Personal Care
Attendant Services

Pick-Up Service and
Donation Center

Public Education

Advocacy

February 24, 1999

Representative Tom Brice
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Brice,

I am writing this letter of support for House Bill 72. I feel very strongly that this bill is the key to the future of services for persons who experience developmental disabilities.

The waitlist for services continues to grow, despite all the efforts and creativity on the part of the Division of Mental Health and Developmental Disabilities, the Governor's Council on Disabilities and Special Education, provider agencies, and the many families and individuals who experience disabilities to reduce the cost of service, provide natural supports in the least restrictive environments, and address the many needs across the state. In part, the continued growth is due to expansion of the federal definition of developmental disabilities several years ago, the increase in survival rates of infants born with disabilities, and age-related trends.

House Bill 72 will help to construct a long-term plan for reducing the time an individual is on the waitlist and provide a mechanism for people to get services once they are determined eligible. It also will replace outdated language referring to a "handicap" with the more popular term "disability."

The Arc of Anchorage strongly supports House Bill 72 and urges the legislature to support its passage.

Sincerely yours,

Mary Jane Michael, M.R.C.
Executive Director

Sharing the Vision of Community

FRA/FRA

Paul Robinson, President
Dora Kempers, Vice-President
Joanne Trelethen, Treasurer
Barbara Blackshear, Secretary
Emily P. Ennis, Executive Director

FAIRBANKS RESOURCE AGENCY

805 AIRPORT ROAD, SUITE 1 • FAIRBANKS, ALASKA 99701 • (907) 456-8901 • FAX 452-5171

February 25, 1999

FAX: 907 / 465-2937

Representative Tom Brice
State of Alaska
State Capitol
Juneau Alaska 99801

Dear Tom:

It is with pleasure that Fairbanks Resource Agency provides a letter of support for House Bill 72, which includes provision of services for persons with disabilities in a timely manner, and would hopefully eliminate the Division of Mental Health and Developmental DD Wait List. Currently over 1,000 Alaskan children and adults are waiting for critical services including respite care, employment and residential supports. While they wait, families often experience serious crisis, and individual potential for a productive life diminishes.

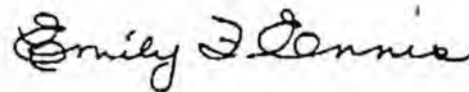
Often families who seek respite care wait until a crisis occurs putting the child with a disability at risk of institutionalization or out of home care. For adults waiting for employment services, the need is also critical. Young adults, who have left school, not only often lose the skills learned but also sit at home day after day with no goals for the future. Residential services offer the next major life step for young adults who experience disabilities. Without supports services, families are reluctant to seek an apartment or other independent living arrangement for their young adult with disabilities. Again, skills learned at school and at home are often lost during the long wait for services.

Representative Tom Brice
State Capitol
Juneau Alaska 99801
February 25, 1999
Page 2

Through HB72, the provision of needed services in accordance with a prescribed timeline will allow adults and children with disabilities and their family members to plan and maintain life goals and eliminate costly response to crises -- costly in terms of the medical and institutional support that is often required in times of crisis -- and costly in terms of human suffering. Within the four year period as provided by HB72, many families and adults waiting for services will be receiving needed supports and will no longer be at risk of inappropriate placement in institutional settings or out of home placements.

Fairbanks Resource Agency wholeheartedly supports HB72, which addresses the imperative needs of Alaskans with disabilities and their families. We also urge the legislature to seriously consider budget strategies to meet future funding requirements for the services that will continue to be needed by Alaskans with disabilities.

Sincerely,



Emily F Ennis
Executive Director

EFE/njm

HB

85

FISCAL NOTE

Bill Version: HB 85

(H) Publish Date: 2/10/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction)	_____	Dept. Affected	Education
Title	Professional Teaching Practices Commission	BRU	Commissions and Boards
name change to	Educator Ethics Commission	Component	Professional Teaching Practices Commission
Sponsor	Rules Committee	Component Serial No.	190
Requester	Governor		

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Any fees collected from imposed fines will be deposited into the General Fund.

Prepared by	<u>Sanna Green</u>	Sanna Green, Executive Director	Phone	<u>269-6579</u>
Division	<u>Professional Teaching Practices Commission</u>		Date/Time	<u>1/22/99 11:33 AM</u>
Approved by	<u>Commissioner</u>	Shirley Holloway, PhD., Commissioner	Date	<u>1/25/99</u>
Agency	<u>Education</u>			

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STATE OF ALASKA

DEPARTMENT OF EDUCATION Professional Teaching Practices Commission

Tony Knowles, Governor

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Steve Beardsley
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Patricia Chitty
Georgia Cast

"SPONSORS STATEMENT"

I am writing in support of HB 85. This bill enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining, and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The names of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

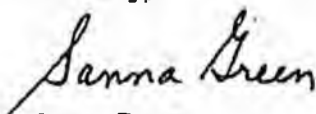
The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation for a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement. Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

Teresa Williams, in the Department of Law, is separately providing a sectional analysis of the bill. I will be happy to answer any questions you may have regarding the bill.

Sincerely,



Sanna Green
Executive Director

STATE OF ALASKA

DEPARTMENT OF EDUCATION *Professional Teaching Practices Commission*

Tony Knowles, Governor

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Marsha Van Abel
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Linda Connelly
Patricia Chitty
Georgia Cast

February 17, 1999

The Honorable Fred Dyson, Co-Chair
House, Health Education and Social Services Committee
Alaska State Legislature
State Capitol, Room 104
Juneau, AK 99801-1182

Dear Representative Dyson

I would like to request a hearing in the House Health, Education and Social Services Committee for HB 85, the Governor's teacher licensure bill. The bill has been referred to your committee, and I hope you will give it attention this session.

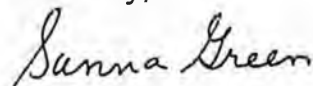
Maintaining and enforcing the code of educator ethics is a critical function of the Professional Teaching Practices Commission (PTPC). The Commission has made recommendations to update its statutory language that are worthy of consideration.

The bill would change the PTPC title to the "Educator Ethics Commission," accurately reflecting the Commission's current role. The bill would also change references to teaching "certificates" to teacher "licenses," again reflecting the current terminology in the teaching profession.

Some of the more important suggested modifications to the statutes include strengthening the PTPC in its disciplinary role for teachers and administrators who have breached the code of educator ethics. New measures include the power to impose fines, and expanding the Commission's range of sanctions beyond license suspension or revocation.

I urge you to consider holding a hearing on this important bill as soon as possible. Thank you for your time and your commitment to children.

Sincerely,


Sanna Green
Executive Director

cc: The Honorable John Coghill, Jr.

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 85
P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

February 8, 1999

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker ^{Brian} Porter:

Quality education for all Alaska children remains a focus and ongoing effort of my Administration. This bill I transmit today enhances the state's ability to protect students and the integrity of educators by strengthening, streamlining and consolidating licensure and discipline provisions for members of the teaching profession.

The bill incorporates the direction from the Board of Education to change a teacher "certificate" to a "license." The name of the "Professional Teaching Practices Commission" would be changed to "Educator Ethics Commission," to shorten the name and more accurately reflect the commission's functions.

Among the bill's numerous provisions are new sections governing applications and denial of applications for teaching licenses. The current regulatory provision requiring criminal history background checks for applicants would be strengthened and placed in statute. The bill would also compile, for the first time, the grounds for denial of an application or for putting conditions on a teaching license.

The bill expands the range of available disciplinary sanctions beyond suspension or license revocation, tracking powers currently available to occupational licensing boards, such as being able to summarily suspend a license if the educator poses a clear and immediate danger. The commission also would gain the authority to impose a civil fine against a person who is regulated by state law, but is not required to hold a license. The bill contains provisions that would preclude a person whose license is suspended or revoked from employment as a member of the teaching profession, even if the position does not require a license.

BILL ANALYSIS

The Honorable Brian Porter

February 8, 1999

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The bill also would streamline current law by consolidating regulatory and statutory grounds for discipline into one statutory provision; allowing reciprocal discipline of an educator who was disciplined in another jurisdiction; and clarifying the procedure for revoking the license of a person convicted of certain sex crimes. In addition, the bill adds misrepresentation of a material fact on an employment application as a ground for discipline.

In rewriting the procedures and requirements for reinstatement of a suspended or revoked license, the bill would expand from one year to five years the waiting period for reinstatement.

Finally, the bill contains new provisions to protect the confidentiality of minors and of investigatory files, and provides immunity from liability for persons who participate in good faith in certain investigations and proceedings of the commission or the Department of Education.

This bill represents a thorough effort on the part of the Department of Education and Professional Teaching Practices Commission to ensure Alaska educators are of high quality and integrity. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles
Governor

"An Act relating to licensure and professional discipline of members of the teaching profession and providing for related penalties; relating to grounds for dismissal of a teacher; relating to the Professional Teaching Practices Commission; relating to limited immunity for procedures under the Educator Ethics Act; making conforming amendments; and providing for an effective date."

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

<p>08 * Section 1. AS 14.20.020(a) is amended to read: 09 (a) Except as provided in <u>AS 14.20.029</u> [(f) OF THIS SECTION], the 10 department shall issue a license [TEACHER CERTIFICATE] to every person who 11 meets the requirements in (b), (c), and (h) of this section.</p>	<p>TECHNICAL CONFORMING CHANGE "CERTIFICATE" TO "LICENSE"</p>
<p>12 * Sec. 2. AS 14.20 is amended by adding a new section to read: 13 Sec. 14.20.022. Criminal history background check. (a) The department <i>Page 2</i> 01 shall require an applicant for a license to submit two legible copies of the applicant's 02 fingerprints to be used by the Department of Public Safety and the Federal Bureau of 03 Investigation for a criminal history background check, including searches of the 04 applicant's criminal history record information, as that term is defined in 05 AS 12.62.900, and for any findings of not guilty by reason of insanity. 06 (b) The department may not issue a license to an applicant until the Department 07 of Public Safety and the Federal Bureau of Investigation have reported back to the 08 department on the criminal history background of the applicant and the department has 09 reviewed the reports to determine the applicant's suitability for licensing under this 10 chapter. However, if the applicant meets the requirements of AS 14.20.020, the 11 department may issue a temporary teacher permit that is valid only until the 12 department has reviewed the criminal history background reports received under this 13 section and has determined the applicant's suitability for licensing under this chapter. 14 The department may establish fees for a temporary teacher permit in the manner 15 provided in AS 14.20.020(c) for licenses. 16 (c) The provisions of (a) and (b) of this section apply to renewal of a license 17 if the department, by regulation, requires a criminal history background check before 18 a license may be renewed.</p>	<p>CREATE STATUTORY AUTHORITY FOR MANDATORY CRIMINAL RECORDS CHECK - STRENGTHENS CURRENT AUTHORITY FOUND IN REGULATION - 4 AAC 12.010(b)(4) AND AS 12.62.160(b)(10)(INTERESTED PERSON) PROCEDURE ALLOWS CHECK AT LICENSE RENEWAL</p>
<p>19 * Sec. 3. AS 14.20 is amended by adding a new section to read: 20 Sec. 14.20.029. Grounds for denial of or conditions on a license. (a) The 21 department shall deny issuance or renewal of a license to a person 22 (1) who does not meet the requirements of AS 14.20.020; 23 (2) who has been convicted of a crime, or an attempt, solicitation, or 24 conspiracy to commit a crime, or found not guilty by reason of insanity of committing 25 a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in 26 another jurisdiction with elements similar to an offense described in this paragraph; 27 (3) whose license has been revoked or suspended under this title unless</p>	<p>NEW SECTION - COMPILATION OF BASES FOR DENIAL - MANDATORY (1) - TECHNICAL (2) - MOVED FROM AS 14.20.010(f) (3) - TECHNICAL</p>

SECTIONAL ANALYSIS

28 that person's license or eligibility to apply for a new license has been reinstated under
29 AS 14.20.378.

30 (b) The department may deny issuance or renewal of a license to an applicant

31 (1) whose criminal history is determined by the department to be

Page 3

01 materially inconsistent with statements made in the person's application;

02 (2) who, while under investigation, has surrendered to a licensing

03 agency an authorization to teach if the authorization has not been reinstated or a new

04 authorization issued in that jurisdiction;

05 (3) whose authorization to teach was revoked or suspended in another

06 jurisdiction;

07 (4) for the same reasons that disciplinary sanctions may be imposed

08 under AS 14.20.372; or

09 (5) who has failed to meet or otherwise comply with a condition

10 imposed by the department or the Educator Ethics Commission under (c) of this

11 section or by the Educator Ethics Commission under AS 14.20.375(c).

12 (c) The department may suspend processing of an application for a license

13 until the applicant has demonstrated that the applicant is not the subject of an

14 unresolved

15 (1) criminal proceeding relating to suitability for licensing under this

16 chapter; or

17 (2) complaint, review procedure, or disciplinary proceeding by a

18 licensing agency.

19 (d) The department, or the Educator Ethics Commission after hearing and

20 decision under AS 14.20.460(4), may impose conditions or restrictions on a license

21 issued or renewed under AS 14.20.010 - 14.20.040 if

22 (1) the applicant is physically or mentally incapable of performing

23 some, but not all, of the functions of the teaching profession;

24 (2) a licensing agency has disciplined the applicant, including

25 canceling, revoking, suspending, conditioning, or restricting the applicant's

26 authorization to teach; has denied the applicant an authorization to teach; or has

27 accepted the surrender of the applicant's authorization to teach while that person was

28 under investigation; or

29 (3) the conditions or restrictions are otherwise in the best interests of

30 the public.

31 (e) In the department's decision under (b) of this section, or the Educator

Page 4

01 Ethics Commission's decision under AS 14.20.460(4), denying issuance or renewal of

02 a license, the department or the commission, respectively, may place conditions on the

03 person's reapplication for a license. A person who has been denied issuance or

04 renewal of a license under (b) of this section or under AS 14.20.460(4) may not

05 reapply for licensure sooner than one year after the denial unless a shorter time period

- PERMISSIVE

(1) - NEW

(2) - NEW

(3) - NEW

(4) - FROM 4 AAC 12.010(I)

(5) - NEW

SUSPEND PROCESSING PENDING DISCIPLINE

CONDITIONAL LICENSURE

RESTRICTIONS ON REAPPLICATION AFTER DENIAL

<p>06 for reapplication has been ordered by the department or by the Educator Ethics 07 Commission in the decision denying the license. When reapplying for licensure, the 08 person must include with the application evidence that since the denial a change of 09 circumstance has occurred that supports licensure. 10 (f) The department's denial of a license under (a) of this section is final and 11 reviewable in accordance with AS 44.62.560 - 44.62.570. An applicant may appeal 12 to the Educator Ethics Commission the denial of a license under (b) of this section, or 13 conditions or restrictions placed on a license under (d) of this section. The 14 commission's decision on the appeal is final and reviewable in accordance with 15 AS 44.62.560 - 44.62.570. 16 (g) The department shall report a final decision denying a license under (a)(2) 17 or (b) of this section, or placing conditions or restrictions on a license under (d) of this 18 section, to any national clearinghouse that maintains records of professional discipline 19 against members of the teaching profession.</p>	<p>APPEAL OF DENIAL</p> <p>REPORTING</p>
<p>20 * Sec. 4. AS 14.20.040 is amended to read: 21 Sec. 14.20.040. <u>Applicability of the Administrative Procedure Act. Except</u> 22 <u>where a different procedure is provided in AS 14.20.029, the provisions of</u> 23 AS 44.62 (Administrative Procedure Act) <u>apply [APPLIES] to all proceedings under</u> 24 <u>AS 14.20.029 [AS 14.20.030, AND REVOCATIONS AND SUSPENSIONS ARE</u> 25 <u>FINAL AND REVIEWABLE IN ACCORDANCE WITH AS 44.62.560 - 44.62.570].</u></p>	<p>MAKES APA APPLICABLE TO REVIEW OF DENIAL (AS 14.20.475 ADDRESSES APA IN DISCIPLINARY ACTION)</p>
<p>26 * Sec. 5. AS 14.20.170(a) is amended to read: 27 (a) A teacher, including a teacher who has acquired tenure rights, may be 28 dismissed at any time only for the following causes: 29 (1) <u>a ground for discipline listed in AS 14.20.372(a)(1) - (5)</u> 30 <u>[INCOMPETENCY, WHICH IS DEFINED AS THE INABILITY OR THE</u> 31 <u>UNINTENTIONAL OR INTENTIONAL FAILURE TO PERFORM THE</u> <i>Page 5</i> 01 <u>TEACHER'S CUSTOMARY TEACHING DUTIES IN A SATISFACTORY</u> 02 <u>MANNER;</u> 03 (2) <u>IMMORALITY, WHICH IS DEFINED AS THE COMMISSION</u> 04 <u>OF AN ACT THAT, UNDER THE LAWS OF THE STATE, CONSTITUTES A</u> 05 <u>CRIME INVOLVING MORAL TURPITUDE]; or</u> 06 (2) [(3)] <u>substantial noncompliance with the [SCHOOL LAWS OF THE</u> 07 <u>STATE, THE REGULATIONS OR BYLAWS OF THE DEPARTMENT, THE]</u> 08 <u>bylaws of the district [,] or the written rules of the superintendent.</u></p>	<p>FOR SCHOOL DISTRICT ACTION, CROSS-REFERENCE AS 14.20.372 RATHER THAN REPEATING</p>
<p>09 * Sec. 6. AS 14.20 is amended by adding new sections to read: 10 Sec. 14.20.372. <u>Grounds for discipline. (a) The commissioner or the</u> 11 <u>Educator Ethics Commission may take disciplinary action as provided in AS 14.20.375</u> 12 <u>regarding a member of the teaching profession for the following reasons:</u> 13 (1) <u>incompetency, which is defined as the inability or the unintentional</u> 14 <u>or intentional failure to perform the teacher's customary teaching duties in a</u> 15 <u>satisfactory manner;</u></p>	<p>MOVES AS 14.20.030 TO EDUCATOR ETHICS ACT</p> <p>(1) SAME</p>

16 (2) immorality, which is defined as the commission of an act that,
17 under the laws of the state, constitutes a crime involving moral turpitude as defined
18 by the commission in regulation;
19 (3) substantial noncompliance with the school laws of the state or the
20 regulations of the department;
21 (4) upon a determination by the commission that there has been a
22 violation of ethical or professional standards set by the commission under
23 AS 14.20.460;
24 (5) deceit, fraud, misrepresentation, or a wilful omission of material
25 information in applying for issuance or renewal of a license or in applying for
26 employment as a member of the teaching profession;
27 (6) breach of a contract by departing a public school teaching position
28 without the consent of the district or regional educational attendance area, unless the
29 departure is necessitated by a medical or other emergency and consent is unreasonably
30 withheld;
31 (7) discipline, including cancellation, revocation or suspension of,
Page 6
01 conditions or restrictions on, or refusal to renew, a teaching authorization, imposed on
02 the member of the teaching profession by a licensing agency for any ground other than
03 failure to pay a fee; or
04 (8) surrender of a license, or a substantially similar authorization to
05 teach, in any jurisdiction while an investigation or disciplinary proceeding was ongoing
06 for any ground other than failure to pay a fee;
07 (9) failure to meet or otherwise comply with a condition, limitation, or
08 restriction imposed by the department under AS 14.20.029(d) or by the commission
09 under AS 14.20.029(d) or 14.20.375(b).
10 (b) Upon receipt of a judgment of conviction, the department shall, effective
11 immediately, revoke the license of a person who has been convicted of a crime, or an
12 attempt, solicitation, or conspiracy to commit a crime, or found not guilty by reason
13 of insanity of committing a crime, involving a minor under AS 11.41.410 - 11.41.460
14 or a law or ordinance in another jurisdiction with elements similar to an offense
15 described in this subsection. The person's eligibility to apply for a new license may
16 not be reinstated under AS 14.20.378 or AS 44.62.550; however, if the judgment of
17 conviction is reversed on appeal and the person is otherwise eligible for licensure, the
18 department shall reinstate the person's license. Unless the person's license is
19 reinstated by the department as provided in this subsection, a person whose license has
20 been revoked under this subsection may not be employed as a member of the teaching
21 profession, regardless of whether that employment requires a license.
22 (c) In a disciplinary proceeding instituted under this section, a certified copy
23 of a judgment of conviction is conclusive evidence that the named person committed
24 the offense, regardless of whether the conviction resulted from a plea of nolo
25 contendere.

(2) DIRECTS DEFINITION OF CRIME OF "MORAL
TURPITUDE"

(3) - SAME

(4) - TECHNICAL CONFORMING CHANGES

(5) - FROM 4 AAC 12.010(k)

(6) MODIFIED FROM 4 AAC 18.010(d) AND AS
14.20.030(a)(4)

(7) NEW

(8) NEW

(9) NEW

MODIFIED FROM AS 14.20.030(b) - MADE
AUTOMATIC; PRECLUDES EMPLOYMENT IN
TEACHING PROFESSION, INCLUDING UNLICENSED
EMPLOYMENT

PROOF OF CONVICTON

26 (d) In a disciplinary proceeding involving grounds described in (a)(7) or (8)
27 of this section, the admissions of a member of the teaching profession in a settlement
28 document accepted by a licensing agency, or the final findings of fact, conclusions of
29 law, and order of the licensing agency that canceled, revoked, suspended, refused the
30 renewal, or accepted surrender of the authorization to teach, is conclusive evidence that
31 the person committed the described conduct and of the disciplinary action imposed.

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01 **Sec. 14.20.375. Disciplinary actions.** (a) If the department files an
02 accusation while a person is licensed under this chapter, the commissioner may revoke
03 or suspend the person's license if the commissioner finds grounds for discipline under
04 AS 14.20.372.

05 (b) If the commission's executive director files an accusation while a person
06 is licensed under this chapter, the commission may take the following disciplinary
07 actions, singly or in combination, if the commission finds grounds for discipline under
08 AS 14.20.372:

09 (1) revoke a license;

10 (2) suspend a license;

11 (3) censure or reprimand;

12 (4) impose limitations or conditions on the practice of the teaching
13 profession;

14 (5) suspend imposition of an order of suspension or revocation during
15 a period in which the member of the teaching profession is complying with conditions
16 of probation set by the commission; conditions of probation may include requirements
17 that the person

18 (A) comply with the applicable requirements of this chapter and
19 regulations adopted under it;

20 (B) report regularly to the commission on matters relating to the
21 probation;

22 (C) limit practice of the teaching profession as ordered by the
23 commission;

24 (D) undertake and continue professional education as ordered
25 by the commission until a satisfactory degree of skill has been attained in the
26 areas determined to need improvement;

27 (E) submit to peer review as ordered by the commission; and

28 (F) fulfill other conditions ordered by the commission, including
29 payment of restitution and civil fines, participation in evaluations by
30 professionals for substance abuse, mental health problems, or medical
31 problems, and completion of treatment or counseling programs.

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01 (c) A member of the teaching profession may not surrender a license issued
02 under this chapter without approval of the commission. A surrendered license may not

PROOF OF RECIPROCAL DISCIPLINE

NEW SECTION -

- COMMISSIONER DISCIPLINE

- EDUCATOR ETHICS COMM'N DISCIPLINE

(1) FROM AS14.20.470(a)(4)

(2) FROM AS14.20.470(a)(4)

(3) MODIFIED FROM AS14.20.470(a)(3)

(4) NEW

(5) NEW

LIMIT ON SURRENDER OF LICENSE

03 be reinstated. If a surrender is approved, the commission may place conditions on the
04 person's ability to later apply for a new license.

05 (d) The commission may summarily suspend a license before a final hearing
06 is held on an accusation filed under (b) of this section or during an appeal if the
07 commission finds that the member of the teaching profession poses a clear and
08 immediate danger to public health and safety. The person is entitled to a hearing
09 before the commission to appeal the summary suspension within seven days after the
10 order of suspension is issued. The person may appeal an adverse decision of the
11 commission on an appeal of a summary suspension to the superior court under
12 AS 44.62.560. If the commission summarily suspends a license under this subsection
13 before a final hearing on the accusation, the commission shall act expeditiously to
14 conduct the hearing on the accusation. A person whose license has been summarily
15 suspended under this subsection may not be employed as a member of the teaching
16 profession, regardless of whether the employment requires a license, while the license
17 is under summary suspension.

18 (e) Notwithstanding other provisions of this section, the commission may not
19 impose discipline on a member of the teaching profession's license to act as an
20 administrator unless the commissioner concurs in the commission's decision.

21 (f) If a person was a member of the teaching profession but was not required
22 to be licensed under this chapter at the time of the conduct that is grounds for
23 discipline, the commission may warn, censure, reprimand, or order a civil fine not to
24 exceed \$5,000 against the person if it finds grounds for discipline under AS 14.20.372.
25 Nothing in this subsection prevents the commission from denying or conditioning
26 licensure, or imposing other applicable discipline, under this chapter for a person
27 disciplined under this subsection.

28 (g) The commissioner or the commission, as appropriate, shall notify the other
29 of a disciplinary action, including commission approval of surrender of a license, taken
30 under this section or under AS 14.20.372(b). The commission shall report the
31 disciplinary action to any national clearinghouse that maintains records of professional

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01 discipline against members of the teaching profession and, if the person who was
02 disciplined is employed as a member of the teaching profession, shall notify the
03 disciplined person's employer of the disciplinary action.

04 (h) If a person's license is suspended or revoked under (a) or (b) of this
05 section, that person may not be employed as a member of the teaching profession,
06 regardless of whether the employment requires a license, until the person's license or
07 eligibility to apply for a new license has been reinstated under AS 14.20.378 and any
08 required license has been obtained. A person whose license was surrendered under (c)
09 of this section may not be employed as a member of the teaching profession,
10 regardless of whether the employment requires a license, until the person obtains a
11 new license.

SUMMARY SUSPENSION OF LICENSE

MOVED FROM AS 14.20.470(a)(4)

MOVED FROM AS 14.20.470(a)(3) AND AMPLIFIED;
CIVIL FINE ADDED

REPORTING

PRECLUDES EMPLOYMENT IN TEACHING
PROFESSION, INCLUDING UNLICENSED
EMPLOYMENT, WHILE LICENSE SUSPENDED,
REVOKED, SURRENDERED

12 **Sec. 14.20.378. Reinstatement after suspension or revocation. (a)**
13 Notwithstanding the provisions of AS 44.62.330 and 44.62.550, and except for a
14 revocation under AS 14.20.372(b) or a summary suspension under AS 14.20.375(d),
15 this section governs reinstatement for a license that has been suspended or revoked
16 under this title.
17 (b) A license that has been suspended for one year or less, and that has not
18 lapsed, is automatically reinstated at the end of the period of suspension unless the
19 commission finds that the holder of that license has failed to fully comply with the
20 terms and conditions of the commission's or commissioner's order suspending the
21 license.
22 (c) A person whose license has been suspended for more than one year, but
23 has not lapsed, may petition the commission as provided in (e) of this section for
24 reinstatement of the license.
25 (d) A person whose license was revoked, or whose license was suspended and
26 has lapsed, may petition the commission as provided in (e) of this section for
27 reinstatement of eligibility to apply for a new license. For a revoked license, eligibility
28 to apply for a new license may not be reinstated sooner than five years after the
29 effective date of the revocation.
30 (e) At least 60 days before the desired date of reinstatement, the person
31 seeking reinstatement under this section shall file a petition with the commission

Page 10

01 stating

02 (1) that the person has met the terms and conditions of the
03 commission's or commissioner's order suspending or revoking the license; and

04 (2) the scope and content of employment performed by the person
05 during the period of suspension or revocation and the names and addresses of all
06 employers during that period.

07 (f) If the commissioner or the executive director of the commission opposes
08 a petition for reinstatement under (e) of this section, or if the commission finds that
09 a hearing would be helpful to determine whether reinstatement is appropriate, the
10 commission shall conduct a hearing. The petitioner for reinstatement has the burden
11 of proving that

12 (1) the petitioner is qualified and suitable for licensing under this
13 chapter;

14 (2) the petitioner has met the terms and conditions of the commission's
15 or commissioner's order suspending or revoking the license; and

16 (3) if the petitioner were to be licensed under this chapter, the public
17 will be protected and the integrity of the teaching profession will be maintained.

18 (g) If a license or eligibility to apply for a new license is reinstated under this
19 section, the commission, for the same reasons for which conditions or restrictions may
20 be imposed under AS 14.20.029(d), may impose conditions or restrictions on the
21 reinstated license or on any new license for which application is made following

NEW: PROCEDURES FOR REINSTATEMENT
(SUPERCEDES AS 44.62.550 - 1 YEAR)

≤ 1 YEAR - AUTOMATIC

> 1 YR - PETITION

REVOKED - NO SOONER THAN 5 YEARS

PROCEDURE

HEARING

CONDITIONAL LICENSURE

<p>22 reinstatement. The commission shall notify the department of any conditions or 23 restrictions imposed under this subsection. 24 (h) A person who has been denied reinstatement under this section may not 25 file a new petition for reinstatement sooner than two years after the denial unless a 26 shorter time is allowed by the commission in its decision denying the reinstatement. 27 The person must include with the new petition evidence that, since the previous denial 28 by the commission, a change of circumstances has occurred that supports 29 reinstatement.</p>	<p>RESTRICTION ON FILING NEW PETITION AFTER A PETITION IS DENIED</p>
<p>30 * Sec. 7. AS 14.20.380 is amended to read: 31 Sec. 14.20.380. Creation of a commission. There is a commission of <i>Page 11</i> 01 professional educators known as the <u>Educator Ethics</u> [PROFESSIONAL TEACHING 02 PRACTICES] Commission.</p>	<p>TECHNICAL</p>
<p>03 * Sec. 8. AS 14.20.410(b) is amended to read: 04 (b) The lists shall be submitted to the executive director of the commission, 05 [COMMISSIONER] who shall submit them as a group to the governor's office.</p>	<p>SIMPLIFY</p>
<p>06 * Sec. 9. AS 14.20.460 is amended to read: 07 Sec. 14.20.460. Duties of commission. The commission shall 08 (1) <u>adopt standards of ethical and professional performance for the</u> 09 <u>teaching profession and other</u> [ESTABLISH PROCEDURES, AND ADOPT] 10 <u>regulations under AS 44.62 (Administrative Procedure Act) to interpret or</u> 11 <u>implement the purposes of AS 14.20.370 - 14.20.510;</u> 12 (2) <u>conduct investigations and hearings on grounds for discipline</u> 13 <u>alleged under AS 14.20.372 [VIOLATIONS OF ETHICAL OR PROFESSIONAL</u> 14 <u>TEACHING PERFORMANCE, CONTRACTUAL OBLIGATIONS, AND</u> 15 <u>PROFESSIONAL TEACHING MISCONDUCT];</u> 16 (3) <u>review the regulations of the department as they relate to licensure</u> 17 <u>[TEACHER CERTIFICATION] and recommend necessary changes; and</u> 18 (4) <u>conduct a hearing and issue a decision in an appeal under</u> 19 <u>AS 14.20.029(f) [REVIEW THE DECISIONS OF THE DEPARTMENT REGARDING</u> 20 <u>THE ISSUANCE OR DENIAL OF CERTIFICATES AND IN ITS DISCRETION</u> 21 <u>RECOMMEND REVERSAL OF DECISIONS].</u></p>	<p>COMBINE FROM AS14.20.450 AND SIMPLIFY TECHNICAL CONFORMING CHANGES TECHNICAL CODIFY CURRENT PRACTICE</p>
<p>22 * Sec. 10. AS 14.20.470 is amended to read: 23 Sec. 14.20.470. Powers of commission. (a) The commission may 24 (1) <u>study proposals regarding standards of ethical and professional</u> 25 <u>performance for members of the teaching profession</u> developed by regular 26 committees of any existing professional organization whose members are within the 27 teaching profession; 28 (2) <u>subpoena witnesses, place them under oath, and maintain written</u> 29 <u>records;</u> 30 (3) <u>[WARN OR REPRIMAND MEMBERS OF THE TEACHING</u> 31 <u>PROFESSION, IF IN THE JUDGMENT OF THE COMMISSION SUCH ACTION</u></p>	<p>CLARIFY MOVED TO AS14.20.375</p>

01 IS WARRANTED;
 02 (4) take disciplinary action under AS 14.20.372 and 14.20.375
 03 regarding a member of the teaching profession [SUSPEND OR REVOKE THE
 04 CERTIFICATE OF A MEMBER OF THE TEACHING PROFESSION FOR ONE OF
 05 THE REASONS SET OUT IN AS 14.20.030 EXCEPT THAT IN THE CASE OF AN
 06 ADMINISTRATOR, THE COMMISSIONER MUST CONCUR];
 07 (4) [(5)] make any recommendation to the board or to school boards
 08 that will promote an improvement in the teaching profession;
 09 (5) [(6)] request assistance through any of the investigative processes
 10 of a school board, school superintendent, or any existing professional teaching
 11 organizations when analyzing charges of breach of ethical or professional teaching
 12 practices;
 13 (6) [(7)] appoint an executive director [SECRETARY], delegate those
 14 investigative and other [MINISTERIAL] functions, except its power to propose and
 15 adopt regulations and its power to take action under AS 14.20.372, 14.20.375,
 16 14.20.378, and 14.20.460(4), to the executive director [SECRETARY] as the
 17 commission may decide and set the executive director's [SECRETARY'S]
 18 compensation with a starting salary not exceeding range 26, step B of the pay plan for
 19 state employees in AS 39.27.011(a).
 20 (b) A decision issued by the commission [WITH THE APPROVAL OF THE
 21 COMMISSIONER] under AS 14.20.372, 14.20.375, or 14.20.378 [(a)(4) OF THIS
 22 SECTION] is final and reviewable in accordance with AS 44.62.560 - 44.62.570.

TECHNICAL CONFORMING CHANGES;
 ADMINISTRATOR DISCIPLINE MOVED TO AS
 14.20.375(e).

RENAME POSITION; CLARIFY DELEGATION

TECHNICAL CONFORMING CHANGES

23 * Sec. 11. AS 14.20.475 is amended to read:
 24 Sec. 14.20.475. Applicability of the Administrative Procedure Act. Except
 25 where a different procedure is provided in AS 14.20.370 - 14.20.510, the
 26 provisions of AS 44.62 (Administrative Procedure Act) apply [APPLIES] to
 27 [REGULATIONS AND] proceedings under AS 14.20.370 - 14.20.510.

EXCEPTIONS TO APA (E.G. SUMMARY SUSPENSION;
 REINSTATEMENT)
 REGULATIONS - MOVED TO AS 14.20.460(1)

28 * Sec. 12. AS 14.20.475 is amended by adding a new subsection to read:
 29 (b) In addition to the options available under AS 44.62.500, the commission
 30 may adopt a hearing officer's proposed findings of fact in their entirety and increase
 31 or change the proposed disciplinary action authorized under AS 14.20.375 against the
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 01 person.

NEW SUBSECTION:
 ALLOWS INCREASED OR CHANGED DISCIPLINE AS
 OPTION, BASED ON HEARING OFFICER'S FACTUAL
 FINDINGS

02 * Sec. 13. AS 14.20 is amended by adding new sections to read:
 03 Sec. 14.20.476. Confidential information. (a) Information obtained by the
 04 commission or the department in the course of an investigation under this chapter is
 05 confidential and may not be produced for inspection or copying by any person, nor
 06 may its contents be disclosed to any person, except
 07 (1) by order of a court of competent jurisdiction, issued for good cause
 08 shown and upon the conditions that the court imposes;
 09 (2) to the attorney general of this state or the attorney general's

NEW SECTION:
 CONFIDENTIALITY OF INVESTIGATIVE FILE

WHEN DISCLOSABLE

<p>10 designee;</p> <p>11 (3) as reasonable and necessary in the enforcement of AS 14.20.372,</p> <p>12 including investigation of a matter, presentation to a court, or use in an administrative</p> <p>13 proceeding under this chapter;</p> <p>14 (4) in response to a request for discovery from the respondent in an</p> <p>15 administrative proceeding under this chapter; or</p> <p>16 (5) to licensing agency and law enforcement officials of any</p> <p>17 jurisdiction.</p> <p>18 (b) All references to a minor in an administrative proceeding, and in all</p> <p>19 documents available to the public, shall be by initials or some similar method that</p> <p>20 maintains the confidentiality of the minor's identity. If a minor is called to testify as</p> <p>21 a witness, the commission or the commissioner, as applicable, may close that portion</p> <p>22 of the hearing to the general public if it is in the minor's best interests to do so and</p> <p>23 may determine who may be present while the minor is testifying. A transcript of the</p> <p>24 proceeding shall refer to a minor by initials or some similar method that maintains the</p> <p>25 confidentiality of the minor's identity.</p> <p>26 Sec. 14.20.478. Limitation of liability. An action may not be brought for</p> <p>27 damages resulting from</p> <p>28 (1) a report or complaint made in good faith to the commission or the</p> <p>29 department by a person, or participation by a person in an investigation or hearing by</p> <p>30 the commission or the department under this chapter; or</p> <p>31 (2) a person's good faith performance of a duty, function, or activity</p> <p><i>Page 14</i></p> <p>01 required under this chapter as a member of the commission.</p>	<p>REFERENCES TO MINORS</p> <p>NEW SECTION: LIMITS ON LIABILITY</p>
<p>02 * Sec. 14. AS 14.20.510 is amended to read:</p> <p>03 Sec. 14.20.510. Short title. AS 14.20.370 - 14.20.510 shall be known as the</p> <p>04 Educator Ethics [PROFESSIONAL TEACHING PRACTICES] Act.</p>	<p>TECHNICAL CONFORMING CHANGES</p>
<p>05 * Sec. 15. AS 14.20 is amended by adding a new section to read:</p> <p>06 Article 5A. Penalties.</p> <p>07 Sec. 14.20.520. Penalties. (a) A person employed as a teacher in violation</p> <p>08 of AS 14.20.010, or employed as a member of the teaching profession in violation of</p> <p>09 AS 14.20.372 or 14.20.375, is guilty of a class B misdemeanor.</p> <p>10 (b) In addition to any penalty imposed under (a) of this section, if a person is</p> <p>11 employed as a teacher in violation of AS 14.20.010, or is employed as a member of</p> <p>12 the teaching profession in violation of AS 14.20.372 or 14.20.375, the department or</p> <p>13 the commission may assess a civil fine, in an amount set by the department by</p> <p>14 regulation, for each day on which the person was in violation. A civil fine may be</p> <p>15 assessed under this subsection regardless of whether a penalty under (a) of this section</p> <p>16 has been imposed. A civil fine assessed under this subsection may be appealed in the</p> <p>17 manner provided for appeals in AS 44.62 (Administrative Procedure Act).</p>	<p>NEW: PENALTIES FOR TEACHING W/O REQUIRED LICENSE AND UNAUTHORIZED EMPLOYMENT IN TEACHING PROFESSION</p> <p>- CRIMINAL</p> <p>- CIVIL</p>
<p>18 * Sec. 16. AS 14.20 is amended by adding a new section to read:</p> <p>19 Article 8. General Provisions.</p>	<p>NEW: DEFINITIONS SECTION FOR AS 14.20</p>

20 **Sec. 14.20.990. Definitions.** In AS 14.20.010 - 14.20.520, unless the context
21 otherwise indicates,

22 (1) "commission" means the Educator Ethics Commission created in
23 AS 14.20.380;

24 (2) "license" means a license issued by the department under
25 AS 14.20.020 or 14.20.025;

26 (3) "licensing agency" means the agency or entity in another state or
27 other jurisdiction that has the duty to authorize a person to act as a member of the
28 teaching profession in that jurisdiction, or the power to revoke, suspend, or place other
29 sanctions on the authorization to teach of a member of the teaching profession in that
30 jurisdiction;

31 (4) "member of the teaching profession" means a person described in

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01 AS 14.20.370.

02 * **Sec. 17.** AS 14.25.220(26) is amended to read:

03 (26) "outside service" means service for full years as defined by
04 (43)(A)(x) and (43)(B)(xi) of this section

05 (A) as a certificated or licensed full-time elementary or
06 secondary teacher or a certificated or licensed person in a full-time position
07 requiring a teaching certificate or license as a condition of employment in an
08 out-of-state public school within the United States, or in a school outside the
09 United States supported by funds of the United States;

10 (B) as a certificated or licensed full-time elementary or
11 secondary teacher or a certificated or licensed person in a full-time position
12 requiring a teaching certificate or license as a condition of employment in an
13 approved or accredited nonpublic school within the United States, or in a
14 school outside the United States supported by funds of the United States;

15 (C) in a full-time position requiring academic standing in an
16 out-of-state institution of higher learning accredited by a nationally recognized
17 accrediting agency as listed in the Education Directory - Colleges and
18 Universities by the National Center for Education Statistics;

19 (D) as a full-time teacher in an approved or accredited
20 nonpublic institution of higher learning in Alaska;

21 * **Sec. 18.** AS 14.30.255 is amended to read:

22 **Sec. 14.30.255. Administrator qualifications.** A person may not be employed
23 as an administrator of a program of special education and related services unless that
24 person possesses a valid license under AS 14.20 authorizing employment as an
25 administrator [ADMINISTRATIVE CERTIFICATE] and, in addition, such training
26 as the department may require by regulation.

27 * **Sec. 19.** AS 44.62.330(a)(42) is amended to read:

28 (42) except where a different procedure is provided in AS 14.20.029
29 or 14.20.370 - 14.20.510, the Department of Education and the Educator Ethics

TECHNICAL CONFORMING CHANGES

<p>30 [PROFESSIONAL TEACHING PRACTICES] Commission with regard to proceedings 31 [TO REVOKE OR SUSPEND A TEACHER'S CERTIFICATE] under <u>AS 14.20.029</u> <i>Page 16</i> 01 and 14.20.370 - 14.20.510 [AS 14.20.030 - 14.20.040 AND 14.20.470(a)(4)];</p>	
<p>02 * Sec. 20. AS 14.20.020(f), 14.20.030, and 14.20.450 are repealed.</p>	<p>MOVED</p>
<p>03 * Sec. 21. REVISOR'S CHANGES. The revisor of statutes is requested to make the 04 following changes in the specified statutes: 05 (1) change "Professional Teaching Practices Commission" to "Educator Ethics 06 Commission" in AS 14.20.020(c) and (e); AS 39.25.120(c)(9)(B); and AS 47.17.020(f); 07 (2) change "certification" to "licensure" in the heading of art. 1 of AS 14.20 08 and in AS 14.20.020; 09 (3) change "Article 5. Professional Teaching Practices Act" to "Article 5. 10 Educator Ethics Act" in the heading of art. 5 of AS 14.20; 11 (4) change "certificate," "teacher certificate," and "teaching certificate" to 12 "license" in AS 14.20.010, 14.20.020, 14.20.027, 14.20.147(b), 14.20.149(c), 14.20.150, and 13 14.20.177; 14 (5) change "certificates" to "licenses" in AS 14.20.020 and 14.20.500; 15 (6) change "limited teacher certificate" to "limited license" in AS 14.20.025 16 and 14.20.027; 17 (7) change "certificated" to "licensed" in AS 14.03.290(6); AS 14.14.107; 18 AS 14.16.050(a)(3)(B); AS 14.18.060; AS 14.20.149, 14.20.150, 14.20.350, 14.20.370; 19 AS 14.25.220(8) and (40)(A); AS 14.30.010(b)(1); AS 23.10.530(c); AS 39.25.110(6) and (7), 20 and 39.25.160(e)(6) and (7); 21 (8) change "noncertificated" to "unlicensed" in AS 14.08.111(3); 22 AS 23.20.354(b); AS 39.25.110(6), and 39.25.160(e)(6); 23 (9) change "teacher certificate" to "teacher license" in AS 14.25.045, 24 14.25.047; AS 14.30.250; AS 14.43.148(h)(1)(A)(iii); and AS 25.27.244(s)(2)(A)(iii); 25 (10) change "teacher's certificate" to "teacher's license" in AS 14.43.148(g); 26 (11) change "teaching certificate" to "teaching license" in AS 14.25.220(8) and 27 (40)(A).</p>	<p>TECHNICAL CONFORMING CHANGES</p>
<p>28 * Sec. 22. TRANSITION: COMMISSION MEMBERSHIP. A person who is a member 29 of the Professional Teaching Practices Commission on June 30, 1999 continues to serve on 30 the commission, renamed as the Educator Ethics Commission by this Act, until the member's 31 term on the commission expires under the terms of the member's appointment. <i>Page 17</i> 01 * Sec. 23. TRANSITION: REGULATIONS. Notwithstanding sec. 25 of this Act, the 02 Department of Education and the Professional Teaching Practices Commission may proceed 03 to adopt regulations necessary to interpret or implement this Act. The regulations take effect 04 under AS 44.62 (Administrative Procedure Act), but not before July 1, 1999.</p>	<p>TRANSITION: MEMBERSHIP AND STARTING REGULATION PROCESS</p>
<p>05 * Sec. 24. Section 23 of this Act takes effect immediately under AS 01.10.070(c). 06 * Sec. 25. Except as provided in sec. 24 of this Act, this Act takes effect July 1, 1999.</p>	<p>EFFECTIVE DATE</p>

PTPC

FACSIMILE TRANSMITTAL FORM

PROFESSIONAL TEACHING PRACTICES COMMISSION

344 WEST THIRD AVENUE, SUITE 127

ANCHORAGE, ALASKA 99501

PHONE (907) 269-6579

FAX (907) 269-6580

DATE: 3/24/99
TO: WLO Keller
FAX NO: 465-~~48~~4587

PHONE NO: _____

TOTAL PAGES INCLUDING COVER SHEET 9

FROM: SANNA GREEN
EXECUTIVE DIRECTOR

COMMENTS: These regs were filed in
the Lt Governor's office & become
effective Apr. 5, '99

Sanna Green

IF YOU DID NOT RECEIVE THE NUMBER OF PAGES MENTIONED
ABOVE PLEASE CALL (907) 269-6579.

NEW PTPC REGS

Register _____ 1998 ②

MISCELLANEOUS BOARDS

20 AAC 10.010 is repealed:

20 AAC 10.010. COVERAGE. Repealed 2/1/75. (Eff. 1/30/75, Register 53; repealed ___/___/___, Register ___) *Del underline*

20 AAC 10.020(a) and (c) are amended to read: [ETHICS] and professional

(a) The following code of ~~ethical and professional~~ [ETHICS AND PROFESSIONAL TEACHING] standards [OF THE PROFESSIONAL TEACHING PRACTICES COMMISSION] governs all members of the teaching profession. A violation of this section is [CONSTITUTES] grounds for discipline [REVOCAION OR SUSPENSION OF CERTIFICATION] as provided in AS 14.20.030.

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

- (1) may not misrepresent an institution or organization with which the educator is affiliated;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) may not knowingly distort or misrepresent facts concerning educational matters [IN DIRECT AND INDIRECT PUBLIC EXPRESSIONS];
- (4) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities;
- (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
- and may not (6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, [nor] offer a gratuity, gift, or favor to obtain special advantage;
- (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision: and

(8) may not use or allow the use of district resources for private purposes not related to the operation of the district programs and operations. ⁹

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

Authority: AS 14.20.030 [AS 14.20.030(a)]

~~AS 14.20.030(a)~~

AS 14.20.370

AS 14.20.450

AS 14.20.460

AS 14.20.480

Publiser: The 1st row of citations should be on the same line as "Authority"

20 AAC 10 is amended by adding a new section to read:

20 AAC 10.030 ⁴⁵ MORAL TURPITUDE. For the purposes of AS 14.20.030(a)(2), ⁹⁽¹⁾ "moral turpitude" means conduct that is wrong in itself even if no statute ^{were to} prohibits the conduct. ⁵ Crimes of moral turpitude include ⁵

- (A) homicide;
- (B) manslaughter;
- (C) assault;
- (D) stalking;
- (E) kidnaping;
- (F) sexual assault;
- (G) sexual abuse of a minor;
- (H) unlawful exploitation of a minor;
- (I) robbery;
- (J) extortion;
- (K) coercion;
- (L) theft;
- (M) burglary;

; and
9(2) a crime involving

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- (14) arson;
- (15) criminal mischief;
- (16) forgery;
- (17) criminal impersonation;
- (18) bribery;
- (19) perjury;
- (20) unsworn falsification;
- (21) interference with official proceedings;
- (22) witness tampering;
- (23) jury tampering;
- (24) terroristic threatening;
- (25) possession or distribution of child pornography;
- (26) unlawful distribution or possession for distribution of a controlled substance;
- (27) unlawfully furnishing alcohol to a minor. (Eff. ___/___/___, Register ___)

Authority:

AS 14.20.030
AS 14.20.450

AS 14.20.460

Publisher: Citations should be on one line with "Authority!"

(a), (b), and (c) are

, and a new subsection is added

20 AAC 10.040 is amended to read:

Records

20 AAC 10.040. COMMISSION RECORDS. (a) All records of the commission are open for public inspection and copying, with the following exceptions:

(1) a document required by law or court order to be sealed or otherwise kept confidential;

(2) personnel files; [and] that

(3) investigative files, except those documents that have been presented as evidence or filed in the administrative adjudicative proceeding are public are no longer confidential under this paragraph.

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(b) The commission staff may share an investigative file [MAY BE SHARED] with appropriate law enforcement agencies ^(E) [where] instances of criminal misconduct have been alleged or discovered in the course of an investigation.

(c) The respondent may obtain access ^[ACCESS] to the investigative file, except privileged information through a request for discovery ^{and} after [MUST BE PROVIDED TO THE RESPONDENT WHO IS THE SUBJECT OF] a formal disciplinary proceeding commences [WHICH IS] based on the investigation.

(d) All references to a minor in an administrative proceeding ^(A) and in ^(A) all documents available to the public shall be by initials or ^(A) some similar method that maintains the minor's confidentiality. If a minor is called to testify as a witness at a hearing, the commission will, in its discretion, close that portion of the hearing to the general public and will, ^(A) in its discretion, determine who may be present while the minor is testifying. ^(A) Any transcript of the proceeding ^(A) shall refer to a minor by initials or ^(A) some similar method that maintains confidentiality. (Eff. 8/12/82, Register 83; am^d)

Delete, substitute in new subsec. (d)

___ / ___ / ___ Register ___

Authority:

- AS 14.20.460
- AS 14.20.470

re-adopted

20 AAC 10.200 is repealed and ~~repealed~~ re-adopted to read:

20 AAC 10.200. COMPLAINTS. (a) An individual having knowledge of an alleged act by an educator, that would be grounds for discipline by the commission under AS 14.20.030, may file a complaint with the commission. The complaint must be in writing ^(and) signed by the complainant, and must contain

(1) the name, mailing address, and contact telephone number of the ^(individual) person making the complaint;

(2) the name ^(of) and school or location of the educator against whom the complaint is made;

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- (3) a statement of the facts of the alleged misconduct, including the time and place of the misconduct;
- (4) the specific statute or regulation alleged to have been violated, if known; and
- (5) any documentation that is relevant to the facts alleged and that is available to the complainant.

(b) The executive director may conduct an investigation if the director learns of information that would be grounds for discipline by the commission under AS 14.20.030 .

(c) The educator who is named in a complaint or is the subject of an investigation must be an individual and may not be a board, department, district, institution, education association, or similar organization. (Eff. 7/22/89, Register 111; am. ___/___/___, Register ___)

Authority:

- AS 14.20.460
- AS 14.20.470

readopted

20 AAC 10.210 is repealed and reenacted to read:

20 AAC 10.210. COMPLAINT PROCESSING. (a) Upon receipt of a complaint, the commission staff shall determine whether the complaint sets out facts that, if true, would constitute a basis under AS 14.20 upon which the commission could impose a sanction upon any certificate held by the educator.

(b) If the commission staff determines that a complaint is not sufficient upon its face, the staff shall dismiss the complaint ^{without investigation} unless the alleged act would be grounds for discipline under AS

AS#14.20.030, the staff may not investigate school district personnel actions, including hiring, evaluation, transfer, reassignment, or dismissal of staff, or curriculum actions.

(c) The commission staff may decline to accept a complaint until locally available remedies have been pursued. Before completing an investigation,

(d) The staff shall provide the respondent with an opportunity to respond to the complaint.

(e) At any time after beginning an investigation the staff may

Publisher: Keep "AS" on the same line as "14.20.030"

Cap.

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- (1) file an accusation ^{requesting discipline} for sanctions under AS 14.20.030;
- (2) negotiate with the educator for an agreement ^{to} the imposition of discipline to bring before the commission for approval; or
- (3) dismiss the complaint; ^{(a),}

(f) If a complaint is dismissed under (b) or (e)(3) of this section, the staff shall notify the complainant and advise the complainant of the right to a review under 20 AAC 10.220. (Eff. 7/22/89, Register 111; am. / / , Register)

Authority:

AS 14.20.030
AS 14.20.460

AS 14.20.470

Publisher: Citations should be on the same line as "Authority"

²
~~20 AAC 10.020 is amended to read:~~

~~20 AAC 10.220. REVIEW OF DECISION TO DISMISS COMPLAINT. A complainant may request a review by the commission [AN ADMINISTRATIVE REVIEW] of the staff's decision to dismiss the complaint by filing a written request [FOR REVIEW WITH THE COMMISSION] within 15 days after receipt of notice under 20 AAC 210(f)(g)(2). The review shall be conducted by a panel of not less than three commission members appointed by the chair. The review of the staff's decision shall be limited to the written record and materials used by the staff in the determination to dismiss the complaint. The decision of the panel is the final decision of the commission. (Eff. 7/27/89, Register 111, am. / / , Register)~~

Authority:

~~AS 14.20.460~~
~~AS 14.20.470~~

*Withdrawn
DOB
5/8/99*

~~20 AAC 10 is amended by adding a new section to read:~~

*Publisher: Existing text of 20 AAC 10.220 is unchanged, except for a revisor's technical edit as follows:
At the end of the first sentence, change "20 AAC 210(g)(2)" to "20 AAC 10.210(f)".*

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9

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~~20 AAC 10.225. INVESTIGATORY SUBPOENAS. A determination whether a subpoena should be issued under AS 14.20.470(a)(2) during the course of an investigation shall be made by a panel of not less than three commission members appointed by the chair. In advising the panel on the question of whether a subpoena should be issued, the director shall provide the panel information about the alleged unlawful conduct and the materials that would be requested through the subpoena, but not the name of the educator who is the subject of the investigation. The panel shall retain a record of the information provided to it. Upon a determination of the panel to issue the subpoena, the director shall sign and serve the subpoena on behalf of the commission. (Eff. 1/1/98)~~

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Authority

~~AS 14.20.460~~

~~AS 14.20.470~~

withdrawn
DEB
3/8/95

readopted

20 AAC 10.300 is repealed and reenacted to read:

20 AAC 10.300. PUBLICATION OF COMMISSION ACTION. (a) A warning is a public record of the commission, but the commission will not initiate any public dissemination of the document.

(b) The commission staff shall send a copy of the commission's decision and order to impose sanctions greater than a warning to the following:

- (1) the chief school administrator in the district in which the respondent is employed;
- (2) the school board president in the school district in which the respondent is employed;
- (3) the certification section of the Department of Education for placement in the respondent's file;
- (4) the national clearinghouse that maintains records of professional discipline against teaching professionals and