

LEGAL SERVICES

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MEMORANDUM

March 3, 2010

SUBJECT: Consequences for failure of school district to comply with statute (CS HB 360(); (Work Order No. 26-LS1482\P))

TO: Representative Nancy Dahlstrom
Attn: Laura Pierre

FROM: Jean M. Mischel
Legislative Counsel 

You have asked about the consequences to a school district for failure to comply with the records provisions contained in HB 360. As in all education law compliance actions, the Department of Education and Early Development is authorized to withhold state funds for non-compliance. AS 14.07.070 states

State funds may not be paid to a school district or teacher that fails to comply with the school laws of the state or with the regulations adopted by the department.

It is likely that the department would provide notice and an opportunity to take corrective action before withholding state funds to avoid a due process challenge under this section.

In addition, under the federal Family Educational Records Privacy Act, 20 U.S.C. 1232g, an act that recognizes privacy rights over education records, federal funding that is provided to the state may be similarly affected for a records handling violation.

If I may be of further assistance, please advise.

JMM:plm
10-122.plm

Enclosure