

SENATE BILL NO. 259

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATORS GUESS, Bunde

Introduced: 2/1/06

Referred: Health, Education and Social Services, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to children attending school; amending provisions relating to
2 compulsory school attendance; relating to truancy and punctuality; relating to
3 permanent fund dividend program notice requirements and to ineligibility for
4 permanent fund dividends for violations of school truancy and attendance laws or for
5 expulsions from school; and providing for an effective date."

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

7 * **Section 1.** AS 14.30.010(a) is amended to read:

8 (a) Every child between seven and 16 years of age shall attend school at the
9 public school in the district in which the child resides during each school term. Every
10 parent, guardian, or other person having the responsibility for or control of a child
11 between seven and 16 years of age shall maintain the child in attendance at a public
12 school in the district in which the child resides during the entire school term, except as
13 provided in (b) **and (d)** of this section.

1 * **Sec. 2.** AS 14.30.010(b) is amended to read:

2 (b) This section does not apply if a child

3 (1) is provided an academic education comparable to that offered by
4 the public schools in the area [, EITHER] by

5 (A) attendance at a private school in which the teachers are
6 certificated according to AS 14.20.020;

7 (B) tutoring by personnel certificated according to
8 AS 14.20.020; or

9 (C) attendance at an educational program operated in
10 compliance with AS 14.45.100 - 14.45.200 by a religious or other private
11 school;

12 (2) attends a school operated by the federal government;

13 (3) has a physical or mental condition that a competent medical
14 authority determines will make attendance impractical;

15 (4) is in the custody of a court or law enforcement authorities;

16 (5) is temporarily ill or injured;

17 (6) has been suspended or expelled under AS 14.03.160 or suspended
18 or denied admittance under AS 14.30.045;

19 (7) resides more than two miles from either a public school or a route
20 on which transportation is provided by the school authorities, except that this
21 paragraph does not apply if the child resides within two miles of a federal or private
22 school that the child is eligible and able to attend;

23 (8) is excused by action of the school board of the district at a regular
24 meeting or by the district superintendent subject to approval by the school board of the
25 district at the next regular meeting;

26 (9) has completed the 12th grade;

27 (10) is enrolled in

28 (A) a state boarding school established under AS 14.16; or

29 (B) a full-time program of correspondence study approved by
30 the department; in those school districts providing an approved correspondence
31 study program, a student may be enrolled either in the district correspondence

1 program or in the centralized correspondence study program;

2 (11) is equally well-served by an educational experience approved by
3 the school board as serving the child's educational interests despite an absence from
4 school, and the request for excuse is made in writing by the child's parents or guardian
5 and approved by the principal or administrator of the school that the child attends;

6 (12) is being educated in the child's home by a parent or legal
7 guardian;

8 **(13) is excused by the principal of the school in which the child is**
9 **enrolled; a principal may excuse a child's absence, late arrival, or early**
10 **departure from school if the excused absence, late arrival, or early departure**

11 **(A) does not interfere with the child's progress at school;**

12 **and**

13 **(B) is consistent with the definition of "excused absence,"**
14 **"excused late arrival," or "excused early departure" adopted by the**
15 **school district under AS 14.30.030(b)(4).**

16 * **Sec. 3.** AS 14.30.010 is amended by adding a new subsection to read:

17 (d) A parent, guardian, or other person having the responsibility for or control
18 of a child between seven and 16 years of age who is a runaway or missing minor is not
19 required to maintain the child in attendance at a public school if the parent, guardian,
20 or other person having the responsibility for or control of the runaway or missing
21 minor has made a report to a law enforcement agency, as authorized by
22 AS 47.10.141(a), that the minor has run away or is missing. In this subsection,
23 "runaway or missing minor" means a minor who a parent, guardian, or other person
24 having the responsibility for or control of the minor reasonably believes is absent from
25 the minor's residence for the purpose of evading a parent, guardian, or other person
26 having the responsibility for or control of the minor, or who is otherwise missing from
27 the minor's usual place of abode without the consent of the parent, guardian, or other
28 person having the responsibility for or control of the minor.

29 * **Sec. 4.** AS 14.30.020 is repealed and reenacted to read:

30 **Sec. 14.30.020. Violations.** (a) A person who knowingly fails to comply with
31 AS 14.30.010 is guilty of a violation.

1 (b) A separate violation under AS 14.30.010 consists of

2 (1) each 10 days of unexcused absence, as defined by the school
3 district under AS 14.30.030(b)(4); or

4 (2) each 14 days of unexcused late arrival or unexcused early
5 departure, as defined by the school district under AS 14.30.030(b)(4).

6 * **Sec. 5.** AS 14.30.030 is amended by adding a new subsection to read:

7 (b) The procedures established under (a) of this section must include

8 (1) a specified time period in which the student shall be counted as
9 absent from a class or a day in session or counted as a late arrival to or early departure
10 from a class or day in session;

11 (2) a system for disseminating information related to truancy and
12 punctuality to each student enrolled in a public school in the school district and to each
13 parent or guardian of the student;

14 (3) a system of record keeping for truanancies, unexcused late arrivals,
15 and unexcused early departures in the school district and a system for reporting
16 violations under AS 14.30.020 to the student, each parent of the student or the
17 guardian of the student, the superintendent of the school district, and the Department
18 of Revenue; the report to the Department of Revenue must include the name and
19 address of each parent or the guardian of the student who is in violation of
20 AS 14.30.020; and

21 (4) definitions of the terms "excused absence," "unexcused absence,"
22 "excused late arrival," "unexcused late arrival," "excused early departure," and
23 "unexcused early departure"; the definitions may include the absence, late arrival, or
24 early departure from school and from a class in which the student is enrolled at the
25 school.

26 * **Sec. 6.** AS 43.23.005(g) is amended to read:

27 (g) For purposes of applying (d)(1), (i), and (j) of this section, the date the
28 court imposes a sentence or suspends the imposition of sentence shall be treated as the
29 date of conviction. For purposes of applying (d)(2)(B) of this section, multiple
30 convictions arising out of a single criminal episode shall be treated as a single
31 conviction.

1 * **Sec. 7.** AS 43.23.005 is amended by adding new subsections to read:

2 (i) Notwithstanding the provisions of (a) - (c) of this section, an individual is
3 not eligible for a permanent fund dividend for a dividend year when, during the
4 qualifying year,

5 (1) the individual

6 (A) is a person required under AS 14.30.010 to be enrolled in
7 school and is 12 years of age or older;

8 (B) was adjudicated delinquent in this state for violating
9 compulsory school attendance requirements under AS 14.30.020; and

10 (C) was not homeless on the date of the violation; as used in
11 this subparagraph, "homeless" means lacking a fixed, regular, and adequate
12 nighttime residence; or

13 (2) the individual was expelled from a public elementary or secondary
14 school.

15 (j) Notwithstanding the provisions of (a) - (c) of this section, an individual is
16 not eligible for a permanent fund dividend for a dividend year when, during the
17 qualifying year, the individual is a parent, legal guardian, or person having
18 responsibility for a child who is otherwise required under AS 14.30.010 to enroll in
19 school and the child

20 (1) is less than 12 years of age and the individual was sentenced as a
21 result of conviction relating to the child of violating, or the individual's child was
22 adjudicated delinquent or otherwise found guilty of violating, the compulsory school
23 attendance requirements under AS 14.30.020; or

24 (2) was expelled from a public elementary or secondary school.

25 * **Sec. 8.** AS 43.23.028(a) is amended to read:

26 (a) By October 1 of each year, the commissioner shall give public notice of
27 the value of each permanent fund dividend for that year and notice of the information
28 required to be disclosed under (3) of this subsection. In addition, the stub attached to
29 each individual dividend disbursement advice must

30 (1) disclose the amount of each dividend attributable to income earned
31 by the permanent fund from deposits to that fund required under art. IX, sec. 15,

1 Constitution of the State of Alaska;

2 (2) disclose the amount of each dividend attributable to income earned
3 by the permanent fund from appropriations to that fund and from amounts added to
4 that fund to offset the effects of inflation;

5 (3) disclose the amount by which each dividend has been reduced due
6 to each appropriation from the dividend fund, including amounts to pay the costs of
7 administering the dividend program and the hold harmless provisions of
8 AS 43.23.075;

9 (4) include a statement that an individual is not eligible for a dividend
10 when,

11 (A) during the qualifying year, the individual was convicted of
12 a felony;

13 (B) during all or part of the qualifying year, the individual was
14 incarcerated as a result of the conviction of a

15 (i) felony; or

16 (ii) misdemeanor if the individual has been convicted of
17 a prior felony or two or more prior misdemeanors;

18 **(C) during the qualifying year, the individual is a child who**
19 **is disqualified under AS 43.23.005(i);**

20 **(D) during the qualifying year, the individual was a parent,**
21 **guardian, or person having responsibility for a child and the individual is**
22 **disqualified under AS 43.23.005(j);**

23 (5) include a statement that the legislative purpose for making
24 individuals listed under **4(A) and (B)** [(4)] of this subsection ineligible is to

25 (A) obtain reimbursement for some of the costs imposed on the
26 state criminal justice system related to incarceration or probation of those
27 individuals;

28 (B) provide funds for services for and payments to crime
29 victims and for grants for the operation of domestic violence and sexual assault
30 programs;

31 (6) disclose the total amount that would have been paid during the

1 previous fiscal year to individuals who were ineligible to receive dividends under
2 AS 43.23.005(d) if they had been eligible;

3 (7) disclose the total amount appropriated for the current fiscal year
4 under (b) of this section for each of the funds and agencies listed in (b) of this section.

5 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **APPLICABILITY.** The amendments to AS 43.23.005 made by secs. 6 and 7 of this
8 Act apply only to individuals

9 (1) convicted of, or adjudicated delinquent for, violating AS 14.30.010, as
10 amended by secs. 1 - 3 of this Act, after December 31, 2006, except that a conviction or
11 adjudication before December 31, 2006, may disqualify a parent, legal guardian, or person
12 having responsibility for a child under AS 43.23.005(j), added by sec. 7 of this Act, if a
13 subsequent conviction or adjudication occurs after December 31, 2006; or

14 (2) expelled from a public elementary or secondary school, or a person who
15 has the responsibility for a child who is expelled from a public elementary or secondary
16 school, after December 31, 2006.

17 * **Sec. 10.** Section 8 of this Act takes effect January 1, 2007.