

ALASKA STATE LEGISLATURE
SENATE SPECIAL COMMITTEE ON EDUCATION

March 7, 2007

8:03 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Donny Olson

MEMBERS ABSENT

Senator Charlie Huggins, Vice Chair
Senator Bettye Davis
Senator Gary Wilken

OTHER LEGISLATORS PRESENT

Senator Con Bunde

COMMITTEE CALENDAR

SENATE BILL NO. 31
"An Act relating to truancy."
HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 31
SHORT TITLE: TRUANCY
SPONSOR(S): SENATOR(S) SENATOR BUNDE

01/16/07	(S)	PREFILE RELEASED 1/5/07
01/16/07	(S)	READ THE FIRST TIME - REFERRALS
01/16/07	(S)	SED, STA, FIN
03/02/07	(S)	SED AT 8:00 AM BUTROVICH 205
03/02/07	(S)	-- MEETING CANCELED --
03/07/07	(S)	SED AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

Sonia Kerr, representing herself
Anchorage, AK
POSITION STATEMENT: Testified on SB 31

Tony Newman, Program Officer, Division of Juvenile Justice
Department of Health and Social Services (DHSS)

POSITION STATEMENT: Testified on SB 31

Peggy Cowen, Superintendent
Juneau School District
Juneau, AK

POSITION STATEMENT: Testified on SB 31

Mike Lesmann, Community Relations Manager
Office of Children's Services (OCS)
Juneau, AK

POSITION STATEMENT: Testified on SB 31

Dixie Banner, representing herself
Wasilla, AK

POSITION STATEMENT: Against SB 31

PJ Ford Slack, Superintendent
Delta-Greely School District
Delta Junction, AK

POSITION STATEMENT: Testified on SB 31

Sam Steward
Kenai Peninsula Borough School District
Kenai, AK

POSITION STATEMENT: Testified on SB 31

ACTION NARRATIVE

CHAIR STEVENS called the Senate Special Committee on Education meeting to order at [8:03:09 AM](#). Present at the call to order were Senator Olson and Chair Stevens.

SB 31-TRUANCY

CHAIR STEVENS announced SB 31 to be up for consideration.

SENATOR BUNDE, sponsor of SB 31, said that children must stay in school to be prepared for life; teenagers can have poor judgment, and the intent of the bill is to provide a tool for parents to deal with rebellious schoolchildren. It also creates an opportunity to encourage good parenting. He said that nowadays school truancy is commonplace and parents have little power over their kids; neither schools nor parents can force children to stay in school. This has increased juvenile crime. SB 31 is modeled after a law in Washington which helps prevent chronic truants from joining gangs and hurting themselves and others. It gives a wide range of criteria for schools to

determine truancy, with a graduated disciplinary process from counseling to juvenile detention. The majority of young people respond well to counseling and returns to school; states and school districts that treat truancy aggressively have lower rates of juvenile crime. In recent years there were over 1,800 Alaskan truanancies yearly. The bill is not inexpensive; there will be fiscal impacts on various departments, but the preemptive investment will pay for itself later in reduced societal costs.

[8:12:50 AM](#)

CHAIR STEVENS agreed that the issue is enormously important, and he asked if Senator Bunde was familiar with a form showing truancy by district.

SENATOR BUNDE responded that he was, and that another aspect of the bill is defining truancy, because definition changes throughout districts. He added that some parents choose to keep their children out of school, which they are allowed to do.

CHAIR STEVENS said that one of his districts is not in the report, and commented that it is interesting to see how districts vary in terms of truancy numbers.

SENATOR BUNDE said that the truancy trend is headed upward.

CHAIR STEVENS said that he is interested to see how different districts will approach the truancy problem.

SENATOR BUNDE said that superintendents across the state have asked for help on the truancy issue, although they are reluctant to accept the financial cost. He explained that schools simply will have to report the number of unexcused absences and when they reach a certain point action will be taken, beginning with a student contract and eventually leading to a civil case if necessary.

[8:18:09 AM](#)

CHAIR STEVENS said that when he was a student, people were much more conscientious about truancy; he then asked for statistical information on the truancy law in Washington.

SENATOR BUNDE said that while he did not have factual data with him, a Washington attorney told him that the law solved about 50 percent of truancy problems in that state.

CHAIR STEVENS commented that even smaller Alaskan communities have large-city problems like gang violence.

[8:20:30 AM](#)

SENATOR OLSON asked what other states have similar truancy laws.

SENATOR BUNDE replied that he did not have the information with him.

SENATOR OLSON asked for the cost of the bill when it would be implemented.

SENATOR BUNDE replied that the department of law could answer the question best, but that he is anticipating the need of more staff for dealing with juvenile crime and the cost could possible reach hundreds of thousands of dollars; he pointed out that the money saved by early intervention would make the cost more than worth it.

[8:22:12 AM](#)

CHAIR STEVENS commented that he understands necessary costs, but that districts must do their job as well and some people may see the bill as shifting the burden of education away from the school system.

SENATOR BUNDE said that not many schools have truant officers anymore and that in Washington attorneys representing youth on truancy cases were working for non-profits. He explained that the fiscal note will remain at zero until the real cost of the bill can be determined.

He added that some districts fine students who miss too much class, and then related a personal story about truancy. He explained that truancy is also frustrating for teachers because their students who have missed class have to catch up while the others wait.

SENATOR OLSON asked about the reaction to the bill from schools and superintendents.

SENATOR BUNDE said that he's had informal comments from his districts regarding the need for action against truancy.

SENATOR OLSON asked for the reaction from the ACLU or any parental rights groups towards this type of law.

SENATOR BUNDE said that he didn't know of any, but that the purpose of the bill is to strengthen parental rights, and not undermine them.

SENATOR OLSON asked if an offender would technically become a ward of the state.

SENATOR BUNDE replied that effectively, that is true.

[8:28:19 AM](#)

CHAIR STEVENS said that Alaska has a very high student dropout rate, and asked if there is a connection between the two issues.

SENATOR BUNDE replied that truancy can lead to dropping out because kids feel that they're too far behind in class.

CHAIR STEVENS commented on a news story about kidnapped children, and asked for comments on truancy related to home schooling.

SENATOR BUNDE said that home-schooled children would be effectively beyond the law, and that laws can't be written for the lowest common denominator.

He added that the bill has generated a lot of discussion across the state.

[8:32:18 AM](#)

SONIA KERR, representing herself, said that she appreciates the bill, and that she has worked with disabled students for over 20 years who often have poor attendance due to individualized education programs or other issues. She said that she would like to see an amendment excepting such students from the bill.

CHAIR STEVENS asked if her concern only regards students with disabilities.

MS. KERR replied affirmatively.

[8:34:16 AM](#)

TONY NEWMAN, Program Officer for the Division of Juvenile Justice in the Department of Health and Social Services (DHSS), said that truancy is associated with a number of problems and failure in school leads to criminal behavior. One of the reasons the bill incites interest is because it's a new way to deal with truancy; it sets up a series of steps that may lead to court proceedings, which means moving truancy from a locally managed violation to a formal court adjudication. This would result in both technical and philosophical challenges, because truancy is not a criminal offence but a status offence, which means it can't be committed by an adult. Such offenses shouldn't be dealt with by the criminal system, because the violators will come into contact with serious criminals when put in detention. Such detention can be ineffective and detrimental.

He explained that Alaska receives federal funding every year to help limit the contact status offenders have with juvenile and adult detention centers; SB 31 would jeopardize this funding because it could lead to status offenders being housed with serious criminals. He added that at this point it is difficult to know what sort of staffing resources will be needed to implement the bill. Truancy program coordinators agree that several dozen youth in any given school could meet the definition; however, the Washington bill resulted in more preventative action and fewer kids reaching the court stage of punishment. There's a current lack of consistency in truancy reporting in the state, and better understanding of the truancy problem is needed to determine the best plan of action.

[8:39:25 AM](#)

CHAIR STEVENS asked how the delinquency statute is currently enforced.

MR. NEWMAN said that the juvenile justice system is initiated for criminal acts, and truancy doesn't fall into this definition.

CHAIR STEVENS said that the juvenile detention system is included in the 4th step, which is court.

MR. NEWMAN concurred.

CHAIR STEVENS asked if the bill puts federal funding to Alaska in jeopardy.

MR. NEWMAN said that \$700,000 in yearly federal funding is received by the state because Alaska addresses four mandates including the non-detention of status offenders unless there is a valid court order from a judge. In Washington kids are occasionally detained for truancy and the federal government is concerned that the state is losing track of the intent of the law.

SENATOR OLSON asked if Mr. Newman opposed the bill.

MR. NEWMAN said that the Division of Juvenile Justice has concerns about the bill.

SENATOR OLSON asked what the department plans on doing about truancy rates.

MR. NEWMAN replied that the department is aware of the problem and is discussing solutions; many of the initial steps in SB 31 are positive, but the department takes issue with the criminalization. He mentioned some alternatives for truancy prevention, such as school social workers, breakfast clubs, public assistance, and driver's license revocations.

SENATOR OLSON said that those goals seem to be outside the Department of Justice's realm of expertise, and he thinks the truancy program is worth the loss of federal funding.

MR. NEWMAN restated that the federal office's concern is that chronic offenders will be coming into contact with truly criminal youths and be exposed to criminal thinking; status offenders should be managed separately.

8:47:11 AM

SENATOR OLSON agreed that the concern is valid, but that maybe the system is the problem and not the students themselves.

CHAIR STEVENS commented that status crime incarcerations should be separated from others, but in smaller communities that could be difficult.

8:48:46 AM

PEGGY COWEN, Superintendent for the Juneau School District (JSD), said that the issue is an important one; the JSD does have a truancy tracking system that's effective up to 80 percent attendance improvement. Districts should be required to have a

truancy program, but discretion and judgment are important, and this bill may be too hasty to lock kids up. The bill is also a fiscal issue for the districts; the current truancy tracking system would be overwhelmed with processing documents and would have less time for working with families and students.

She then explained some of her recommendations for the bill, including changing the truancy threshold and modifying some of the disciplinary steps. She added that the definition of absence should be adjusted because some students could show up for one class a day and not be considered truant.

CHAIR STEVENS said that he didn't understand the difference between policies for truancy and drop outs.

MS. COWEN said that the district's truancy tracker doesn't meet with students after age 16, when they have the choice to leave school permanently; also, the state requires every district to have a threshold for administrative drop, which is typically ten days.

[8:57:23 AM](#)

CHAIR STEVENS commented that Indiana has done some interesting things to prevent students dropping out, including parent contracts and revocation of driver's licenses. He added that Juneau truanancies have increased greatly, and asked why.

MS. COWEN said that tracking has greatly improved.

SENATOR OLSON asked if this bill will be making a local issue a statewide issue.

MS. COWEN said that the statement of the importance of truancy is a good thing, but that having regulations this strict could be put some districts and students in jeopardy.

[9:00:15 AM](#)

MIKE LESMANN, Community Relations Manager for the Office of Children's Services (OCS), said that current state law on children in need of aid statutes does address education; under AS 47.10.014, the definition of child neglect includes neglect of education. The OCS does receive calls regarding truancy, but he explained that it's mainly a different issue from what the bill deals with.

He added that if the laws are to be amended, the OCS would like to see it made clear that community response and court involvement have been tried already before a court order is given to make the youth a ward of the state.

CHAIR STEVENS asked if the involvement of the OCS occurs when the custody of the youth is given to the state.

MR. LESMANN replied that currently, the OCS is involved when there are allegations of parental neglect according to law. If the allegation is serious enough to petition the court for a change of custody, the OCS would generally petition for legal but not physical custody of the youth.

[9:04:22 AM](#)

DIXIE BANNER, representing herself, said that 95 percent attendance should be required to pass final exams, and children should not have any rights until they're 18 or until they have graduated. She said that parental rights are being diminished continually, and offered several suggestions for increasing them. She opined that laws should be stricter, and she shouldn't be responsible for her children's misdoings.

She added that truancy is correctable in the method that the bill proposes, but the bill needs to be modified; parents are not taking enough responsibility for their children.

CHAIR STEVENS thanked Ms. Banner for her comments.

MS. BANNER said that kids should not be allowed to do as they please, and that she is not in favor of the bill because it needs to be improved. School principals should also be consulted about the bill.

[9:10:11 AM](#)

PJ FORD SLACK, Superintendent for the Delta-Greely School District, thanked Senator Bunde for the bill, and said that the school attendance policy in the state needs to be changed; home-schooling should be more regulated as well. She added that many districts don't have truancy trackers and truant children in different districts may be being missed.

CHAIR STEVENS remarked that truancy rates seem to be improving in Ms. Ford Slack's district.

MS. FORD SLACK replied that the No Child Left Behind act has changed truancy definitions, and that there are still children in her district who are under the radar.

[9:12:39 AM](#)

SAM STEWARD, with the Kenai Peninsula Borough School District, said that he agrees with Ms. Cowen regarding truancy, and explained how the Kenai school district has an elaborate truancy tracking system.

CHAIR STEVENS asked for the numbers of truants in the Kenai school district.

MR. STEWARD replied that there are about 11 truancy petitions in the court each year.

CHAIR STEVENS said that Kenai seems to involve parental involvement more than other districts, and asked for detail.

MR. STEWARD replied that there are several ramifications for truancy, including community service, attendance of classes by parents, etc.; suspension is avoided.

[9:15:32 AM](#)

SENATOR BUNDE asked if truancy prosecution is done by courts in Kenai.

MR. STEWARD replied that the district does prosecute through the court, and that the resulting penalty is a \$500 fine for the parent.

CHAIR STEVENS commented that parents attending classes with their kids must be a very effective solution.

SENATOR BUNDE said that a very angry teenager could cause fines for their parents purposefully. He added that taking away a Permanent Fund dividend check for truancy is an issue he doesn't want to address.

CHAIR STEVENS said that youths losing their driver's licenses wouldn't necessarily solve the problem either. He thanked the presenters, and, there being no further business to come before the committee, adjourned the meeting at [9:19:11 AM](#).