

ALASKA STATE LEGISLATURE
SENATE SPECIAL COMMITTEE ON EDUCATION

August 17, 2007

10:15 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Bettye Davis
Senator Donny Olson

MEMBERS ABSENT

Senator Charlie Huggins, Vice Chair
Senator Gary Wilken

OTHER LEGISLATORS PRESENT

Senator Kim Elton
Senator Joe Thomas, via teleconference

COMMITTEE CALENDAR

SENATE BILL NO. 14

"An Act raising the compulsory school attendance age; relating to the crime of contributing to the delinquency of a minor; relating to duties of the Department of Education and Early Development; relating to truancy; and relating to employment of a minor."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 14

SHORT TITLE: RAISE COMP. SCHOOL ATTENDANCE AGE

SPONSOR(s): SENATOR(s) DAVIS

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|----------|-----|---------------------------------|
| 01/16/07 | (S) | PREFILE RELEASED 1/5/07 |
| 01/16/07 | (S) | READ THE FIRST TIME - REFERRALS |
| 01/16/07 | (S) | SED, JUD, FIN |
| 04/18/07 | (S) | SED AT 8:00 AM BUTROVICH 205 |
| 04/18/07 | (S) | Heard & Held |
| 04/18/07 | (S) | MINUTE(SED) |

WITNESS REGISTER

TOM OBERMEYER

Staff to Senator Davis
Juneau, AK

POSITION STATEMENT: Presented SB 14 for the sponsor.

RICHARD LUTHER, Special Assistant to the Commissioner
Department of Education and Early Development

POSITION STATEMENT: Commented on SB 14.

GRIER HOPKINS

Staff to Senator Thomas
State Capitol Building
Juneau, AK

POSITION STATEMENT: Commented on SB 14.

KELLY FORMAN, representing herself

POSITION STATEMENT: Commented on SB 14.

RICHARD BENEVIDES

Staff to Senator Davis
State Capitol Building
Juneau, AK

POSITION STATEMENT: Commented on SB 14.

TONY NEWMAN

Division of Juvenile Justice
Department of Health and Social Services

POSITION STATEMENT: Commented on SB 14.

ACTION NARRATIVE

CHAIR GARY STEVENS called the Senate Special Committee on Education meeting to order at [10:15:24 AM](#). Present at the call to order were Senators Davis, Olson, and Chair Stevens.

SB 14-RAISE COMP. SCHOOL ATTENDANCE AGE

CHAIR STEVENS announced SB 14 to be up for consideration.

SENATOR DAVIS, sponsor of SB 14, said the bill would raise the age for compulsory school attendance, and said it was combined with the truancy bill. Both bills are important, but there is another stand-alone bill that would deal with students aged 16 to 18, in case the current bill didn't move along as quickly as it could. She asked her staff to give an overview of the bill and how similar bills work in other states. There are no truant officers in the state of Alaska, and only one school district

includes budgeting for such a position, she said. This legislation would be helpful in remedying that situation.

[10:17:24 AM](#)

TOM OBERMEYER, staff to Senator Davis, said he would explain the changes to the SB 14, currently in the K version; they are a little different than the previous version E. Three areas from different bills - SB 10 on truant officers, SB 14 on compulsory school age and SB 31 on truancy and sanctions for it - had been combined, along with modifications. He referred to the August 14 sectional analysis from Senator Davis' for version K.

[10:19:27 AM](#)

MR. OBERMEYER said that the first section raises the school age from 16 to 18 for the crime of contributing to the delinquency of a minor for repeated absences from school. Section 2 raises the compulsory age of attendance from 16 to 18. Section 3 lists exceptions to the compulsory school-age definition described in Section 2. The only thing that has changed is that a person must have either completed twelfth grade or graduated from a secondary school.

[10:21:26 AM](#)

He said that section 4 requires each district to implement and develop procedures for the reduction of truancy, including community member involvement and a review body. This is the most important part of the bill because cooperation is needed amongst different agencies so that the system will work.

CHAIR STEVENS asked if the bill had received reactions from school districts and police departments.

MR. OBERMEYER replied that he has contacted other states, and one with a successful similar program is Oregon where three counties and twelve schools have six truant officers. The program is very successful because each school is audited. Parents are notified immediately if children don't come to school. Another similar program deals with following elementary students into middle school, and works with them through training programs in each grade.

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He explained that section 5 of the bill requires the Department of Education and Early Development (DEED) to have a certain number of truant officers based on number of students. Statute requires that there must be an Average Daily Membership (ADM) of 1,000 or more students for truant officers, which are very expensive.

CHAIR STEVENS asked how many districts have such an ADM.

MR. OBERMEYER replied that there are 13 such districts. The Oregon model pays for the truancy officers on an attendance model, not an enrollment model like in Alaska. Schools are paid for the number of days that kids actually are in school, and that model is very successful.

CHAIR STEVENS commented that it would be difficult to do so with the current system.

MR. OBERMEYER replied that it could be possible with modern computers and sufficient funding.

SENATOR DAVIS said she thought it would worthwhile to hear from the DEED.

[10:27:57 AM](#)

RICHARD LUTHER, Special Assistant to the Commissioner, Department of Education and Early Development (DEED), responded that a committee was looking at the funding formula, and if a change were to be made switching from an ADM model to an ADA (average daily attendance), that group would have to address it. It would have to be part of the funding formula. It would be a significant change from the way funding is determined now.

CHAIR STEVENS said this issue hadn't been previously raised in the Task Force on Education, and asked if there was a way to credit districts for days spent in school by truant students in the current system.

MR. LUTHER replied that it wouldn't work with the current system; it would just be adding another layer of complication. A change to the way funding is determined would be necessary and switched to using an ADA model over an ADM model.

SENATOR ELTON said one fiscal notes said 13 districts have an ADM of 1,000 and would require a truancy program and officer;

one would be Juneau. He asked if he had asked the Juneau School District what the cost would be for a truant officer.

MR. LUTHER replied he had not.

SENATOR ELTON said that DEED fiscal note showed a cost of about \$1 million. It didn't show anything about the potential benefits of a truancy program - and the possible savings down the road in law enforcement, social services, et al; it's important to look at the benefits.

MR. LUTHER replied that he agreed with that inference. Truancy officers could provide tremendous benefits aside from just physically getting kids in school, but they could provide incentives as well. He thought the program would pay for itself in the long run.

[10:32:03 AM](#)

SENATOR DAVIS said the Juneau district is on record as being willing to spend money on the program. Juneau is very pleased with its truancy program and would likely be willing to share its model with other districts.

[10:32:56 AM](#)

MR. OBERMEYER went on to explain that section 6 of version K provides the same definitions as in versions E and M, except for the definition of truancy, which now makes sense. Other states make reference to the fact that students with unexcused absences are subject to compulsory schooling; in Alaska that is already implied in statute, so further wording shouldn't be needed.

CHAIR STEVENS said he agreed with that section.

MR. OBERMEYER then explained the elimination of the vocational education program in Seward that had been moved from the DEED to the Department of Labor and Workforce Development (DOLWD) on pages 2 - 4; thus the reference wasn't necessary.

[10:36:22 AM](#)

He added that the committee should have paperwork in front of it tracking recent legislation, and indicating that there has been a change countrywide regarding compulsory school age. The report shows that about half the states define the compulsory age as 16 years of age, but people are recognizing that students must stay

in school in order to graduate and so states are moving the age to 18.

He said that states are moving to bring students back to school and help them to graduate. One has to work with students as early as possible to help them graduate; in Anchorage the graduation rate is 64 percent, or below the national average. However, this rate depends on which groups are included in the statistic.

[10:39:56 AM](#)

CHAIR STEVENS said that every child could be included if the standards were lowered, but they need to be maintained at a certain level. Kids who have dropped out need to be brought back into a program that has a certain level of standards he emphasized.

MR. OBERMEYER said that the dropout rate is a complicated number; it includes people who are removed formally from the rolls, but there are nuances throughout the process. Based on all the data, Alaska is well below national averages for graduation.

[10:42:13 AM](#)

SENATOR ELTON described a hypothetical situation regarding passing of high-school exit exams, and asked if certain students would be included in the calculated graduation rate.

MR. OBERMEYER replied that the dropout students are deducted from the graduation rate. The calculation is required to follow children from ninth through twelfth grades. The state doesn't have time to follow all its students and so doesn't know where all of them are. The dropout rate impacts the ADM, and that number is significant.

[10:44:44 AM](#)

SENATOR ELTON read a portion of the bill addressing arrest warrants, and asked what the penalties are for a violation (of AS 14.30.010).

MR. OBERMEYER replied by reading subsection (b) on page 5 of the bill that says:

"A truancy officer shall cooperate with local and state law enforcement agencies and may petition a court of competent jurisdiction for an arrest warrant to bring a person violating AS 14.30.101 (the compulsory schooling statute) before the court for trial and sentencing.

He said this statute has been on the books for some time. Parents can be considered to be failing to protect their child if they do not keep them in school. Schools have the flexibility to get assistance from state offices if it thinks a child is being harmed by parents' violation of attendance statutes.

SENATOR ELTON asked what the sentence would be if such a case came to trial.

MR. OBERMEYER replied that the sentence is usually a \$300 fine, but some states do require time to be served by the parents in certain situations.

[10:47:39 AM](#)

SENATOR ELTON noted that the truancy issue is in the same bill as compulsory school age, and asked if the fiscal notes for the truancy portion are predicated on students being in school until age 16 or age 18.

MR. OBERMEYER replied that the fiscal notes are based on students remaining in school until age 18. He then briefly reviewed the fiscal notes.

[10:50:56 AM](#)

CHAIR STEVENS referenced an article about career earnings with and without degrees, and how people without high school degrees cost the nation \$1.4 billion in incarceration fees.

MR. OBERMEYER said that the Office of Public Advocacy (OPA) offered a zero fiscal note, and that currently a person can be prosecuted for delinquency of a minor under the age of 16; the bill raises the age to 18 and also the age of compulsory school attendance, but is not expected to have a fiscal impact on the OPA. The final fiscal note from the Public Defender Agency is also zero. He said that raising the compulsory school attendance age is not expected to cost anything more. Part of the truancy issue is the fact that it can help reduce the amount of crime among juveniles who are out on the streets instead of in school.

[10:54:06 AM](#)

CHAIR STEVENS said that Mr. Obermeyer's point is that the law has been on the books for a long time.

MR. OBERMEYER agreed, and said that most people don't relate it to truancy because usually it's used through another format or in another sort of case. There hasn't been much prosecution through this law. Rural inhabitants have said they would love to utilize state law offices to help prosecute in order to put students back in school, but there's no time for it.

[10:55:19 AM](#)

SENATOR ELTON said the reason he asked if the DEED truancy fiscal note was based on age 16 or 18 is that a particular ADM is 883; the question in that instance is whether enough children between the ages of 16 and 18 would come back into the district to put it in the 1,000-student range.

MR. LUTHER replied that the fiscal note is based on the current system which is age 17 and he didn't know how many students of age 18 would be coming back into the system.

[10:57:22 AM](#)

MR. OBERMEYER said if there were any changes needed to the bill, he'd be open to considering them. His main focus is that if the state moves forward with the program, it will have a system in place statewide that truancy officers and schools can work with to bring students back into the education system. One has to bring dropouts back up to speed or they will drop out again, he remarked.

CHAIR STEVENS commented that this is a problem the legislature would have to face in a 90-day session. The legislature might want and need to be able to move legislation from committee without having to be in session. He said he also wanted to look at the issue of attending a community college to get a high school diploma; he didn't think that was possible now, but perhaps it should be.

SENATOR DAVIS agreed and explained that other states provide that possibility.

[11:02:02 AM](#)

SENATOR ELTON said he still wanted to know maximum penalties for a violation under the bill, and asked what happens to a dropout pursuing a Graduation Equivalency Diploma (GED) by the raising of mandatory school attendance age to 18.

MR. OBERMEYER replied that the school district should be able to answer that because it deals with that situation all the time. The Anchorage school district that he is familiar with has special programs to accommodate such students. One issue is whether increasing the compulsory school age creates truants. He thought this bill would reduce the number of children leaving school and increase the graduation rate. He said the Oregon model he described earlier has an average of an 83 percent graduation rate out of 38,000 students. The indication is that starting with assessments early will increase the graduation rate and reduce the need for so many special programs.

[11:04:23 AM](#)

SENATOR DAVIS mentioned that the age might be increased to 18, but there are still ways parents can keep children out of school, including home schooling.

[11:05:47 AM](#)

SENATOR ELTON said he was concerned that a 17-year student who dropped out of school to pursue a GED program would be in violation of this program.

CHAIR STEVENS said he thought the current GED program worked very well, and asked Mr. Luther what he thought of the bill.

MR. LUTHER replied that it would be a useful tool, and that additional tools would be needed. Truant officers could help implement programs that would address the reasons kids aren't in school. However, he said one of the ways people escape keeping their kids in school is by saying they are in home school; in that case, the district doesn't have any control.

CHAIR STEVENS asked if some parents abuse the system by saying their kids are home-schooled.

MR. LUTHER replied yes; he has heard anecdotal evidence.

SENATOR DAVIS said she thought that issue needed to be taken up by the DEED. She thought most people who home-school their children are doing a good job.

CHAIR STEVENS agreed.

[11:10:20 AM](#)

SENATOR ELTON pointed out that it would seem that by raising the minimum age, some rural areas' populations would be bumped up to the minimum number they need for having a school building and that would have attendant costs.

MR. LUTHER replied that was correct.

[11:11:37 AM](#)

MR. HOPKINS asked if the state isn't banging its head against the wall by requiring kids to attend school when they don't want to.

MR. OBERMEYER replied that that issue has come up many times. Dysfunctional students might slow down the rest of the student body. These students need to be worked with early on so they don't get into such a bad position.

[11:14:46 AM](#)

KELLY FORMAN, representing herself, said that there should be a way to start some remediation programs before resorting to raising the compulsory attendance age.

CHAIR STEVENS said that is an important question; other districts have attempted to find ways to address the problem. However, it's hard to determine which action would be more effective first.

MS. FORMAN said that in California, when the attendance limit was raised, new schools had to be built to deal with particularly disruptive students.

CHAIR STEVENS said that research overwhelming shows that young people are more successful in life having graduated from high school.

SENATOR DAVIS said that remedial programs are already in place in Alaska, but students are only required to attend until they

are 16; it's better to require them to attend until the age of 18.

[11:17:27 AM](#)

RICHARD BENEVIDES, staff to Senator Davis, introduced himself.

SENATOR ELTON said he didn't think that anecdotal evidence was necessarily what public policy should be predicated on. Juneau has an alternative high school to which many students self-divert, and it provides an atmosphere in which troubled students can succeed. The principal of that school, Lori Roberts-Scandling, is a strong advocate for raising the compulsory age from 16 to 18.

[11:20:24 AM](#)

MR. BENEVIDES said he contacted over 40 different school districts on the issue and he learned that that most follow the old model of school-age attendance from the ages of 5 to 16, but the world today is different. Those compulsory-attendance ages must be raised to teach children to a point where they can be successful in society. All successful programs start in elementary school, and kids who are not in the mind-set of wanting to go to school need to be taken into account. He continued to explain the tools the bill will offer the state in terms of keeping kids in school, and how programs like this will become standard in the future.

CHAIR STEVENS agreed that there's a need to be cautious with new programs, but that they are necessary and are part of a long-term process.

[11:25:49 AM](#)

TONY NEWMAN, Division of Juvenile Justice, Department of Health and Social Services (DHSS), said he agreed with the presentation, and echoed Mr. Obermeyer's comments about the necessity of comprehensively addressing truancy and dropouts.

[11:27:26 AM](#)

SENATOR ELTON commented that the bill gives truancy officers the ability to take a parent or guardian to court for having a truant child, and asked if that implicates foster parents as well.

MR. NEWMAN said he would have to research that answer.

CHAIR STEVENS thanked everyone for testifying, and, there being no further business to come before the committee, he adjourned the meeting at [11:29:37 AM](#).