

SENATE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATORS DAVIS, McGuire

Introduced: 2/6/09

Referred: Education, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to compulsory school attendance; relating to the crime of contributing**
2 **to the delinquency of a minor; and relating to school disciplinary action and truancy."**

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

4 *** Section 1.** AS 11.51.130(a) is amended to read:

5 (a) A person commits the crime of contributing to the delinquency of a minor
6 if, being 19 years of age or older or being under 19 years of age and having the
7 disabilities of minority removed for general purposes under AS 09.55.590, the person
8 aids, induces, causes, or encourages a child

9 (1) under 18 years of age to do any act prohibited by state law unless
10 the child's disabilities of minority have been removed for general purposes under
11 AS 09.55.590;

12 (2) under 18 years of age or allows a child under 18 years of age to
13 enter or remain in the immediate physical presence of the unlawful manufacture, use,
14 display, or delivery of a controlled substance knowing that the manufacture, use,

1 display, or delivery is occurring, unless the child's disabilities of minority have been
2 removed for general purposes under AS 09.55.590;

3 (3) under **18** [16] years of age to be repeatedly absent from school,
4 without just cause; or

5 (4) under 18 years of age to be absent from the custody of a parent,
6 guardian, or custodian without the permission of the parent, guardian, or custodian or
7 without the knowledge of the parent, guardian, or custodian, unless the child's
8 disabilities of minority have been removed for general purposes under AS 09.55.590
9 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is an affirmative
10 defense to a prosecution under this paragraph that, at the time of the alleged offense,
11 the defendant

12 (A) reasonably believed that the child was in danger of physical
13 injury or in need of temporary shelter; and

14 (B) within 12 hours after taking the actions comprising the
15 alleged offense, notified a peace officer, a law enforcement agency, or the
16 Department of Health and Social Services of the name of the child and the
17 child's location.

18 * **Sec. 2.** AS 14.30.010(a) is amended to read:

19 (a) Every child **who is** [BETWEEN] seven **years of age or older** and **under**
20 **18** [16] years of age shall attend school at the public school in the district in which the
21 child resides during each school term. Every parent, guardian, or other person having
22 the responsibility for or control of a child **who is** [BETWEEN] seven **years of age or**
23 **older** and **under 18** [16] years of age shall maintain the child in attendance at a public
24 school in the district in which the child resides during the entire school term, except as
25 provided in (b) of this section.

26 * **Sec. 3.** AS 14.30.010(b) is amended to read:

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

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

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

1 (B) tutoring by personnel certificated according to
2 AS 14.20.020; or

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

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

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

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

10 (5) is temporarily ill or injured;

11 (6) has been suspended or expelled under AS 14.03.160 or suspended
12 or denied admittance under AS 14.30.045;

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

17 (8) is excused by action of the school board of the district at a regular
18 meeting or by the district superintendent subject to approval by the school board of the
19 district at the next regular meeting;

20 (9) has completed the 12th grade **or has graduated from a secondary**
21 **school**;

22 (10) is enrolled in

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

24 (B) a full-time program of correspondence study approved by
25 the department; in those school districts providing an approved correspondence
26 study program, a student may be enrolled either in the district correspondence
27 program or in the centralized correspondence study program;

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

1 (12) is being educated in the child's home by a parent or legal
2 guardian.

3 * **Sec. 4.** AS 14.30.030 is repealed and reenacted to read:

4 **Sec. 14.30.030. Procedures to reduce and prevent truancy.** (a) The
5 governing body of a school district shall develop and implement procedures for the
6 reduction and prevention of truancy in the district. The procedures must

7 (1) be developed in partnership with persons interested in reducing and
8 preventing truancy, such as mental health providers, court personnel, school
9 administrators, business owners, teachers, alternative school personnel, and members
10 of the public;

11 (2) include a definition of "unexcused absence" for purposes of truancy
12 enforcement; and

13 (3) provide for progressive interventions for truancy that require

14 (A) notification of the parent or guardian of the student for
15 each unexcused absence;

16 (B) written notices, telephone calls, and a conference with the
17 student's parent or guardian and school administrators regarding the cause of
18 the truancy and a plan to prevent future truancy of the student; the notices must
19 include follow up to consider compliance and adjustments to the plan, for
20 repeated unexcused absences; and

21 (C) remedial academic support for the student as needed.

22 (b) The department shall provide support for districts and public schools in
23 developing and maintaining effective programs for the reduction of truancy.

24 * **Sec. 5.** AS 14.30 is amended by adding a new section to article 1 to read:

25 **Sec. 14.30.059. Definitions.** In AS 14.30.010 - 14.30.059,

26 (1) "district" has the meaning given in AS 14.17.990;

27 (2) "truancy" means an unexcused absence from class or school during
28 the school day by a student without the prior knowledge and consent of the student's
29 parent or guardian or of the person in charge of the school.