

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 11, 2011

1:33 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Joe Paskvan
Senator John Coghill

MEMBERS ABSENT

Senator Lesil McGuire

COMMITTEE CALENDAR

SENATE BILL NO. 9

"An Act relating to compulsory school attendance; and relating to the crime of contributing to the delinquency of a minor."

- HEARD & HELD

SENATE CONCURRENT RESOLUTION NO. 2

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to the presiding officer pro tempore.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 9

SHORT TITLE: RAISE COMP. SCHOOL ATTENDANCE AGE/TRUANCY

SPONSOR(s): SENATOR(s) DAVIS

01/19/11	(S)	PREFILE RELEASED 1/7/11
01/19/11	(S)	READ THE FIRST TIME - REFERRALS
01/19/11	(S)	EDC, JUD, FIN
02/14/11	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
02/14/11	(S)	Heard & Held
02/14/11	(S)	MINUTE(EDC)
02/21/11	(S)	EDC RPT 3DP
02/21/11	(S)	DP: THOMAS, MEYER, STEVENS
02/21/11	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
02/21/11	(S)	Moved SB 9 Out of Committee
02/21/11	(S)	MINUTE(EDC)

03/11/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SCR 2

SHORT TITLE: UNIFORM RULES: PRESIDING OFFICER PRO TEM

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, JUD, FIN
02/10/11 (S) STA AT 9:00 AM BUTROVICH 205
02/10/11 (S) Heard & Held
02/10/11 (S) MINUTE(STA)
02/15/11 (S) STA AT 9:00 AM BUTROVICH 205
02/15/11 (S) Moved CSSCR 2(STA) Out of Committee
02/15/11 (S) MINUTE(STA)
02/16/11 (S) STA RPT CS 1DP 1DNP 3NR SAME TITLE
02/16/11 (S) DP: PASKVAN
02/16/11 (S) DNP: GIESSEL
02/16/11 (S) NR: WIELECHOWSKI, MEYER, KOOKESH
03/11/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

TOM OBERMEYER, Staff to Senator Bettye Davis
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 9 for sponsor, Senator Davis.

SENATOR BETTYE DAVIS
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 9.

JOHN ALCANTRA
Government Relations Director
NEA-Alaska
Juneau, AK

POSITION STATEMENT: Testified in support of SB 9.

JENNIFER TAYLOR, representing herself
Southeast Alaska

POSITION STATEMENT: Testified in opposition to SB 9.

JOHN STEINER
Anchorage School Board
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 9.

MARTHA FLEMMING
School Counselor
Seward, AK

POSITION STATEMENT: Testified in support of SB 9.

LES MORSE
Deputy Commissioner
Department of Education and Early Development
Juneau, AK

POSITION STATEMENT: Testified that he was available to answer questions regarding SB 9.

ELIZABETH NUDELMAN, Director
School Finance and Facilities
Department of Education and Early Development
Juneau, AK

POSITION STATEMENT: Answered questions regarding SB 9.

ACTION NARRATIVE

[1:33:19 PM](#)

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Senators Paskvan, Wielechowski, Coghill, and French were present at the call to order.

SB 9-RAISE COMP. SCHOOL ATTENDANCE AGE/TRUANCY

[1:33:51 PM](#)

CHAIR FRENCH announced the consideration of SB 9.

[1:34:10 PM](#)

TOM OBERMEYER, staff to Senator Bettye Davis, sponsor of SB 9, introduced the bill on behalf of the sponsor, speaking to the following sponsor statement:

This bill changes the Alaska compulsory school attendance ages from 7-16 to 6-18. At the same time it necessarily amends the criminal statute of contributing to the delinquency of a minor from the maximum age 16 to 18. The legislative intent of this bill is to require all students to start school earlier when their brains are growing and developing at a dramatic rate from birth to age 7 and to stay in school long enough to graduate. This bill allows earlier identification of children with learning disabilities and more time to take successful

corrective action. This bill will not preclude parents from homeschooling children, or using charter or alternative schools, or any other of the twelve enumerated exceptions to compulsory education under AS 14.30.010(b), including completion of grade 12 or graduation from a secondary school before age 18.

The Alaska compulsory school age statute is out of date with modern educational practice and thinking. The law has not changed since territorial days when few children attended school beyond 8th grade or bothered to graduate, because most jobs did not require much education. The majority of Alaskan students today are already in school by age six and many by the minimum age five. Head Start and prekindergarten programs are growing in popularity. The state already funds a pilot pre-kindergarten program and SB 6 this year proposes funding such a program statewide.

The 1852 Massachusetts became the first state to pass compulsory school attendance laws, and by 1918 all states required children to receive an education. Today every state and territory requires children to enroll in public or private education or to be home-schooled. Thirty-two states require students to begin their education by age 6 or 5 and to remain in school until 16 or older. Twenty-four states and American Samoa set the minimum at age 5. All children are required to continue their education into their high school years, with twenty states setting the compulsory cutoff age at 18; eleven at age 17; and nineteen states including Alaska and the Virgin Islands at age 16.

By increasing the school attendance age to 18, this bill should discourage earlier dropouts and reduce juvenile crime, teen pregnancy and other at risk behaviors. Studies have found that students without a diploma earn less than 75% of those with a diploma; they are more likely to live in poverty, go to jail, and have health problems.

The Department of Education and Early Development reported 8,245 students or 67.7% graduated in 2010 while 3,186 dropped out. The graduation rate of Alaska Native students was 55.4%, a group which experienced

twice the dropout rate of all students. These rates remain well below the national average. The National Education Association's first priority two years ago in its "12-Point Action Plan for Reducing the School Dropout Rate" was to "mandate high school graduation or equivalency as compulsory for everyone below the age of 21." It reported:

"Just as we established compulsory attendance to the age of 16 or 17 in the beginning of the 20th century, it is appropriate and critical to eradicate the idea of 'dropping out' before achieving a diploma. To compete in the 21st century, all of our citizens, at minimum, need a high school education."

[1:39:57 PM](#)

SENATOR BETTYE DAVIS, sponsor of SB 9, said each time this bill is introduced and heard it picks up more support. Parents initially worried that students who didn't want to be in school would disrupt the learning atmosphere, but procedures are already in place to address those concerns. Furthermore, the bill doesn't preclude parents from choosing alternative schools and it doesn't require students to remain in school until age 18 if they already have the credits to graduate. This is just one more tool to encourage students to get a high school diploma. The bill has good support from educators.

CHAIR FRENCH said his questions were answered in the education committee, but what struck him was that under current law a child may walk away from school with no consequences on the day that he or she turns 16. That's a terrible message for policymakers to send because someone who leaves school at age 16 faces a dark future of bad jobs and bad living conditions. That's just far too young for a child to make such a determination. He noted that he's received about a dozen emails expressing concern that this bill would somehow keep disruptive kids in school, but there are already mechanisms to remove disruptive students from the classroom and that doesn't change under this bill.

[1:43:52 PM](#)

SENATOR COGHILL said he'd like to know what happened in the truancy court case in northwest Alaska and what enforcement might look like if this were to become law.

SENATOR PASKVAN questioned what military jobs are available to people who are at the bottom of the recruitment list.

SENATOR DAVIS said the Army and the Air Force have stopped accepting young people who have a GED. A high school diploma is now a requirement to join the military and this bill would help those 16-year-old dropouts stay in school long enough to get a diploma.

CHAIR FRENCH said it's important to know that walking away from school at age 16 leaves a person with very few choices.

[1:45:55 PM](#)

JOHN ALCANTRA, Government Relations Director, NEA-Alaska, stated that he represents about 13,000 public school employees statewide. He related that he had reviewed the 55 years of NEA-Alaska delegate assemblies. This is where the 13,000 members elect about 400 delegates from across the state to come to a meeting in Anchorage and set policies for any given year. When he looked for information about this type of legislation, he learned that it dates back to 1983. The good thing about this bill is that NEA-Alaska can endorse an actual bill and not just the concept, because it was introduced early. This legislation is critically important. The task force drafted a beginning age of five and ending at age 18 or obtaining a diploma. Obviously the bill has a long way to go but he wants to state NEA's support. This is backed by almost 13,000 peers statewide.

JENNIFER TAYLOR, representing herself, said she was speaking on behalf of parents and students. She has a background in education and her concern is that keeping students in school when they don't want to be there is a catalyst for disruption. She noted that her son recently dropped out because he didn't like the disruption.

Fiscal allocation isn't sufficient to administer this bill, she said. As a parent she is concerned about making a parent criminally negligent if they are unable to keep their child in school. Students often don't drop out until October and by then correspondence study isn't available. Also, many correspondence courses require the student to have a computer and Internet access, which isn't always possible. Counselors would need to be available daily to help the students and currently many schools don't have even one counselor. A counselor is never available to correspondence students.

[1:54:22 PM](#)

She asked if the high schools would have the resources to take students back once they have a GED. Alaska offers disparate schooling based on urban and rural residency.

[1:55:20 PM](#)

CHAIR FRENCH asked where she was from.

MS. TAYLOR responded she is from Southeast.

[1:55:45 PM](#)

JOHN STEINER, Anchorage School Board, said they have supported the age requirement changes for some time. He acknowledged that schools need to be more relevant for students but they also need to stop sending the message that it's acceptable to leave school at age 16. Career, technical, and vocational opportunities are being increased to keep students in school. He thinks that because students know they can leave at age 16, they think they don't have to apply themselves. Some may stay longer but by then they may have done so much damage that they'll have difficulty graduating at age 18. It would help if they knew from the start that they were obligated to stay in until graduation or age 18.

The Anchorage School Board has been on record for many years stating that it's not acceptable to leave school at age 16. The Association of Alaska School Boards also believes that this bill is consistent with the goal of decreasing the age of entry and increasing the age of exit. This would, however, require the schools to respond appropriately.

[1:59:53 PM](#)

MARTHA FLEMMING, school counselor, Seward, said it's disruptive having students start school at age 7 because early literacy is important for graduation rates. Parents who allow their students to leave school at age 16 give these students more power than they are ready to use wisely. While a student may make a lot of money in their first job as a 16 or 17 year old, this won't be the case by the time they're 20. Passing this law will help parents keep their kids in school but it will put pressure on the schools.

[2:02:59 PM](#)

CHAIR FRENCH closed public testimony. He noted the \$14.5 million fiscal note.

SENATOR COGHILL asked for confirmation that the bill would be heard again.

CHAIR FRENCH confirmed that it would be heard again.

LES MORSE, Deputy Commissioner, Department of Education and Early Development (DEED), said he was available for questions.

SENATOR COGHILL asked how many dropouts are age sixteen and under.

[2:04:40 PM](#)

ELIZABETH NUDELMAN, Director, School Finance and Facilities, Department of Education and Early Development (DEED), said the fiscal note took a one-year look at the total number of dropouts, so the department would need to review information to answer that question.

SENATOR COGHILL asked how many students have been pursued already for leaving school under age 16. The question is how difficult this will be to implement.

MR. MORSE said he doesn't know how each of the 53 school districts has pursued this, and DEED doesn't have access to that information.

CHAIR FRENCH said he would get the information through the Department of Law (DOL).

[2:06:38 PM](#)

SENATOR WIELECHOWSKI noted an article in the bill packet that says a dropout over a lifetime costs over \$118,000 in government expenditures. He asked if there is comparable data for Alaska.

MR. MORSE answered he wasn't aware of any Alaska-specific data.

CHAIR FRENCH asked if he had any reason to believe that those numbers are incorrect.

MR. MORSE replied no, but he could not substantiate them either.

SENATOR PASKVAN asked if there is scientific data that shows that decision-making by 15-16 year olds is not mature, because they don't have full brain development.

[2:08:43 PM](#)

MR. MORSE responded he didn't have enough information to answer the question.

SENATOR PASKVAN asked if the intent is to keep 16-year-olds from making bad decisions, like dropping out of school.

MR. MORSE said he believes that's the intent of the bill, but he can't comment on the brain development of 16-year-olds. He has worked with some who make good decisions and some bad.

SENATOR WIELECHOWSKI asked if the administration supports the bill.

MR. MORSE replied neither the administration and nor DEED have taken a position.

SENATOR WIELECHOWSKI said he'd be interested in knowing what the governor and the commissioner think.

MR. MORSE reiterated that they haven't taken a position but he'd take the question back to DEED.

CHAIR FRENCH emphasized all the members want an answer to that.

[2:11:50 PM](#)

SENATOR COGHILL said it's a capacity question. The cost of keeping students in school will require increased services from the school districts.

MR. MORSE said the fiscal note reflects the cost for those students to pay for needed services. When a student stays in the system, the foundation formula will give that funding to the district.

[2:13:17 PM](#)

CHAIR FRENCH calculated and wondered if there is a fiscal plan that depends on not having those children in school after age 16.

SENATOR WIELECHOWSKI noted the testimony that forcing students to stay in school could lead to disruption and said he'd like to know the department's position on that.

MR. MORSE said he believes that there are disruptive kids at every grade level. Potentially there would be more disruptive students because they're forced to stay but he believes that the school is obligated to deal with those students. Some students at age 17 are able to find other options. Whether or not it's a good or bad decision to leave school, he can't comment on.

SENATOR WIELECHOWSKI asked what analysis the department has done on this bill, since it represents a major shift in policy.

MR. MORSE said the analysis has centered on the fiscal note. Different districts will be affected differently depending on how they address truancy. He has worked in the both the Lower Yukon and Juneau school districts, and is aware that enforcement of the current law is different in each district.

[2:17:30 PM](#)

CHAIR FRENCH said since some states have increased the compulsory age, there is probably research about the effects. It would be interesting to see what happens when the attendance law is changed.

SENATOR COGHILL said in the fiscal note he didn't see anything that reflected the lower age change, from seven to six.

MS. NUDELMAN said they didn't account for the lower age because most six-year-olds do enter either kindergarten or first grade.

[2:19:03 PM](#)

CHAIR FRENCH referred to page 2, where the current law says that every child between age seven and 16 must attend school.

SENATOR COGHILL noted that since the districts will enforce this law, he is seriously interested in how the enforcement will play out.

MR. MORSE said they have discussed enforcement with districts in Western Alaska. A good many have pursued enforcement and they have been successful but it takes a lot of work to get it through the system. Lower Kuskokwim has seen success. The Juneau School District worked to create a local ordinance around this issue, and there is now an official who can issue tickets for truancy. However, it is handled differently in different areas.

[2:22:29 PM](#)

SENATOR WIELECHOWSKI asked if the administration sees a benefit to the bill.

MR. MORSE said the administration believes it's good for students to be in school regardless of age.

SENATOR WIELECHOWSKI asked if that would extend to pre-K.

MR. MORSE said he's speaking to the ages that DEED has authority over.

SENATOR WIELECHOWSKI asked if DEED supports the lower age limit in the bill.

MR. MORSE responded the district has not taken a position on this bill.

[2:23:49 PM](#)

SENATOR PASKVAN asked if SB 9 promotes Alaska becoming more competitive.

MR. MORSE said he couldn't speak to whether it would make the state more competitive.

SENATOR PASKVAN asked how competitive any of us would be if we dropped out at age 16.

MR. MORSE replied the issue is who is responsible for the decision. This law is a way to get at that, and the administration hasn't made a decision. However, staying in school is always a good thing.

[2:25:37 PM](#)

SENATOR PASKVAN asked if the current dropout rate for 16 or 17-year-olds is acceptable.

MR. MORSE responded he'd like to see everyone graduate but that's separate from this legislation

SENATOR PASKVAN noted they need to be in school in order to graduate.

MR. MORSE said he agreed.

SENATOR WIELECHOWSKI asked if the administration believes the state should abolish all age requirements for education.

MR. MORSE answered he doesn't believe that; he's only said they have not taken a position on SB 9.

[2:26:37 PM](#)

SENATOR COGHILL noted that there are reasons for the laws that allow a student to emancipate at age 16. It appears that under the school age rule, the student would be responsible for their criminal behavior.

SENATOR PASKVAN asked the number of emancipations that occur.

CHAIR FRENCH said we need a DOL person to answer that.

[2:27:55 PM](#)

SENATOR WIELECHOWSKI read from a document from the National Council of State Educators which says evidence suggests that raising the maximum compulsory school age above 16 curtails dropout rates and produces other positive results. He asked if the the administration agreed or disagreed with that statement.

MR. MORSE responded that would require reviewing the research to answer.

CHAIR FRENCH noted Mr. Morse must have sensed that the committee wants direction from the administration.

[2:29:02 PM](#)

SENATOR DAVIS pointed out that it's impossible for the DEED staff to provide some of the information the committee asked for. The bill simply seeks to increase the compulsory attendance age to 18. Age six is a compromise for the starting age; many educators would prefer age five.

Once the bill is law and students and parents know they have to stay until they graduate, many will graduate prior to age 18. This is not a magic bullet, but it helps by keeping kids in school later. Parents still have a right to pull their kids out of school but SB 9 says the parent has to do this. Current law gives this authority to a student when he/she reaches age 16. She doesn't understand why the administration refuses to take a position on the bill.

She said we're hurting our kids the way things are. The Juneau School District is the only one that has employed a truant officer; it's a local decision. This bill is one tool to cut the dropout rate.

[2:36:14 PM](#)

CHAIR FRENCH announced he would hold SB 9 in committee.

SCR 2-UNIFORM RULES: PRESIDING OFFICER PRO TEM

[2:36:30 PM](#)

CHAIR FRENCH announced the consideration of SCR 2, proposing amendments to the Uniform Rules of the Alaska State Legislature

relating to the presiding officer pro tempore. [CSSCR 2(STA) was before the committee.]

SENATOR BETTYE DAVIS, sponsor of SCR 2, informed the committee that Mr. Obermeyer would introduce the bill.

TOM OBERMEYER, staff to Senator Davis, sponsor of SCR 2, said the committee substitute (CS) amends language in Section 4 on page 2. The original bill unintentionally placed the presiding officer pro tempore before the majority leader in the absence of the regular presiding officer. The CS establishes that in the absence of both the regular presiding officer and the majority leader, the presiding officer pro tempore elected under Uniform Rule 1(b) shall preside over sessions of the house.

The result of the amendment to Section 4 is that the presiding officer pro tempore elected at the start of the first session of a Legislature, in addition to the duties of the presiding officer pro tempore set out in Rule 1(b), will continue for both sessions to serve as a backup in the absence of the regular presiding officer and majority leader.

MR. OBERMEYER said the sponsor statement clearly establishes that the amendment to Uniform Rule 1 changes the titles of temporary presiding officers to presiding officers pro tempore and permanent presiding officers to regular presiding officers. These changes to the Uniform Rules essentially create a third permanent position in the leadership without changing the leadership structure, he said.

[2:39:10 PM](#)

CHAIR FRENCH summarized that the bill makes two basic changes: 1) It replaces the temporary presiding officer with the president pro tempore and 2) it creates a permanent president pro tempore.

SENATOR DAVIS agreed; it removes the temporary aspect and makes the president pro tempore a permanent position in the leadership. She stated that the committee packets should contain information on the number of states that have this. She added that this new position would make it easier for women to move into the leadership, but it doesn't take any duties away from the current leadership positions.

CHAIR FRENCH noted that Doug Gardiner was available to answer questions.

[2:43:10 PM](#)

SENATOR COGHILL observed that the majority leader currently fills that position.

SENATOR DAVIS agreed and added that the majority leader is still second on the list. This bill just adds a third permanent leadership position. She offered to provide information on what other states have done with this position if it wasn't in the packet.

CHAIR FRENCH said his packet was very thorough. Finding no further questions, he announced he would hold SCR 2 in committee.

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[2:44:39 PM](#)

There being no further business to come before the committee, Chair French adjourned the meeting at 2:44 p.m.