

Original sponsor: Meland

Offered: 5/4/79
For Today's Calendar

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 88 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to truant children and school closings,
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 47.10.010(a)(2) is amended by adding a new subparagraph to
10 read:

11 (F) the child being habitually truant from school,
12 except as allowed in AS 14.30.010(b).

13 * Sec. 2. AS 47.10.080(c)(1) is amended to read:

14 (1) order the minor committed to the department for placement
15 in an appropriate setting for a period of time not to exceed two years
16 or in any event past the date the minor becomes 19 years of age, except
17 that the department may petition for and the court may grant in a hear-
18 ing (A) two-year extensions of commitment which do not extend beyond the
19 child's 19th birthday if the extension is in the best interests of the
20 minor and the public; and (B) an additional one-year period of super-
21 vision past age 19 if the continued supervision is in the best interests
22 of the person and the person consents to it; the department may transfer
23 the minor, in his best interests, from one placement setting to another,
24 and the minor, his parents or guardian and attorney are entitled to
25 reasonable notice of the transfer; however, the court may not enter an
26 order under this paragraph if the child has been found a child in need
27 of aid under AS 47.10.010(a)(2)(F);

28 * Sec. 3. AS 47.10.080(c)(3) is amended to read:

29 (3) by order, upon a showing in the adjudication by clear and

1 convincing evidence that there is a child in need of aid under AS 47.-
2 10.010(a)(2) as a result of parental conduct and upon a showing in the
3 disposition by clear and convincing evidence that the parental conduct
4 is likely to continue to exist if there is no termination of parental
5 rights, terminate parental rights and responsibilities of one or both
6 parents and commit the child to the department or to a legally appointed
7 guardian of the person of the child, and the department or guardian
8 shall report annually to the court on efforts being made to find a
9 permanent placement for the child; however, the court may not enter an
10 order under this paragraph if the child has been found a child in need
11 of aid under AS 47.10.010(a)(2)(F).

12 * Sec. 4. AS 14.14 is amended by adding a new section to read:

13 Sec. 14.14.122. CLOSING OF SCHOOL. (a) A school board may not
14 order the closure of an elementary or secondary school unless the board,
15 not later than 180 days before the anticipated date of closure of the
16 school, prepares and publishes a report examining the anticipated effect
17 of the school closure. The report required under this subsection shall
18 include

19 (1) a summary of the reasons which the board finds are
20 sufficient to warrant closing the school;

21 (2) the effect of the school closure on those children who
22 would, except for the closure, be expected to attend the school, includ-
23 ing but not limited to,

24 (A) evaluation of the alternatives for the education of
25 these children;

26 (B) additional or incremental transportation arrange-
27 ments necessary to accommodate the transfer of these children to
28 other educational facilities; and

29 (C) the treatment or disposition of any special educa-

1 tional or supplementary educational programs provided at the
2 school;

3 (3) the effect of the school closure on the community or
4 neighborhood, including but not limited to,

5 (A) an evaluation by the board of those services and
6 facilities provided by the school which relate to the educational
7 program and those services and facilities which are provided by the
8 school outside its educational program;

9 (B) the impact of the loss of the services or facilities
10 if they are no longer provided at the school facility;

11 (C) the effect of the school closure on the stability
12 and continued vitality of the community or neighborhood; and

13 (D) the ability of the community or neighborhood to
14 continue to attract residents of varying income, age, racial and
15 social background;

16 (4) the effect of the school closure on the local taxpayers,
17 specifically identifying anticipated additional expenditures and pro-
18 jected savings to result from the proposed closure;

19 (5) the effect of the school closure on the school district,
20 including but not limited to,

21 (A) the accommodation of provisions of collective bar-
22 gaining agreements with school district employees; and

23 (B) the impact on faculty and staff assigned to the
24 school which is to be closed;

25 (6) the effect of the school closure on state finances and
26 programs, including but not limited to to the additional expense, if
27 any, which the state may be required to meet because of transfer of
28 students to other schools; and

29 (7) the recommended alternative use of the facility or, if no

1 alternative use is suggested, the arrangements for maintenance of the
2 facility and grounds.

3 (b) The board shall publish a summary of its report in a newspaper
4 of general circulation in the community or neighborhood in which the
5 school is located, and shall distribute a copy of the report to the
6 parents and guardians of each child who would, except for the closure,
7 be expected to attend the school.

8 (c) The board shall provide for at least one public hearing con-
9 cerning the report. The hearing shall be held not less than 30 days
10 after publication and distribution of the report as provided in (b) of
11 this section, and shall be held at the school or at a public place in or
12 proximate to the community or neighborhood served by the school proposed
13 to be closed. Notice of the hearing shall be given to the commissioner
14 of education. The commissioner, or a member of the administrative staff
15 of the Department of Education, shall attend the hearing.

16 * Sec. 5. AS 14.08 is amended by adding a new section to read:

17 Sec. 14.08.153. CLOSING OF SCHOOL. (a) Unless the number of
18 pupils who would attend a school is fewer than eight, a regional school
19 board may not order the closure of an elementary or secondary school
20 unless the board, not later than 180 days before the anticipated date of
21 closure of the school, prepares and publishes a report examining the
22 anticipated effect of the school closure. The report required under
23 this subsection shall include

24 (1) a summary of the reasons which the board finds is suffi-
25 cient to warrant closing the school;

26 (2) the effect of the school closure on those children who
27 would, except for the closure, be expected to attend the school, includ-
28 ing but not limited to,

29 (A) evaluation of the alternatives for the education of

1 these children;

2 (B) additional or incremental transportation arrange-
3 ments necessary to accommodate the transfer of these children to
4 other educational facilities; and

5 (C) the treatment or disposition of any special educa-
6 tional or supplementary educational programs provided at the
7 school;

8 (3) the effect of the school closure on the community or
9 neighborhood, including but not limited to,

10 (A) an evaluation by the board of those services and
11 facilities provided by the school which relate to the educational
12 program and those services and facilities which are provided by the
13 school outside its educational program;

14 (B) the impact of the loss of the services or facilities
15 if they are no longer provided at the school facility;

16 (C) the effect of the school closure on the stability
17 and continued vitality of the community or neighborhood; and

18 (D) the ability of the community or neighborhood to
19 continue to attract residents of varying income, age, racial and
20 social background;

21 (4) the effect of the school closure on the regional educa-
22 tional attendance area, including but not limited to,

23 (A) the accommodation of provisions of collective bar-
24 gaining agreements with regional attendance area employees; and

25 (B) the impact on faculty and staff assigned to the
26 school which is to be closed;

27 (5) the effect of the school closure on state finances and
28 programs, including but not limited to the additional expense, if any,
29 which the state may be required to meet because of transfer of students

1 to other schools; and

2 (6) the recommended alternative use of the facility or, if no
3 alternative use is suggested, the arrangements for maintenance of the
4 facility and grounds.

5 (b) The board shall publish a summary of its report in a newspaper
6 of general circulation in the community or neighborhood in which the
7 school is located, and shall distribute a copy of the report to the
8 parents and guardians of each child who would, except for the closure,
9 be expected to attend the school. If no newspaper serves the community
10 or neighborhood in which the school is located, a summary of the report
11 shall be disseminated over electronic media serving the area. The
12 summary shall be published or disseminated in the language generally
13 spoken in the area if other than English.

14 (c) The board shall provide for at least one public hearing con-
15 cerning the report. The hearing shall be held not less than 30 days
16 after publication and distribution of the report in the manner provided
17 in (b) of this section, and shall be held at the school or at a public
18 place in or proximate to the community or neighborhood served by the
19 school proposed to be closed. Notice of the hearing shall be given to
20 the commissioner of education. The commissioner, or a member of the
21 administrative staff of the Department of Education, shall attend the
22 hearing.

23 * Sec. 6. Sections 4 and 5 of this Act are retroactive to January 1,
24 1979.

25 * Sec. 7. Sections 4 and 5 of this Act take effect immediately in accor-
26 dance with AS 01.10.070(c).
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