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1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 514 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 THIRTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the regulation of private
8 schools."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. PURPOSE. In conformity with the fundamental right to
11 freedom of religion guaranteed by the constitutions of the United States
12 and the State of Alaska and in recognition of the right of parents to
13 choose to have their children educated in private schools, it is the
14 purpose of this Act
15 (1) to ensure that in matters of education by religious organ-
16 izations the state shall not control or interfere with the rights of con-
17 science and religious liberty;
18 (2) to further the state's legitimate interest in ensuring the
19 quality of all education, including private education; and
20 (3) to minimize regulation of private education.
21 * Sec. 2. AS 14.07.020 is amended to read:
22 Sec. 14.07.020. DUTIES OF THE DEPARTMENT. The department shall
23 (1) exercise general supervision over the public schools of
24 the state except the University of Alaska;
25 (2) study the conditions and needs of the public schools of
26 the state and adopt or recommend plans for the improvement of the
27 public schools;
28 (3) provide advisory and consultative services to all
29 public school governing bodies and personnel;
30 (4) prescribe by regulation a minimum course of study for

1 the public schools;

2 (5) establish, in coordination with the Department of
3 Health and Social Services, a program for the continuing education of
4 children who are held in detention facilities in the state during the
5 period of detention;

6 (6) accredit those public schools which meet accreditation
7 standards prescribed by regulation by the department; these regula-
8 tions shall be adopted by the department and presented to the legisla-
9 ture during the first 10 days of any regular session, and become
10 effective 45 days after presentation or at the end of the session,
11 whichever is earlier, unless disapproved by a resolution concurred in
12 by a majority of the members of each house;

13 (7) prescribe by regulation, after consultation with the
14 state fire marshal and the state sanitarian [DEPARTMENT OF HEALTH AND
15 SOCIAL SERVICES], standards that will assure healthful and safe con-
16 ditions in the public and private schools of the state including a
17 requirement of physical examinations and immunizations in private
18 pre-elementary schools; the standards for private schools may not be
19 more stringent than those for public schools;

20 (8) [IN COOPERATION WITH THE DEPARTMENT OF HEALTH AND
21 SOCIAL SERVICES,] exercise general supervision over public [AND PRI-
22 VATE] pre-elementary schools [AND OVER THE EDUCATIONAL COMPONENT OF
23 NURSERIES AS DEFINED IN AS 47.35.080(4)]; pre-elementary schools in
24 this paragraph means schools for children ages three through five
25 years when the schools' primary function is educational;

26 (9) provide accredited elementary and secondary correspon-
27 dence study programs available to any Alaskan through a centralized
28 office of correspondence study;

29 (10) accredit private [ELEMENTARY AND SECONDARY] schools

1 which request accreditation and which meet accreditation standards
2 prescribed by regulation by the department; nothing in this paragraph
3 authorizes the department to require religious or other private
4 schools to be licensed;

5 (11) review plans for construction of new public elementary
6 and secondary schools and for additions to and major rehabilitation of
7 existing public elementary and secondary schools and, in accordance
8 with regulations adopted by the department, determine and approve the
9 extent of eligibility for state aid of a school construction project
10 begun after July 1, 1978; for the purposes of this paragraph, "plans"
11 include educational specifications, schematic designs, and final
12 contract documents;

13 (12) provide educational opportunities in the areas of
14 vocational education and training, basic education, and fire-service
15 training to individuals over 16 years of age who are no longer attend-
16 ing school;

17 (13) administer the grants awarded under AS 14.11.020.

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

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

20 (1) is provided an academic education comparable to that
21 offered by the public schools in the area, either by

22 (A) attendance at a private school in which the teach-
23 ers are certificated according to AS 14.20.020;

24 (B) tutoring by personnel certificated according to
25 AS 14.20.020; or

26 (C) attendance at an educational program operated in
27 compliance with AS 14.45.100 - 14.45.140 by a religious or other
28 private school [ATTENDANCE AT A PRIVATE SCHOOL IN WHICH THE
29 AVERAGE STUDENT PROFICIENCY IS NOT LESS THAN THE AVERAGE PROFI-

1 CIENCY FOUND IN THE PUBLIC SCHOOLS IN THE AREA AS MEASURED BY
2 NATIONAL ACHIEVEMENT TESTS; THE DEPARTMENT WITH ASSISTANCE FROM
3 REPRESENTATIVES OF THE PRIVATE SCHOOLS SHALL PROMULGATE REGULA-
4 TIONS DEFINING THE SUBJECT AREAS TO BE TESTED AND THE MINIMUM
5 AVERAGE SCORES TO BE ACHIEVED];

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

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

9 (4) is in the custody of a court or law enforcement author-
10 ities;

11 (5) is temporarily ill or injured;

12 (6) has been suspended or denied admittance according to
13 AS 14.30.045;

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

19 (8) is excused by action of the school board of the dis-
20 trict at a regular meeting or by the district superintendent subject
21 to approval by the school board of the district at the next regular
22 meeting;

23 (9) has completed the 12th grade;

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

29 (11) is equally well-served by an educational experience

1 approved by the school board as serving the child's educational inter-
2 ests despite an absence from school, the request for excuse is made in
3 writing by the child's parents or guardian, and approved by the prin-
4 cipal or administrator of the school that the child attends.

5 * Sec. 4. AS 14.45.030 is amended to read:

6 Sec. 14.45.030. NON-EXEMPT SCHOOLS [ATTENDANCE AND ANNUAL RE-
7 PORTS REQUIRED]. Teachers and others in charge of religious or other
8 private [OR DENOMINATIONAL] schools not operated in compliance with
9 AS 14.45.100 - 14.45.140 are not exempt from laws and regulations
10 relating to education. Non-exempt schools shall make regular monthly
11 attendance reports and annual reports to the commissioner in the same
12 manner as teachers and superintendents in the public schools.

13 * Sec. 5. AS 14.45 is amended by adding new sections to read:

14 ARTICLE 2. EXEMPT RELIGIOUS AND OTHER PRIVATE SCHOOLS.

15 Sec. 14.45.100. EXEMPTION. A religious or other private school
16 that complies with AS 14.45.100 - 14.45.140 is exempt from other
17 provisions of law and regulations relating to education except law and
18 regulations relating to physical health, fire safety, sanitation,
19 immunization, and physical examinations.

20 Sec. 14.45.110. REQUIREMENTS OF EXEMPT SCHOOLS. (a) The parent
21 or guardian of a child enrolled in a religious or other private school
22 that complies with AS 14.45.100 - 14.45.140 shall file an annual
23 notice of enrollment in the school for the child with the local public
24 school superintendent for the area in which the child resides on a
25 form provided by the department. The form shall be signed by the
26 parent or guardian and the chief administrative officer of the school
27 and returned to the local public school superintendent by the parent
28 or guardian. The school shall notify the local public school
29 superintendent within a reasonable time if the child is no longer

1 enrolled in or attending the school.

2 (b) A religious or other private school that elects to comply
3 with AS 14.45.100 - 14.45.140 shall maintain monthly attendance re-
4 cords for each student enrolled in the school, shall operate on a
5 regular schedule, excluding reasonable holidays and vacations, during
6 at least 180 days of the year, and shall make an annual report to the
7 commissioner of the number of students in each grade and the school
8 calendar.

9 Sec. 14.45.120. STANDARDIZED TESTING REQUIREMENTS. (a) A
10 religious or other private school that elects to comply with AS 14.-
11 45.100 - 14.45.140 shall administer a nationally standardized test
12 selected by the chief administrative officer of the school to all
13 students enrolled in grades four, six, and eight at least once each
14 school year.

15 (b) The nationally standardized test must measure achievement in
16 English grammar, reading, spelling, and mathematics.

17 (c) A religious or other private school that elects to comply
18 with AS 14.45.100 - 14.45.140 shall maintain records of the results of
19 the nationally standardized tests and the records shall be made avail-
20 able to the parent or guardian of the student. Each school shall make
21 composite test results for the school available annually to an autho-
22 rized representative of the department. The composite test results of
23 a religious or other private school operated in compliance with
24 AS 14.45.100 - 14.45.140 are not public information unless each public
25 school

26 (1) is also required to administer a nationally standard-
27 ized test that measures achievement in English grammar, reading,
28 spelling, and mathematics; and

29 (2) the composite test results for each public school are

1 public information.

2 Sec. 14.45.130. RECORDS. (a) A religious or other private
3 school that elects to comply with AS 14.45.100 - 14.45.140 shall
4 maintain permanent student records reflecting immunizations, physical
5 examinations, standardized testing, academic achievement, and courses
6 taken at the school.

7 (b) The chief administrative officer of a school that elects to
8 comply with AS 14.45.100 - 14.45.140 shall certify under oath to the
9 department that the records required under (a) of this section are
10 being maintained.

11 Sec. 14.45.140. DEFINITION. In this chapter

12 (1) "religious school" means a private school operated by a
13 church or other religious organization that does not receive direct
14 state or federal funding.

15 * Sec. 6. AS 14.45.020 is repealed.