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1 IN THE SENATE

2

SENATE BILL NO. 354

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the regulation of private
7 schools."

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

9 * Section 1. PURPOSE. In conformity with the fundamental right to
10 freedom of religion guaranteed by the constitutions of the United States
11 and the State of Alaska, it is the purpose of this Act

12 (1) to ensure that in matters of education by religious organ-
13 izations the state shall not control or interfere with the rights of con-
14 science and religious liberty; and

15 (2) to further the state's legitimate interest in ensuring the
16 quality of all education, including private education.

17 * Sec. 2. AS 14.07.020 is amended to read:

18 Sec. 14.07.020. DUTIES OF THE DEPARTMENT. The department shall

19 (1) exercise general supervision over the public schools of
20 the state except the University of Alaska;

21 (2) study the conditions and needs of the public schools of
22 the state and adopt or recommend plans for the improvement of the
23 public schools;

24 (3) provide advisory and consultative services to all
25 public school governing bodies and personnel;

26 (4) prescribe by regulation a minimum course of study for
27 the public schools;

28 (5) establish, in coordination with the Department of
29 Health and Social Services, a program for the continuing education of

1 children who are held in detention facilities in the state during the
2 period of detention;

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

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

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

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

26 (10) accredit private [ELEMENTARY AND SECONDARY] schools
27 which request accreditation and which meet accreditation standards
28 prescribed by regulation by the department; nothing in this paragraph
29 authorizes the department to require religious or other private

1 schools to be licensed;

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

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

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

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

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

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

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

21 (B) tutoring by personnel certificated according to
22 AS 14.20.020; or

23 (C) attendance at an educational program operated in
24 compliance with AS 14.45 by a religious or other private school
25 [ATTENDANCE AT A PRIVATE SCHOOL IN WHICH THE AVERAGE STUDENT
26 PROFICIENCY IS NOT LESS THAN THE AVERAGE PROFICIENCY FOUND IN THE
27 PUBLIC SCHOOLS IN THE AREA AS MEASURED BY NATIONAL ACHIEVEMENT
28 TESTS; THE DEPARTMENT WITH ASSISTANCE FROM REPRESENTATIVES OF THE
29 PRIVATE SCHOOLS SHALL PROMULGATE REGULATIONS DEFINING THE SUBJECT

1 AREAS TO BE TESTED AND THE MINIMUM AVERAGE SCORES TO BE
2 ACHIEVED];

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

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

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

8 (5) is temporarily ill or injured;

9 (6) has been suspended or denied admittance according to
10 AS 14.30.045;

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

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

20 (9) has completed the 12th grade;

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

26 (11) is equally well-served by an educational experience
27 approved by the school board as serving the child's educational inter-
28 ests despite an absence from school, the request for excuse is made in
29 writing by the child's parents or guardian, and approved by the

1 principal or administrator of the school that the child attends.

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

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

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

11 ARTICLE 2. EXEMPT RELIGIOUS AND OTHER PRIVATE SCHOOLS.

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

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

28 (b) A religious or other private school that elects to comply
29 with AS 14.45.100 - 14.45.140 shall maintain monthly attendance

1 records for each student enrolled in the school, shall operate on a
2 regular schedule, excluding reasonable holidays and vacations, during
3 at least 180 days of the year, and shall make an annual report to the
4 commissioner of the number of students in each grade and the school
5 calendar.

6 Sec. 14.45.120. STANDARDIZED TESTING REQUIREMENTS. (a) A
7 religious or other private school that elects to comply with AS 14.-
8 45.100 - 14.45.140 shall administer a nationally standardized test
9 selected by the chief administrative officer of the school to all
10 students enrolled in grades one, three, six, and nine at least once
11 each school year.

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

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

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

26 (2) the composite test results for each public school are
27 public information.

28 Sec. 14.45.130. RECORDS. (a) A religious or other private
29 school that elects to comply with AS 14.45.100 - 14.45.140 shall

1 maintain permanent student records reflecting immunizations, physical
2 examinations, standardized testing, academic achievement, and courses
3 taken at the school.

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

8 Sec. 14.45.140. DEFINITION. In this chapter

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

12 * Sec. 6. AS 14.45.020 is repealed.