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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 354 (HESS)

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 and in recognition of the right of parents to
12 choose to have their children educated in private schools, it is the pur-
13 pose of this Act

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

17 (2) to further the state's legitimate interest in ensuring the
18 quality of all education, including private education; and

19 (3) to allow diversity in education by encouraging private
20 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;

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

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

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

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

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

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

1 (10) accredit private [ELEMENTARY AND SECONDARY] schools
2 which request accreditation and which meet accreditation standards
3 prescribed by regulation by the department; nothing in this paragraph
4 authorizes the department to require religious or other private
5 schools to be licensed;

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

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

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

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

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

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

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

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

27 (C) attendance at an educational program operated in
28 compliance with AS 14.45.100 - 14.45.140 by a religious or other
29 private school [ATTENDANCE AT A PRIVATE SCHOOL IN WHICH THE

1 AVERAGE STUDENT PROFICIENCY IS NOT LESS THAN THE AVERAGE PROFI-
2 CIENCY FOUND IN THE PUBLIC SCHOOLS IN THE AREA AS MEASURED BY
3 NATIONAL ACHIEVEMENT TESTS; THE DEPARTMENT WITH ASSISTANCE FROM
4 REPRESENTATIVES OF THE PRIVATE SCHOOLS SHALL PROMULGATE REGU-
5 LATIONS DEFINING THE SUBJECT AREAS TO BE TESTED AND THE MINIMUM
6 AVERAGE SCORES TO BE ACHIEVED];

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

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

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

12 (5) is temporarily ill or injured;

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

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

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

24 (9) has completed the 12th grade;

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

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

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

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

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

15 ARTICLE 2. EXEMPT RELIGIOUS AND OTHER PRIVATE SCHOOLS.

16 Sec. 14.45.100. EXEMPTION. A religious or other private school
17 that complies with AS 14.45.100 - 14.45.140 is exempt from other
18 provisions of law and regulations relating to education except law and
19 regulations relating to physical health, fire safety, sanitation,
20 immunization, and physical examinations. A facility that serves
21 children under the age of six years and receives state payments is not
22 eligible for the exemption provided by this section.

23 Sec. 14.45.110. REQUIREMENTS OF EXEMPT SCHOOLS. (a) The parent
24 or guardian of a child of compulsory school age enrolled in a reli-
25 gious or other private school that complies with AS 14.45.100 -
26 14.45.140 shall file an annual notice of enrollment in the school for
27 the child with the local public school superintendent for the area in
28 which the child resides on a form provided by the department. The
29 form shall be signed by the parent or guardian and the chief

1 administrative officer of the school and returned to the local public
2 school superintendent by the parent or guardian. The school shall
3 notify the local public school superintendent within a reasonable time
4 if the child is no longer enrolled in or attending the school.

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

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

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

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

29 (1) is also required to administer a nationally stan-

1 dardized test that measures achievement in English grammar, reading,
2 spelling, and mathematics; and

3 (2) the composite test results for each public school are
4 public information.

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

10 (b) The chief administrative officer of a school that elects to
11 comply with AS 14.45.100 - 14.45.140 shall certify to the department,
12 under oath or by affirmation, that the records required under (a) of
13 this section are being maintained.

14 Sec. 14.45.140. DEFINITION. In this chapter

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

18 * Sec. 6. AS 14.45.020 is repealed.