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4/14/81

TO: LEGAL SERVICES

FROM: SANDRA STRINGER, ADMINISTRATIVE ASSISTANT, SENATE HEALTH & SOCIAL SERVICES

Please draft a bill for Senator Parr that <sup>OK</sup> would eliminate compulsory education for minors who are 16 years old or older, who have completed the 8th grade. (See p. 59 & 60, Alaska Statutes Supplement, title 14.)

Thanks.

*Sandra*

Sandra  
3787

control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by attendance at a private school in which the teachers are certificated according to AS 14.20.020 or by tutoring by personnel certificated according to AS 14.20.020;

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

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

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to § 45 of this chapter;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the pupil resides within two miles of a federal or private school which he is eligible and able to attend;

(8) is excused in writing signed by a majority of the members of the school board of a district, or by the director of state-operated schools for a child in such a school; or

(9) has completed the 12th grade;

(10) is enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program. (§ 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975)

**Effect of amendments.** — The 1972 amendment, in subsection (b) (8), substituted "director of" for "commissioner or his designee in" and inserted "for a child in such a school."

The 1975 amendment, effective July 1, 1975, added paragraph (10).

**Legislative committee reports.** For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898. For report on ch. 190, SLA 1975 (HCS CSSB 367), see 1975 House Journal, p. 1277.

Cited in *Matthews v. Quinton*, Sup. Ct. Op. No. 11 (File No. 48), 362 P.2d 932 (1961).

**Am. Jur., ALR and C.J.S. references.** — 47 Am. Jur., Schools, §§ 156 to 159.

Extent of legislative power with respect to attendance, 39 ALR 477; 53 ALR 382.

Religious belief of parents as defense to prosecution for failure to comply with compulsory education law, 3 ALR2d 1401.

What constitutes "private school" within statute making attendance at such a school compliance with compulsory school attendance law, 14 ALR2d 1369.

79 C.J.S. Schools and School Districts §§ 445, 463 to 470.

**Sec. 14.30.020. Violation.** A person violating § 10 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until he has served one day for every \$2 of the fine and costs, at which time the fine and

costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (§ 37-7-2 ACLA 1949; am § 37 ch 98 SLA 1966)

**Sec. 14.30.030. Report of violations and procedures.** The chief administrative officer of a district or state-operated school shall report all apparent violations of § 10 of this chapter to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation of all charges of violation. In private or federal schools, the chief administrative officer shall make a full and impartial investigation of all apparent violations. If it reasonably appears upon investigation that a person has violated § 10 of this chapter, the governing body of a district or state-operated school, or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation. The judge or magistrate may issue a warrant for the arrest of the person and may act upon the complaint. (§ 37-7-3 ACLA 1949; am § 1 ch 32 SLA 1949; am § 38 ch 98 SLA 1966)

**ALR reference.** — Right of student to hearing on charges before suspension or expulsion from educational institution, 58 ALR2d 903.

**Sec. 14.30.040. Extension of provisions to United States public schools for aborigines.**

Repealed by § 59 ch 98 SLA 1966, effective July 1, 1966.

**Editor's note.** — The repealed section derived from § 37-7-4, ACLA 1949.

**Sec. 14.30.045. Grounds for suspension or denial of admission.** A school age child may be suspended from or denied admission to the public school which he is otherwise entitled to attend only for the following causes:

- (1) continued wilful disobedience or open and persistent defiance of reasonable school authority;
- (2) behavior which is inimicable to the welfare, safety, or morals of other pupils;
- (3) a physical or mental condition which in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

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(5) co determi welfare

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Section 60. (Re 65. Sup 70. Ph 80 — 1

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Edit derive

DOE position paper

maybe schedule  
next week?

Introduced: 4/20/81  
Referred: Health, Education &  
Social Services

1 IN THE SENATE

BY PARR

2

SENATE BILL NO. 487

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to compulsory education."

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

8 \* Section 1. AS 14.30.010(a) is amended to read:

9 (a) Every child who is at least [BETWEEN] seven years of age and  
10 younger than 16 years of age shall attend school at the public school  
11 in the district in which the child resides during each school term.  
12 Every parent, guardian or other person having the responsibility for or  
13 control of a child who is at least [BETWEEN] seven years of age and  
14 younger than 16 years of age shall insure that the child is not absent  
15 from attendance.

16 \* Sec. 2. AS 14.30.010(b)(9) is amended to read:

17 (9) has completed the eighth [12TH] grade and is at least  
18 16 years of age;

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20

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16 and complete

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23

24

the eighth grade

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Cook /  
1996

Original sponsor: Parr

1 IN THE SENATE

BY THE HEALTH, EDUCATION  
AND SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 487 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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12 Every parent, guardian or other person having the responsibility for or  
13 control of a child who is at least [BETWEEN] seven years of age and  
14 younger than 16 years of age shall insure that the child is not absent  
15 from attendance.

16 \*Section 2. AS 14.30.010 is amended by adding a new section to read:

17 (c) The school board may, upon written request by the parents, waive  
18 <sup>or guardian</sup>  
19 the requirements of school attendance after completion of the 8th grade.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 20, 1981

SUBJECT: Compulsory education  
(CSSB 487)

TO: Senate Health, Education, and  
Social Services Committee

FROM: Tamara Brandt Cook  
Legislative Counsel *TBC*

Enclosed is the committee substitute you ordered adding a provision to allow the school board to excuse a child who has completed the eighth grade from attending school. I note that AS 14.30.010(b)(8) currently allows the school board to excuse a child from the compulsory education requirement regardless of whether the child has completed the eighth grade and regardless of whether the parent or guardian approves. Since the provision added in this committee substitute does not require the school board to excuse a child but only allows the board to do so, it appears to add little to the authority the school board currently has under paragraph (8).

Please contact me if I can be of further assistance with this bill.

THC:ljb

Enclosure

Charlie -

re: SB 487

The State Board  
will meet on  
Thursday. At that time  
I will take a  
position on SB 487.  
It is scheduled in  
our committee for Monday.  
Carr


C. The school board may, <sup>upon</sup> ~~the~~ parents  
written request, waive the req. of  
school attendance after  
completion of the 5<sup>th</sup> grade

District	K-8	9-12	K-6	7-9	10-12
Adir.		1	1	(1/7-8)	
Alb. Station	1	(4/K-12)	(1/P-9)		
Alb. Town		(5/K-12)	(1/K-9)	(1/1-9)	
Anchorage		1	47		1
(1/K-2)	(1/3-6)	(1/P-6)	(4/7-8)	(5/7-12)	(1/8-12)
Arnette	(1/7-12)		1		
Bering Strait		5		(4/1-12)	(1/2-8)
Emel Bay			1	(1/P-6)	(1/7-12)
Cho Tan	(1/P-12)	(1/2-11)	(1/K-12)	1	(1/P-8)
Chugach	(1/P-6)	(1/K-12)			
Copper River	(2/1-8)	(2/1-6)	(1/7-12)	1	(1/2-6)
Condon		(1/7-12)	1		(1/4-12)
Craig		(1/7-12)	1		(1/1-11)
Delta	(1/P-6)	(1/P-8)	1		
Edinburgh	(1/7-12)		1		
Elis	(1/2-4)	(1/2-4)	3	(1/P-6)	8
Galena	Und. non	(Elt. 8-6?)	(Elt. 7-11?)	(1/P-10)	(2/5-6)
Haines	(1/7-8)	1	1		
Hood	(1/1-7)	(1/8-12)			
Hydaburg	(1/1-6)	(1/7-12)			
Iditarod	(2/1-8)	(2/1-12)	(3/K-12)	(2/K-11)	(1/1-8)
Jensen	(1/1-2)		4	3	2
Kake				(1/7-12)	
Kerr	(3/1-8)	(4/K-12)	(1/1-8)	(1/K-5)	(1/4-6)
	(1/K-3)	(1/6-12)	(2/7-8)	(2/9-12)	(1/K-10)
					(1/K-6)
Leitchfield	(1/2-8)	(1/P-6)	(1/7-8)	2	2
Long Cove	(1/K-12)				

K-8                      9-12                      K-6                      7-9                      10-12

Alawoc.	(1/K-9)				
Kochak	(2/K-11) (2/K-8) (3/K-12) (1/K-5)	1	(1/9-12) (1/P-8) (1/P-5) (1/1-10) (1/6-8)		
Kuopu	(5/K-12) (2/1-12) (1/2-8)				
Okas Peninun	(2/P-12) (2/K-11) (3/K-12) (3/K-8) (1/P-11) (1/1-12)				
Lower Luto	(6/P-12) (3/K-12) (1/P-12) (1/P-9) (1/K-2)			(1/7-12) (1/K-11) (1/17)	
Lower Yukon	(10/7-12)	2	8		
Mat-Su	(6/1-6) (1/1-11) (1/P-6) (1/4-12) (1/1-2) (1/1) (2/7-8) (2/9-12) (1/7-12) (1/K-12)				
Nenana	(1/P-6) (1/7-12)				
Nome	(1/P-6) (1/P-12)				
Al Slope	(1/K-6) (6/P-12) (1/P-6)		(1/7-12)		
NW Arctic	8	7	1	(1/7-8) (1/P-10) (1/K-5) (1/7-12) (1/K-12)	
Pebrow	(1/K-12)				
Pitmeburg	(1/K-7) (1/8-12)				
Pacholat	(1/K-8) (1/K-10)				
Prohult	(3/K-12) (1/K-4)				
St. Marys	(1/K-8)				
Sand Point	(1/7-12)		1		
Sitka	(1/P-3) (1/K-8)	1	(1/4) (1/K-4) (1/P-8) (1/5)		
Taqwan	(1/7-12)		1		
SE Loli	(3/P-8) (4/1-11) (2/1-10) (2/3-8) (3/1-12) (1/9-10) (1/1-6) (1/7-12)				
SW Paxon	(1/K-9) (1/1-6) (3/K-12) (1/2) (1/1-12) (1/K-8) (1/P-12) (1/3-4) (1/P-8)				
Ugalnoka	(1/7-12)		1		
Valde	(1/1-12) (1/7-8)	1	1		
Wingill	(1/7-12)		1		
Yaku To	(1/7-12)		1		
Yaku To	(1/K-12) (1/P-12) (1/1-11) (2/K-11) (1/P-8) (2/7-12) (1/1-9)				
Yaku To	(1/P-12) (2/P-10) (2/K-12) (2/K-10) (1/K-8) (1/P-8) (1/2-12) (1/P-10)				

ATTENDANCE MEMORANDUM

TO: CHARLES R. CLARK-COORDINATOR OF TRANSPORTATION & ATTENDANCE  
FROM: BOB SHEPCHIK-ATTENDANCE OFFICER   
DATE: APRIL 4, 1981  
SUBJECT: PROBLEMS WITH ALASKA COMPULSORY EDUCATION STATUTES

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I have identified two or three problems that arise from trying to use the State Compulsory Education Laws to enforce school attendance. The problems are as follows:

- 1) The penalties that can be imposed upon conviction only last for the duration of the school year. It takes three months to bring a case to trial, leaving only a short time for imposition of sentence. If the last line of Sec. 14.30.020 were repealed, then sentences could be suspended on condition of good attendance for 1 or more years. Such an ability would be very beneficial in ensuring continued good attendance.
- 2) The law punishes parents for not ensuring daily attendance. Some children refuse to attend school in spite of all their parents' attempts. These students are usually 13-15 years old, and their parents cannot control them.

Alaska Division of Corrections cannot help these parents because the student has not committed a crime. Alaska Division of Family and Youth Services cannot help them because habitual truancy is not grounds for the State to take custody of a minor. These parents often call the schools and ask for assistance in getting their children to school. We cannot help either, because the School District can only punish the parents.

- 3) These habitually truant students often convince other students, who had been attending school, that there is no way they can be punished for not going to school. This increases the difficulty of enforcing attendance laws.

The result of this law is that school is mandatory for minors under the age of 16 years old, but the law is truly enforceable for parents of minors 12-13 years old and younger. It works very well for elementary students and some secondary students, but it leaves a small group of students totally unaffected by the law.

There are several possible solutions to the problems mentioned above. They are as follows:

- 1) Eliminate compulsory education for minors who have completed the eighth grade. This will allow most of the serious truant offenders to drop out of school legally. It will merely legitimize what is currently going on now.
- 2) Provide for penalties against minors who refuse to attend school against their parents wishes and efforts. Under such a solution an offending student could be brought before a judge and be ordered into school, much in the same way a minor can be ordered into a foster home placement.
- 3) Make habitual truancy possible grounds for Division of Youth and Family Services to take custody of a minor. This would allow the State to take custody of minors whose parents cannot control them.
- 4) Leave the status quo unchanged. The current law places the burden of responsibility on the parent. If the desire is to punish all parents whose children 16 years old and younger do not attend school, then the current law is adequate.

In summary, the current compulsory education laws are adequate, but present some problems in application. No solution to these problems will be perfect and care must be taken to ensure the solution will be more practical than the current problem. The law is quite old, and thus deserves scrutiny for possible solutions to the latter problems mentioned above. An immediate repeal of the last line of Sec. 14.03.020 is strongly recommended to resolve the first problem discussed.

Introduced: 4/20/81  
Referred: Health, Education &  
Social Services

1 IN THE SENATE

BY PARR

2 SENATE BILL NO. 487

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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12 Every parent, guardian or other person having the responsibility for or  
13 control of a child who is at least [BETWEEN] seven years of age and  
14 younger than 16 years of age shall insure that the child is not absent  
15 from attendance.

16 \* Sec. 2. AS 14.30.010(b)(9) is amended to read:

17 (9) has completed the eighth [12TH] grade;  
18

19 1) committee intent is to have students <sup>a</sup>remain  
20 in school until age 16 <sup>b</sup>. finish at least  
21 the 8<sup>th</sup> grade  
22

23  
24 2) current law says students must be 16 or  
25 have finished the 12<sup>th</sup> grade, in other words,  
26 a 14-year old who has completed the 12<sup>th</sup>  
27 grade doesn't have to be in school AND  
28 a 16 yr. old who has completed the 6<sup>th</sup>  
29 grade doesn't have to be in school  
-1- SB 487

?

Age:

Grade:

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draft cS SB487 —

16 year olds do not have to  
be in school - period - a person  
can lv. school if they have finished  
the 12<sup>th</sup> grade - even if less than 16 -

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original bill —

16 yr. olds ~~do~~ do not have to be in  
school period - a person can lv.  
school if they have finished the 8<sup>th</sup>  
grade - ~~if~~ ~~no~~ no matter what age (12-14)

---

new idea: 16 <sup>any grade</sup> or have  
finished the 10<sup>th</sup> grade  
Stino Holo says okay - Bob Hume too!

The 1978 amendment, in this section as it existed prior to the 1980 amendment, rewrote paragraph (8) and inserted "including partial years" in paragraph (17).

The 1979 amendment, in this section as it existed prior to the 1980 amendment, in paragraph (2), added the subparagraph (A) designation and added subparagraph (B); in paragraph (4), substituted the language beginning "the Department of Education, or the state legislature" for "or the Department of Education"; in paragraph (5), added the subparagraph (A) and (B) designations, deleted "or" following "Territorial Board of Education" and following "University of Alaska" in subparagraph (A), added "or" to the end of subparagraph (B), and added subparagraph (C); and in paragraph (15), the

amendment deleted "and" following "Department of Education" and inserted "and the state legislator who elects membership under AS 14.25.040(b)."

The 1980 amendment, effective July 1, 1980, rewrote the section.

Editor's note. — Paragraph (1) of section 51, ch. 13, SLA 1980 provides: "This Act takes effect July 1, 1980 except that (1) the definitions of 'military service' and 'outside service' contained in AS 14.25.220(21) a-d (25), and the definitions of 'membership service' and 'teacher or member' contained in AS 14.25.220(20) and (38) to the extent that they apply to part-time teachers at the University of Alaska, as repealed and re-enacted in sec. 24 of this Act, take effect March 22, 1980, and are retroactive to July 1, 1955."

## Chapter 30. Pupils.

### Article

3A. Health Education (§§ 14.30.360 — 14.30.370)

5. Adventure-Based Education (§ 14.30.800)

### Article 1. Compulsory Education.

#### Section

10. When attendance compulsory

**Sec. 14.30.010. When attendance compulsory.** (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

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

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

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

(C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the Department of Education with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved;

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

- (3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;
- (4) is in the custody of a court or law enforcement authorities;
- (5) is temporarily ill or injured;
- (6) has been suspended or denied admittance according to AS 14.30.045;
- (7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the pupil resides within two miles of a federal or private school which he is eligible and able to attend;
- (8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;
- (9) has completed the 12th grade;
- (10) is enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;
- (11) is equally well-served by an educational experience approved by the school board as serving his educational interests despite an absence from school, the request for excuse is made in writing by his parents or guardian, and approved by the principal or administrator of the school he attends. († 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975; am § 1 ch 30 SLA 1976; am § 1 ch 10 SLA 1977; am § 4 ch 126 SLA 1978)

**Effect of amendments.**  
 The 1976 amendment added paragraph (11) of subsection (b).  
 The 1977 amendment rewrote present paragraph (8) of subsection (b).  
 The 1978 amendment, in paragraph (1) of subsection (b), added the subparagraph (A) and (B) designations, deleted "or by" from the end of present subparagraph (A), added "or" to the end of present

subparagraph (B), and added subparagraph (C).  
**Legislative history reports.**  
 For report on ch. 10, SLA 1977 (HB 60), see 1977 House Journal, p. 45.  
 Quoted in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).  
 Stated in *In re R.D.*, Sup. Ct. Op. No. 1255 (File No. 2330), 549 P.2d 1190 (1976).



**Article 3. Education for Exceptional Children.**

**Section**  
 367 Transportation of exceptional children

**Sec. 14.30.231. Advisory committee.**

**Editor's note.** — As to transitional provisions by which the Governor's Council for the Handicapped and Gifted succeeds to all contract rights, liabilities, and obligations of the Special Education

Advisory Council established under authority of this section, see § 4, ch. 145, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

§ 14  
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