

H B

125



Introduced: 1/26/83  
Referred: Health, Education &  
Social Services and Finance

*Voted Do pass*

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 125

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to 'emergency closure days' in  
7 response to a threat to the health or safety of  
8 students."

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

10 \* Section 1. AS 14.03.030 is amended to read:

11 Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on  
12 the dates fixed by the governing body of the school district. How-  
13 ever, the term shall include not less than 180 days in session, except  
14 that, subject to the approval of the commissioner [.,]

15 (1) a day used for in-service training of teachers may be  
16 substituted for a day in session, up to a maximum of 10 days; and

17 (2) an "emergency closure day" may be substituted for a day  
18 in session because of conditions posing a threat to the health or  
19 safety of students.

*Should consider an emergency (icy roads, 100 mi/hr winds)  
of more consequence & reason for substituting than  
in-service teacher training to substitute*

Bob Greene - define emergency - <sup>practical knowledge</sup> enough time to prepare -  
(insufficient knowledge) not enough time to prepare for  
closure.

i.e. - frozen pipes during school recess  
icy roads

Don Mac Kennon - school administrators

Bob Mancoske - NEA.

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB - 125  
Title An Act relating to 'emergency closure days'...  
Requested by House HESS Date 2/22/83

II. FISCAL DETAIL

Agency Affected Education  
Program Category Affected Elementary and Secondary Education  
BRU, Program, Or Subprogram(s) Affected K-12 Foundation Support  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						

POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole  
AGENCY Education  
Original: Legislative Finance PHONE 465-2865  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)  
33-001 (Rev. 12/82)

Not Cole - Head  
Business  
Administration  
of Schools in  
general

HB 125 / HB 196  
900,000

Acc.

- ① Busing Contract — 500,000
- ② Teacher Contract - Salary per day — 500,000
- ③ <sup>non-certificated staff</sup> Non-Teachers - Ser Aides etc Average — 500,000

1<sup>st</sup> day since 1975 - arrangement w/ teachers - granted another  
in service day.

### definition of "emergency"

- Act of God days - Superior could petition Com  
for 1 of 3 days - REAA'S
- 3 day luxury - average suitable for state
- Goll - more this bill ask unan. consent.
- Obj. by Tischer
- Mat-Su uses full 10 - in service days.
- Stuehler - Dept: Bond Support Bill.  
21 yrs. ago - ~~Committee~~ AS said regulation repealed -  
didn't have statutory authority.
- Argue against limit of 3 days. DOE could define  
in regs.
- Bob Green - Support of Bill - differentiate inadequate inadequate  
time to prepare.

## SCHOOL CLOSURE DAYS

Having been an active teacher in Alaska for the past 23½ years, I have personally seen many days when schools have remained opened simply to meet the mandate of "student in session days", when it was clearly obvious that in doing so, the health and safety of many individual students were being compromised.

The superintendent of school districts needs to be able, at least on a limited basis, to provide school closure days, when in their opinion the health and safety of students may be jeopardized by requiring student attendance. (Example: days with extreme weather conditions, breakdown of school heating system, loss of electrical power, possible bomb threats, or other unforeseen threats to health and safety conditions).

I might note that as a classroom teacher, I found that classroom procedures and general learning experiences are best retained by using normal procedures for missed work, instead of trying to make up missed work by holding school on Saturdays or extending school days on the end of the regular school year.

A personal example I might cite is: during one such day last year, I know of five automobile accidents involving students trying to get to school under extreme icy road conditions. School was held all that day with only 15-20% of the students present, and therefore, no regular classroom type instruction took place. The only purpose or value in holding school that day was to satisfy a requirement under State law. I might also add that the Matanuska-Susitna Borough is also being sued at this time over a bus accident that took place on a day when road conditions were extremely icy.

From: Rep Larson

Summary: Hb 125 by Larson

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

Section 1 AS 14.03.030- Public Schools Generally, School Term

This section is amended by adding a new subsection providing for "(2) an 'emergency closure day' may be substituted for a day in session because of conditions posing a threat to the health or safety of students."

Substitution of an emergency closure day would be subject to the approval of the Commissioner of Education, and the proposed new law does not specify a maximum allowable number of days.

The law currently requires that the school term in Alaska include at least 180 days in session, except that subject to approval of the Commissioner, up to 10 days of in-service teacher training may be substituted for required school days.

This legislation does not provide for an effective date, therefore, the bill would be effective 90 days after the Governor's signature.

folder content

left

summary  
statutes  
fiscal note DOE = 0  
fiscal note HSS = 0

right

bill  
back-up from Rep. Larson

Disc w/B Greene. Ref his suggested language

Do they have to make it up - if not its like blowing a day's pay - paid holiday.

current - advance notice & you shut school down - add it on the end of the year.

Mat-Su - Don't want to start before Labor Day & get out

Contact Innu School District =

① Contract w/transport (buses) # annually? = 5,000  
- ave. daily costs

② BG will get aver. teacher salary = figure cost to school dist on daily bases? \_\_\_\_\_

Introduced: 1/26/83  
Referred: Health, Education &  
Social Services and Finance

*dist.*

*Fiscal note to State  
however - local school dist expense.*

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THIRTEENTH LEGISLATURE - FIRST SESSION

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

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17 (2) an "emergency closure day" may be substituted for a day  
18 in session because of conditions posing a threat to the health or  
19 safety of students.

INSET:

...providing, however, that such conditions that pose a threat to the health or safety of students commenced or occurred after school has commenced for the day.

RATIONALE: The rationale has been forwarded that the district, once having started the day with kids in classes, would have double expenses; expenses for the day just started and expenses for the make up day and yet the state will reimburse only for one day.

In reality there is no significant expense to a district if school is shut down prior to busses moving and kids coming to the school.

*Bob Greene*  
*Statewide Average Teachers Salary*  
*mu*

*Don S. Huane*

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19

*Public Health - registered position paper  
DOE ✓*

**Chapter 03. Public Schools Generally.**

**Section**

- 10. Establishment of school system
- 20. School year
- 30. School term
- 40. Day in session
- 50. School holidays
- 60. Elementary, junior high, and secondary schools
- 70. School age
- 80. Free education

**Section**

- 83. Contracting for services
- 90. Sectarian or denominational doctrines prohibited
- 190. Use of school facilities
- 110. Questionnaires and surveys administered in public schools
- 130. Display of flag
- 140. Emergency drills

**Collateral references.** — 68 Am. Jur. 2d Schools § 1 et seq.

78 C.J.S. Schools and School Districts, §§ 1, 2, 12 et seq.

Equivalence of educational facilities extended by public school system to members of white and members of colored race. 103 ALR 713.

Residence for purpose of admission to public school. 83 ALR2d 497.

Modern status of doctrine of sovereign immunity as applied to public schools and institutions of higher learning. 33 ALR3d 703.

Noncustodial parent's rights as respects education of child. 36 ALR3d 1093.

Tort liability of public schools and institutions of higher learning for educational malpractice. 1 ALR4th 1139.

**Sec. 14.03.010. Establishment of school system.** There is established in the state a system of public schools to be administered and maintained as provided in this title. (§ 1 ch 98 SLA 1966)

**NOTES TO DECISIONS**

This title was enacted pursuant to Alaska Const., art. VII, § 1. *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op. No. 1154 (File No. 2157), 536 P.2d 793 (1975).

History of public education in Alaska. — See *Hootch v. Alaska State-Operated School Sys.*, Sup. Ct. Op.

No. 1154 (File No. 2157), 536 P.2d 793 (1975).

Collateral references. — Incorporated educational body as an institution belonging to the state. 65 ALR 139.

What is common or public school within contemplation of constitutional or statutory provisions. 113 ALR 697.

**Sec. 14.03.020. School year.** The school year begins on the first day of July and ends on the 30th day of June. (§ 1 ch 98 SLA 1966)

**Sec. 14.03.030. School term.** The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner, a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days. (§ 1 ch 98 SLA 1966; am § 1 ch 65 SLA 1972; am § 1 ch 137 SLA 1976; am § 1 ch 24 SLA 1979)

**Effect of amendments.** — The 1979 amendment deleted the former third sentence providing for approval of school schedules for a school term of less than 180 days in session.

**Sec. 14.03.040. Day in session.** Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to AS 14.03.050. A school board may approve Saturdays as a day in session. The day in session in every school shall be at least four hours long, exclusive of intermissions, for the first, second, and third grades and five hours, exclusive of intermissions, for all other grades. The commissioner may approve a shorter day in session for any grade. The period of the day in session shall be devoted to the instruction of pupils or to study periods for the pupils. (§ 1 ch 98 SLA 1966; am § 2 ch 137 SLA 1976)

**Sec. 14.03.050. School holidays.** (a) Public schools shall not be in session on school holidays which are Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, New Years Day, Memorial Day, and the Fourth of July. If one of these holidays falls on a Saturday, the Friday immediately preceding is a school holiday. If one of these holidays falls on a Sunday the Monday immediately following is a school holiday. A teacher shall not be required to perform employment services on these holidays, nor may the salary of a teacher be diminished because the teacher does not perform employment services on a school holiday.

(b) The public schools shall be in session on all other holidays falling upon school days and shall conduct appropriate exercises in recognition of the day.

(c) The governing body of the school district may declare additional holidays. (§ 1 ch 98 SLA 1966)

**Editor's notes.** — In the last sentence of subsection (a), "the teacher" was substituted for "he" by the revisor of statutes pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982.

**Sec. 14.03.060. Elementary, junior high, and secondary schools.** (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade. (§ 1 ch 98 SLA 1966)

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 125 Date on Bill: 1/26/83  
 Title: "An Act relating to 'emergency closure days 'in response to a threat to the health and  
 Sponsor: Representative Larson safety of students."  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on: Department of Health & Social Services

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

B. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared by: Dean Tirador, M.D. *Al Hulsebosch* Phone: 465-2113  
 Division: Public Health Date: 2/8/83

Approved by Commissioner: Robert Larson Smith, M.D. Date: 2/22/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

POSITION PAPER

HOUSE BILL NO. 125

"An Act relating to 'emergency closure days' in response to a threat to the health or safety of students."

This Bill amends AS 14.03.030 by adding a provision that an "emergency closure day" may be substituted for a day in session because of conditions posing a threat to the health or safety of students.

The Department of Health and Social Services cannot comment on the educational impact of the new provision. Emergency closures for strictly health or safety reasons are a relatively uncommon event and can be kept at a minimum by strict enforcement of existing statutes and regulations relating to immunization requirements and building and safety codes. In the past year, there have been no instances in which the Division of Public Health has recommended closure of a school due to health reasons. The most likely reasons for closure would probably relate to environmental considerations due to failure of utilities such as heating, water or sewerage systems.

Recommended by:

E. S. Rabeau  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date:

Feb 5, 1983

Approved by:

Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date:

2/9/83

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

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Bill/Resolution No. HB - 125  
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 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		0	0	0	0	0
TOTAL		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						
OPERATING						
CAPITAL						


POSITIONS N/A

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

THIS FISCAL NOTE IS PRESENTLY BEING REVIEWED BY THE OFFICE OF MANAGEMENT AND BUDGET.

This bill has no fiscal impact.

IV. DATE 2/22/83 PREPARED BY Steve Hole   
 AGENCY Education  
 Original: Legislative Finance PHONE 465-2865

cc: Budget and Management  
 Prime Sponsor (First Legislator Named)