

H B

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Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

LETTER OF INTENT

HB 357 "An Act relating to the regulation of religious schools."

The Rules Committee recognizes that operating a church school is an integral part of the free expression of religion and that schools operated by religious bodies are quite different from other private schools. Therefore, the committee's purpose in sending HB 357 to the floor and in urging its passage is to prevent possible church-state constitutional conflicts by protecting the fundamental rights of religious freedom of parents, children, and church schools in Alaska and, at the same time, to balance the state's interest in assuring that each child receives a good education. The committee specifically intends to exempt pre-elementary and nursery programs operated by religious organizations from the general supervision of the Departments of Education and of Health and Social Services.

The committee only intends to exclude from the purview of this bill those church schools that receive direct federal or state funds. This would not affect those schools that receive incidental benefits from government, such as fire or police protection, health care or other benefits to which all citizens are entitled.

Any church school that satisfies all the requirements of AS 14.45 would be exempt from any additional provision of law relating to education except those requirements of law relating to fire, health, and safety. While each church school would be subject to reasonable fire, health, and safety regulation, the Rules Committee intends to specifically limit health regulation to that regulation that is reasonably related to the state's interest in preventing and curing physical diseases. For example, the committee does not intend for the state to regulate minimum space requirements (except as it directly relates to the fire code), hours of attendance, or reasonable methods of discipline.

In summary, the Rules Committee Substitute for HB 357 balances the state's interest in ensuring that each child receives a good education with the constitutional right to religious freedom.

Respectfully submitted,

Rep. Jack Fuller
Rules Committee chairman

Levy
5/20/83

Original sponsors: Fritz, Tischer,
Pestinger, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 357 (Rules)

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 the regulation of religious
7 schools."

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

9 * Section 1. AS 14.07.020(8) is amended to read:

10 (8) in cooperation with the Department of Health and Social
11 Services, exercise general supervision over public and private pre-
12 elementary schools and over the educational component of nurseries as
13 defined in AS 47.35.080(4) ~~excluding pre-elementary schools and nur-~~
14 ~~series operated by a church or other nonprofit religious organization~~
15 ~~that is exempt from federal taxation and does not receive direct state~~
16 ~~or federal funding; pre-elementary schools in this paragraph means~~
17 schools for children ages three through five years when the schools'
18 primary function is educational;

19 * Sec. 2. AS 14.30.010(b)(1) is amended to read:

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) except as provided in (D) of this paragraph,
27 attendance at a private school in which the average student
28 proficiency is not less than the average proficiency found in the
29 public schools in the area as measured by national achievement

CS deletes
"the educational
component of"

1 tests; the board of education [DEPARTMENT] with assistance from
2 representatives of the private schools shall adopt [PROMULGATE]
3 regulations defining the subject areas to be tested and the
4 minimum average scores to be achieved; or

5 (D) attendance in an educational program operated in
6 compliance with AS 14.45 by a church or other nonprofit religious
7 organization that is exempt from federal taxation and does not
8 receive direct state or federal funding;

9 * Sec. 3. AS 14.45 is amended by adding a new section to read:

10 Sec. 14.45.025. EXEMPTION FROM EDUCATION LAWS. A religious
11 school that complies with this chapter is exempt from other provisions
12 of state law and regulations relating to education except laws and
13 regulations relating to health, fire safety, sanitation, immunization,
14 and physical examinations.

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

16 Sec. 14.45.030. ATTENDANCE AND ANNUAL REPORTS REQUIRED. (a)
17 Except as provided in (b) and (c) of this section, teachers [TEACHERS]
18 and others in charge of private or denominational schools shall make
19 regular monthly attendance reports and annual reports to the commis-
20 sioner in the same manner as teachers and superintendents in the
21 public schools.

22 * Sec. 5. AS 14.45.030 is amended by adding new subsections to read:

23 (b) The parent or guardian of a child enrolled in a religious
24 school that complies with this chapter shall file an annual notice of
25 enrollment in the religious school for the child with the public
26 school superintendent for the area in which the child resides on a
27 form provided by the public school superintendent. The form shall be
28 signed by the parent and the chief administrative officer of the
29 religious school and returned to the public school superintendent by

1 the parent. The religious school shall notify the public school
2 superintendent immediately if the child is no longer enrolled in or
3 attending the religious school.

4 (c) A religious school that elects to comply with this chapter
5 shall maintain monthly attendance records for each student enrolled in
6 the school, shall operate on a regular schedule, excluding reasonable
7 holidays and vacations, during at least 180 days of the year, and
8 shall make an annual report to the commissioner of the number of
9 students in each grade and the school calendar.

10 * Sec. 6. AS 14.45 is amended by adding new sections to read:

11 Sec. 14.45.035. STANDARDIZED TESTING REQUIREMENTS. (a) A
12 religious school that elects to comply with this chapter shall admin-
13 ister a nationally standardized test selected by the chief administra-
14 tive officer of the religious school to all students enrolled in
15 grades one, three, six, and nine at least once each school year.

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

18 (c) A religious school that elects to comply with this chapter
19 shall maintain records of the results of the nationally standardized
20 tests and the records shall be made available to the parent or guar-
21 dian of the student and to authorized representatives of the state.

22 Sec. 14.45.040. RECORDS. A religious school that elects to
23 comply with this chapter shall maintain adequate student records,
24 including records of immunizations, physical examinations, testing,
25 and courses taken at the religious school.

26 Sec. 14.45.045. DEFINITION. In this chapter, "religious school"
27 means a school operated by a church or other nonprofit religious
28 organization that is exempt from federal taxation and does not receive
29 direct state or federal funding.

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* Sec. 7. AS 44.27.020(1) is amended to read:

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education or an educational program operated in compliance with AS 14.45 b a church or other nonprofit religious organization that is exempt from federal taxation and does not receive direct state or federal funding;

* Sec. 8. AS 14.45.020 is repealed.

CHERI C. JACOBUS
ATTORNEY AT LAW
134B CRESCENT AVENUE
ANCHORAGE, ALASKA 99504

Representative Milo Fritz, M.D.
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Draft Letter of Intent for CSHB 357 -- Regulation of
Religious Schools

Dear Dr. Fritz:

Attached is a draft Letter of Intent to accompany CSHB 357. I have attempted to cover all the issues which might arise in the state's later interpretation of this legislation. If you or your staff have any questions or think that it can be clarified, please feel free to call me. I especially enjoyed our short meeting together.

In carefully reviewing the draft CSHB 357 a few minor problems came to my attention. The Legislative Affairs Assistant Counsel added some language and left out other language which would have made the committee substitute more clear, without changing its meaning.

Pursuant to discussions with the representative of the Department of Education, Steve Hole, the following sentence should be added to page 2, line 21 to make it clear that religious schools are treated in the sub-sections that follow:
This sub-section does not apply to religious schools as defined in AS 14.45.040 which comply with this chapter.

Since it is clearly not practical for the parents to provide daily attendance records, that requirement should be deleted from the committee substitute. Section 5 found on page 2, beginning on line 23, would then read:

(b) The parent or guardian of a child enrolled in a religious school that complies with this chapter shall file annual enrollment [and attendance records] for the child with the public school superintendent for the area in which the child resides on a form provided by the public school superintendent. . .
(bracketed part is deleted.)

As I testified in the teleconference, the last sentence of that section should also read differently to protect the state's interest in assuring compliance with the state's compulsory education law. Since this is more practical, the change would require the church school to notify authorities if a child leaves the church school. Line 29 on page 2 and lines 1 and 2 on page 3 should read as follows:

The religious school [parent] shall notify

the public school superintendent immediately if the child is no longer in or attending the religious school.

As I was leaving Juneau, it came to my attention that the Administration was considering lengthening the school year. Therefore, with that in mind, the following language change is suggested to ensure that religious schools operate for similar lengths of time. Line 6 on page 3 should read:

. . . [during at least nine calendar months of the year] for at least the same number of days that the public schools operate.

Finally, to avoid an interpretation that would require intrusive regulations, it is suggested that the following language be added to Section 6, beginning at line 19. That subsection would then read:

(c) A religious school shall maintain records of the results of the nationally standardized tests and the records shall be made available to the parent or guardian of the student and to authorized representatives of the state in the school office.

Thank-you for all your help on this important issue. If Alaska can avoid all the problems that have occurred in the lower 48 states, it will be worth the effort. I look forward to working with you again.

Sincerely yours,

Cheri C. Jacobus
Cheri C. Jacobus

attachment

LETTER OF INTENT
HB 357

The House Health, Education and Social Services Committee recognizes that operating a church school is an integral part of the free expression of religion and that schools operated by religious bodies are quite different from other private schools. Therefore, the Committee's purpose in referring HB 357 to the floor and in urging its passage is to prevent possible church-state constitutional conflicts by protecting the fundamental rights of religious freedom of parents, children, and church schools in Alaska and, at the same time, to balance the state's interest in assuring that each child receives a good education. The Committee specifically intends to exempt pre-elementary and nursery programs operated by religious organizations from the general supervision of the Departments of Education and of Health and Social Services.

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Any church school that satisfies all the requirements of AS 14.45 would be exempt from any additional provision of law relating to education except those requirements of law relating to fire, health, and safety. While each church school would be subject to reasonable fire, health, and safety regulation, the House Health, Education and Social Services Committee intends to specifically limit health regulation to that regulation that is reasonably related to the state's interest in preventing and curing physical diseases. For example, the Committee does not intend for the state to regulate minimum space requirements (except as it directly relates to the fire code), hours of attendance, or reasonable methods of discipline.

In summary, the House Health, Education and Social Services Committee Substitute for HB 357 balances the state's interest in ensuring that each child receives a good education with the constitutional right to religious freedom.

Respectfully submitted,
/s/

COMMITTEE REPORT
HOUSE

(9)

FURTHER:

Date: May 23, 1983

Mr. Speaker:

The Committee on RULES has had HB 357

An Act relating to the regulation of religious schools

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 357 (RULES) same title
 new title
- and recommends 1. A
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

M.W. Miller Do Pass

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN

HOUSE RULES
STANDING COMMITTEE
May 23, 1983
8:30 a.m.

BELTZ ROOM

Members Present: Rep. Fuller, Chairman
Rep. Phillips, Vice-Chair
Rep. Hayes
Rep. Barnes
Rep. Tischer
Rep. M.M. Miller
Rep. M.W. Miller
Rep. Koponen
Rep. Larson

COMMITTEE CALENDAR

HP 357 "An Act relating to the regulation of religious schools."
HJR 42 "Relating to the establishment of a sister state relationship with Taiwan."

WITNESS REGISTER

HB 357

Steve Hole

Department of Education

Pouch F

Juneau, Alaska 99811 - Phone 465-2890

Position Statement: Will testify if necessary,

Ed Essa, Aide

Representative Pestinger

Pouch V

Juneau, Alaska 99811 - Phone 465-3712

Position Statement: Made a comment on HB 357

Representative Peter Goll

Alaska State Legislature

Pouch V

Juneau, Alaska 99811 - Phone 465-4925

Position Statement: Concerned about health & safety in pre-elementary schools.

HJR 42

Representative Mitch Abood

Alaska State Legislature

Pouch V

Juneau, Alaska Phone 465-4947

(Previous Action)
Attached (on HB357)
HJR 42

HB 357 TITLE & SPONSOR SUMMARY
AMENDED TITLE:
AN ACT RELATING TO THE REGULATION OF RELIGIOUS SCHOOLS

12:30 5/23/83 PAGE 1 OF 2

PRIME SPONSOR: FRITZ.

CO-SPONSORS: TISCHER, PESTINGER, FURNACE, WARD, FLOOD.

CURRENT STATUS: 5/19/83 IN (N) RULES

HB 357 HOUSE ACTION

12:30 5/23/83 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/14/83	01	0861	FIRST READING -- COMMITTEE REPORTS
05/19/83	02	1426	HESS -- CS05
05/19/83	03	1427	HESS F/NOTE EQUALS ZERO RULES
****	**	**	*** *** ***

HJR 42 TITLE & SPONSOR SUMMARY
AMENDED TITLE:
RELATING TO THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP
WITH TAIWAN

12:31 5/23/83 PAGE 1 OF 2

PRIME SPONSOR: HAYES.

CO-SPONSORS: COWDERY.

CURRENT STATUS: 5/12/83 IN (H) RULES
HJR 42 HOUSE ACTION

12:31 5/23/83 PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/07/83	01	0766	FIRST READING -- COMMITTEE REPORTS
05/12/83	02	1295	S.A. -- CS01, NR05
			RULES
****	**	**	*** *** ***

ACTION NARRATIVE

TAPE #1
Recording
Number 0002

Chairman Fuller called the meeting to order at 8:30 a.m. in the Beltz Room and indicated members present. Not present at the beginning of the meeting but arriving later were: Rep. Joe Hayes, Rep. Ramona Barnes and Rep. M.M. Miller. Rep. Fuller Announced agenda (HB 357 and HJR 42) and stated first on agenda was HB 357 - and that the prime sponsor Mae Tischer had an amendment to offer.

Tischer:
0042

The amendment to the Bill, HB 357 on Page 1, Line 16; would be the CS for 357 HESS - Each of these 4 is the same - after receive, insert direct. Mr. Hole just talked to me and indicated that he preferred a different language - if I may, Mr. Chairman, I would ask that he repeat that language.

Hole:

Introduces self and goes on to state that rather than using the word direct, to insert "and does not receive payments from the State or Federal Government."

Larson:

Why not does not receive "any"?

Tischer:

It is not as clear because in instances where, and I will give you an example that was brought up in our ~~committee~~ committee - in the Fairbanks School Districts the school district has a private school student leaving on a regular public school transportation route who asked if they could ride that school bus to the public school, get off, walk to the private school from there, so in other words that was an indirect assistance and the school district of Fairbanks has allowed that and if we say ~~well~~ we are not clarifying the word or the intent of this amendment. Being direct - meaning direct payment for pre-schooler and so forth.

Larson:

Maybe I could find what word "direct" is in order for a direct payment?

Tischer:
. 0132

In lay terms - direct payment means exchange of money from one hand to another.

Koponen:
0147

The situation is just not in Fairbanks. I think it has been found legal in that there is no payment, it is conceived of as a service which is available to all children, that is transportation, however, putting direct payments in place of any payments - I think would open it up to litigation because you have the cases where the state does provide tuition or similar payments to parents who can then use the money for day care assistance or the equivalent, or special ed. schools or classes of different kinds. It would then be transferred to the school and that would be a much more direct payment. I am sure we would see a suit which may tie up the entire intent of the bill. I would second Rep. Larson's motion to make it "any" payment form because the transportation is a separate issue and there is no transfer of payment.

- Tischer: I don't think Mr. Larson made a motion; just a suggestion.
- Larson: Maybe you are not familiar with the question - Community and Regional Affairs day care assistance - the person who is under this could probably qualify for day care assistance. Of course, the money goes to the parent then to the institution, is that considered direct or indirect payment?
- Hole: Any financial assistance flows from either the state or federal government to the school and that school would not be exempt or would not be covered by this provision, and would be subject to other existing regulations.
- Phillips:
0206 So if a parent receives a certain amount of money for day care assistance that would not be considered a direct payment then?
- Hole: The parent receives day care assistance - the money does not flow directly to the school and I don't see that that would impact the standing of that facility under this.
- Phillips: Would this affect private schools such as Montessori Schools?
- Hole: Mr. Chairman, No.
- Phillips: Why are they so different - why aren't they included in here? They are under the same regulations.
- Hole: I can't answer that, Mr. Chairman.
- Essa: The crux of this legislation is the separation of church and state and that is why Montessori School doesn't fall under this. The bill directly addresses religious.
- Larson: The only motion we had was put to Rep. Fuller by Rep. Tischer to insert the word direct. And of course, at that time, I suggested the word "any" but I did not make a motion to amend.
- Tischer: In response to Randy's one about day care assistance, I believe the regulations at this time as far as day care payments are concerned - the municipal pay for day care of a child directly to the day care center - not to a parent.
- Hayes: I just want to find out where we are on this bill.
- Fuller:
0250 Rather than have the amendments - we have prepared a Rules Committee Substitute to speed it up.

Koponen:

I have been on the board of a religious school. There are currently only 3 sections that deal with religious schools - the old section that did require teachers to be certified was deleted in 1966. There is essentially one section that is permissive that allows the commissioner to give 8th grade diplomas. That is a matter of negotiation between school and commissioner. The section allowing the the transportation of pupils to non-public schools which makes no distinction between religious and other schools which I think is the crucial point that all pupils regardless of where they are going have a right to ride on transportation and the section that allows students to be in attendance at non-public schools not to be counted as absent. The current section is rather permissive - this legislation actually works into statutes a great many more restrictions into religious schools while freeing them under some. I think I would be afraid of the distinction between religious schools that are religious non-profit associations that are exempt from federal taxation and all other private schools. In other words, I feel that we are on shaky grounds on constitutional matters and we actually may be laying a greater burden on religious schools by attempting in this manner to deregulate them without deregulating other schools of the same class. That is the other private non-proprietary schools. I feel we should have had some opinions from constitutional attorneys, the Attorney General before we pass this legislation. I

Fuller: I will entertain a motion to accept a committee substitute,

Tischer: I move that the committee accept the Rules Committee Substitute for HB 357 and ask unanimous consent.

Fuller: Hearing no objection - moved.

Tischer: If you look at the language in this bill and insert the word "any" before word "direct" it would read that pre-elementary schools and nurseries operated by churches or other non-profit religious organizations that is exempt for federal taxation and doesn't receive any direct tax or state or federal funding means the same as does not receive direct state or federal funding so "any" if you will would be superfluous. I don't see any reason for putting it in there.

0373

Goll:

There are two points in here I think need to be addressed. It is very nice that the bill will help to facilitate religious schools activities - I think that is a well intentioned thing but I do not believe they would want to jeopardize public safety or health and ~~and I don't believe you want to create inconsistencies~~ In the Hess, CS; in this first section

continuing the departments authority and jurisdiction and endorsing the department. The Departments interest in the health life, safety, aspects of these facilities is that we would consider the language on Page 2 beginning at Line 10 as all the authority we need to make sure that those facilities meet applicable codes and that they receive proper physical examinations.

Phillips: So, in other words, [educational component] is not necessary because it is covered on this section you just cited right?

Hole: As long as that language remains on Page 2, we would see that the legislature does not intend the Dept. to cease this operation with respect to those particular aspects.

Fuller: On Line 13, does fire safety take care of Mr. Goll's fire safety apprehension about this?

Hole: I think so, but the Dept. is not responsible for enforcing fire safety codes so I can't speak for the fire marshall. But if they perceive it in the same fashion we do.

Goll: If this works out that way I would be happy. My concern is Page 1, Line 13, he refers to the fire marshall - the fire marshall is not a product of the DOE - its a separate institution. Here we have the Dept. of Health & Social Svcs. who supervise these schools, they are not supervising educational components, they are supervising other things like health and safety and we have specifically excluded pre-elementary schools, they are not included. As I say, if it is the feeling of the departments involved that they can enforce health and safety with this as is, I am perfectly happy. My concern is that the Department of Education does not have the ^{statute} ~~statute~~ responsible to deal with health and safety in preschools. I believe that is why the Dept. of Health and Social Services is in the statutes. I would like to be corrected if I am wrong. If the DOE has statute authority to oversee health and safety in preschool, or am I going to call my school a day care center - who is going to make the decision? I am just concerned that health and safety in pre-elementary is covered.

Larson: That was my concern too - preschools.

Fischer: Those regulations for health and safety and building codes and so forth are enforced on a local level by municipalities and boroughs and assemblies and councils - so as far as health and safety and building is concerned those are local rather than state jurisdictions and the policing is done by local fire departments and so forth.

Koponen: True in Anch. and Juneau where boroughs have accepted by popular vote the power - in Fairbanks it does not - they do not wish to exercise health and welfare power and therefore it goes to the state.

XXXXXXXXX
Goll: In the case of Haines, Klukwan or most of other communities in my district there is no co-op agreement between the fire department and public schools.

Tischer:

That was not what I was trying to say, where local doesn't cover state does. I ask for correction.

Koponen:

CS HB 357 - I would like to move a series of amendments - on Page 1, Line 15, Page 2, Line 8, Page 3, Line 29, Page 4, Line 10 - delete direct and insert any. And ask unanimous consent.

Fuller:

After the vote - motion fails. Further amendments?

Koponen:

~~For the purpose of inserting after operated~~ I would like to move to insert after operated (on Page 1, Line 14, Page 2, Line 6, Page 3, Line 27, Page 4, Line 8 delete word a church or other non-profit organization that is exempt for state and federal taxation and insert private non-profit organization organized under Alaska law.

Tischer:

I believe that language would violate title of bill which speaks to regulation of religious schools only, and therefore, does not apply. We would have to change to many other things.

Phillips:

I will amend the motion to include change of title which would include non-proprietory private schools and I think it would still be germane.

Fuller:

Are you amending the amendment?

Phillips:

Yes.

0038

Objection voiced by Tischer and Barnes.

Barnes:

This bill, I believe makes a constitutional challenge as it is written and I think you can make the bill unconstitutional by adding words to it and I believe that this bill specifically deals with schools that are exempt under the church and other non-profit statutes - Fed. tax code, because of religious affiliations and I believe that by adding to it you have left some out and it would be discriminating against some schools.

Phillips:

With just only religious or non-profit religious organizations schools and leaving out other private schools, that are not necessarily religious nature I just think that if you are going to set rules it should go across the board for everybody - not just select group of people. I am not a lawyer but we may have the affect the former speaker just talked about.

Phillips:

Amendment to amendment would on Page 1, Line 6 after word 'the' put the regulations of, non-proprietory private schools that way you would not only include religious schools.under same rules and regulations and statutes would be exempt from state law. I move adoption of amendment.

Fuller:

After the vote, ~~motion~~ amendment to amendment fails.

0110

Fuller:

That brings us back to the original amendment - do you want to state your amendment Mr. Koponen.

Koponen:

I move to insert after operated - (Page 1, Line 14, Page 2, Line 6, Page 3, Line 27, Page 4, Line 8 delete word a church or other non-profit organization that is exempt for state and federal taxation and insert private non-profit organization organized under Alaska law and ask unanimous consent.

0131

After a vote, amendment fails.

Phillips:

Question to Steve Hole, DOE - on Page 4, Line 11, Sec. 8. AS 14.45.020 which we are repealing. ~~XXXXXXXXXXXXXXXXXXXX~~
Does Dept. have any position on this?

Hole:

The Dept. has not issued diplomas under that section since I have been with the Dept. No problems.

Hayes:

I would like to make a motion that the Rules CS HB 357 be moved out with individual recommendations and ask unanimous consent.

0193

HJR 42

Fuller:

Hearing none, so moved. We will move to the next item on agenda, HJR 42. Here to testify is Rep. Mitch Abood.

Abood:

Identifies self for record...I would like to offer an amendment to it if I may, on Line 11, Page 1,...

Hayes:

I move and ask that Rules CS be adopted and ask unanimous consent, with individual recommendations.

Abood:

The State Affairs Committee was in contact with Senator Stevens, Congressional delegation and state department and this is in such a way it does not affect the Aisle of China or Taiwan, this covers all the people this way, ~~not all people of Alaska~~ ~~to Alaska~~

Larson:

Proposed motion that Alaskans be changed to WHEREAS the people of Alaska".

Fuller:

After a vote, motion fails.

Rules CS HJR 42 is then moved out of Committee with individual recommendations.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1983

SUBJECT: Regulation of religious schools
(CSHB 357 (HESS))

TO: Representative Mae Tischer
Chairman, House Health, Education and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have asked for an opinion as to the effect of the amendment made to sec. 1 of CSHB 357 (HESS) at the Health, Education and Social Services Committee meeting of May 17, 1983. Before the committee amendment, sec. 1 amended AS 14.07.020(8) to provide that certain religious schools are excluded from the general supervision of the Department of Education and the Department of Health and Social Services. The committee amendment makes it clear that only the educational component of those schools is exempt from departmental supervision.

More specifically, before the committee amendment, sec. 1 provided that the departments would exercise general supervision over public and private pre-elementary schools and over the educational component of nurseries, excluding pre-elementary schools and nurseries run by religious organizations. In other words, religious pre-elementary schools would be exempt from any supervision whereas religious nurseries would only be exempt from supervision of their educational component. This would leave the religious nurseries open to regulation as to such matters as health and safety, but not curriculum. The amendment made in the committee meeting added the words "educational component" to the exemption from departmental supervision. The effect of the amendment is to make it clear that the departments can regulate both religious pre-elementary schools and nurseries only in regard to matters other than education, e.g., health and safety.

KBL:ljb
20/024