

S

B

354

January 18, 1984

I want to thank the sponsors of HB 514 and Senate Bill 354 for their attitude, concern, and intentions. The purpose of this legislation as expressed is excellent. The assurance of religious liberty and a child's education without conflict is supported by most of us. However, there is an incongruence in the bill as written. Section I subsection (1) states that "the state shall not control or interfere with the rights of conscience and religious liberty;". Yet, in this bill churches seeking exemptions have to meet conditions and file reports to the state.

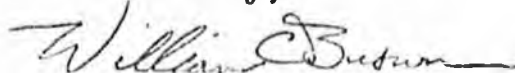
I am the Minister of Education for Glacier Valley Baptist Church, in Juneau. As a church we can not request or accept an exemption from the Department of Education. Exemptions can only be granted to a lesser by a greater power. We can not take an easy way out from possible confrontations if that way involves denial of the Sovereignty of our Lord.

The state can still meet its obligations of ensuring that a child receives an education that prepares him as a viable member of society, by placing the primary responsibility of education where it belongs, on the parent. The parent should be responsible for the reports to the state if he elects to educate his child in a program other than the public schools, or state controlled alternatives.

In view of the purpose of this legislation, please see my enclosure for the suggested changes.

Thank you.

Sincerely,



William E. Brown

Minister of Education

Page 1 line 16 DELETE "all" from all education. In line 19 one example is given that voids the "all" aspect.

Section 14.45.030. page 5 lines 3-9 DELETE If you don't meet the requirements of the exemption (voluntary or otherwise) you are under Department of Education's control.

Section 14.45.100. page 5 lines 11-16 DELETE Asking for an exemption implies recognition of control or higher authority. This is incongruent to the stated purpose of the legislation in Section I subparagraph (1) and (2)

Page 5 lines 25, 26, 27 recognizes the local public school superintendent as in authority over the church school.

Page 5 lines 28, 29 Page 6 lines 1-5 Entangles the church school unnecessarily and once again places the school as answerable to the state.

Page 6 lines 6-11 Testing requirements DELETE (a) A religious or other private school" Excessive entanglement.

Page 6 lines 14-19 Subsection (c) DELETE

CHANGES

Article 2 Section 14.45.100. Children Enrolled In Private and Religious Schools.

Parents choosing to enroll their children in schools where the laws and regulations relating to education except law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations are not applicable must file notice of enrollment with their local public school district.

Section 14.45.110 Parental Responsibilities concerning non licensed education.

Page 5 lines 18-24 Remain

line 25 DELETE school shall notify, add "the parent shall notify."

Page 6 lines 6-11 change "a religious or other private school" to "a parent"

Page 6 line 8 change "shall administer" to "shall submit the results"

Page 6 line 14-19 Subsection (C) change line 19 from "the composite test results" to "the student test results from a non licensed school utilized by parents in compliance with AS 14.45.100-AS 14.45.140"

Page 6 lines 28-29

A parent or guardian that elects to comply with AS 14.45.100-14.45.140 shall file an annual report reflecting standardized test scores, past year's grades, and approaching year's course of study, no later than October 1. Students enrolled for the first time in a non licensed church or private school will not be required to report previous year's performance.

Page 7 lines 1-3 DELETE. Insert A student that transfers from an alternative education covered by AS 14.45.100-14.45.140 to a public school shall have records that reflect immunizations, physical examinations, standardized testing, academic achievement, and courses attended.

Page 7 lines 4-7 DELETE - excessive entanglement

NOTICE OF ENROLLMENT IN A NON-LICENSED SCHOOL

198__ SCHOOL YEAR

STUDENT'S NAME _____ AGE _____ GRADE _____

SCHOOL PROVIDING SERVICES _____ CITY _____

COURSE OF STUDY FOR THIS ACADEMIC YEAR

REST OF FORM IS TO BE COMPLETED FOR STUDENTS CONTINUING IN A NON-LICENSED SCHOOL.

COURSES TAKEN PRIOR ACADEMIC YEAR. LIST GRADES EARNED.

IF A CHILD WAS IN GRADES ONE, THREE, SIX, OR NINE, COMPLETE THE FOLLOWING STANDARDIZED TEST INFORMATION.

NAME OF TEST	DATE ADMINISTERED	PCTL SCORES				
		ENGLISH	GRAMMAR	READING	SPELLING	MATHEMATICS

PARENT'S OR GUARDIAN'S SIGNATURE _____

ADMINISTRATOR'S SIGNATURE OF _____
SERVICING SCHOOL

SECTIONAL ANALYSIS - CS FOR SB 354 (Jud) An Act relating to the regulation of private schools.

- Section 1 PURPOSE. States that the purpose of the act is to guarantee freedom of religion, ensure freedom from state control in the matters of education by a religious organization, and speaks to quality and diversity in education.
- Section 2 DUTIES OF THE DEPARTMENT (OF EDUCATION). Adds to the statute in subsection (7) a change requiring the state fire marshal and sanitarian to consult with the department concerning health and safety regulations for private schools; and requires immunizations and physical exams.
- Subsection (8) deletes private pre-schools from the supervision of the Department, the cooperative supervisory arrangement with Health and Social Services, and supervision over the educational component of nurseries (attached).
- Subsection (10) provides that nothing in the section allows the Department to require private schools to be licensed.
- Section 3 COMPULSORY ATTENDANCE LAW. Subsection (1) (C) Provides that this law does not apply to a child enrolled in a school operated under the exemption in Section 5 of the bill. Also deletes the current requirement in this subsection for proficiency testing.
- Section 4 NON-EXEMPT SCHOOLS. Provides that those in charge of a private school not in compliance with the exemption in section 5 of the bill are under the authority of laws and regulations of the Department of Education.
- Section 5 Adds new sections to the statute that provide an exemption section for private schools which is not mandatory. The exemption states that those who choose to operate under it are:
- 1) Exempt from laws and regulations except those pertaining to health and safety.
 - 2) subject to filing a report on a student no longer enrolled in school (the parent must submit the initial enrollment form annually).
 - 3) Required to operate on a regular schedule of at least 180 days, and submit monthly and annual attendance reports.
 - 4) required to administer a standardized test, maintain records of the results but need not make them public unless similar requirements are made of public schools.
 - 5) required to maintain student records with the

chief administrator certifying that the records are maintained.

"religious school" is defined.

Section 6

Repeals current law providing that the Commissioner of Education may provide exam questions for and furnish diplomas to eighth grade pupils.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 354
 Title: Regulation of Private
Schools
 Sponsor: Sen. Faiks
 Requestor: Senate Judiciary
 Date of Request: 1-20-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact

ANALYSIS: Attach a separate page for analysis

Prepared By: Gordon Brunton Phone: 465-4331
 Division: Fire Prevention Date: 1-20-84
 Approved by Commissioner: Robert J. Sundberg Date: 1-20-84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: S.B. 354
 Title: An Act relating to the regulation of private schools
 Sponsor: Faiks, et al
 Requestor: _____
 Date of Request: 1/23/84

FISCAL DETAIL

Agency Affected: Environmental Conservation
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected: Environmental Quality Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 SUPPLIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES		0	0	0		
700 CRANTS, CLAIMS		0	0	0		
800 MISCELLANEOUS		0	0	0		
TOTAL OPERATING		0	0	0		
CAPITAL		0	0	0		
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0		
FEDERAL FUNDS		0	0	0		
OTHER		0	0	0		
TOTAL		0	0	0		

POSITIONS:

FULL-TIME		0	0	0		
PART-TIME		0	0	0		
TEMPORARY		0	0	0		

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Joe Cladouhos, Director Phone: 465-2640
 Division: Environmental Quality Management Date: 1/23/84

Approved by Commissioner: Richard Neve Date: 1/23/84
 Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Senate HESS Committee
FROM: League of Women Voters of Alaska
SUBJECT: Senate Bill 354

DATE: January 23, 1984

Although the subject matter of SB 354 is regulation of private schools, the League of Women Voters is directing your attention to one portion of the bill which we feel may have the potential of nullifying some of the state's effectiveness in licensing and regulating day care centers. The Alaska League does not have any position relative to private schools. We do, however, strongly advocate well run, well financed and well regulated day care programs. A portion of our day care position states:

"The League of Women Voters of Alaska believes there should be differentiation between day care and pre-elementary school programs. Specific requirements should be related to the number of hours per day a child is in attendance."

Page 2, lines 17-22 of SB 254 exempt private pre-elementary schools from the general supervision of the Department of Education and define private pre-elementary schools in terms of the children's age and the school's primary function.

The League is concerned that this exemption has the potential of creating a loophole whereby operators or would-be operators of day care centers could proclaim themselves to be private pre-elementary schools and thus avoid any state licensing and/or regulation. The phrase, "when the school's primary function is educational" is somewhat subjective. We would feel that the integrity of day care programs in Alaska would be much better protected if pre-elementary schools were defined in terms of hours per day a child is in attendance. The figure we would suggest is anything less than ~~four~~ hours. With such a definition in the bill, the potential loophole earlier described would be eliminated.

We would appreciate the committee's consideration of an amendment to accomplish this safeguard of day care programs and, more importantly, day care attenders in Alaska.

Thank you.

Paula Ziegler
President
127 N Franklin #909
Juneau, Alaska 99801

MEMORANDUM

TO: JOE
FROM: NANCY
RE: CSSB 354 (JUD) Regulation of Private Schools

SENATE JUDICIARY

the Committee adopted a change to the purpose section of the bill which would make it more applicable to private schools as a whole without as much emphasis on the separation of church and state.

Senator Pettyjohn presented a letter from the AG speaking to the equal protection problems of providing a consistent education program to all students in the state. The AG was of the opinion that there are no problems with the bill as it currently stands.

the Committee also discussed what to do with the Bill following the major changes (they are assuming) will be made by HESS. They decided to not recall it to Judiciary, but to simply adopt the Judiciary Committee Substitute to present to the floor for a vote in the Rules Committee.

OTHER ISSUES

Burt Carney, of the Harvester Academy, will be here to testify on behalf of the bill. He must leave on a 5:00 flight and would like to address the committee early in the meeting.

Bill Brown, of the Juneau Baptist church/school, will be here to testify on their position (I am sure you will remember the Browns from last year). They still object to language in the bill which would exempt the schools on the grounds that the granting of the exemption means that the government has authority over the schools. His proposal (in your folder) recommends that parents be given the responsibility of handling all paperwork involving their child with no responsibility for these matters with the school. The Anchorage groups do not support this idea.

The task of handling all this paperwork, which would fall on local school districts, could be enormous. The Department estimates that there are at least 6,000 children in the state in private schools - each of these handled on an individual basis could overwhelm local schools with the paperwork.

ACCREDITATION

There were some questions on accreditation at the Judiciary hearing last week. I have a file of info on the Northwest Accreditation Association which includes their standards.

FISCAL NOTES

The Judiciary committee passed the bill without a fiscal note (AS 24.30.035 prohibits that practice), but I will try to have one for the hearing. I have called DEC and Public Safety since the state fire marshall and sanitarian will be involved in health and safety regulations instead of DH&SS.

IN YOUR FOLDER:

- 1) the bill (Judiciary CS)
- 2) a sectional analysis
- 3) a position paper with request for changes from Bill Brown, Glacier Valley Baptist Church/School.

FISCAL NOTES

Because there is a requirement for regulation development in cooperation with the state fire marshal and sanitarian, there will be a fiscal impact from D.E.C. and Public Safety. I have requested fiscal notes from them but do not know if they will be here monday.

1/20/84 DEC SAID THERE WOULD BE NO FISCAL IMPACT.

QUESTIONS:

Given that the state has a vested interest in every child's education, and that the Department is moving aggressively toward program improvement, what is the guarantee under this bill for continuing improvement in private education?

Will this bill minimize the conflict between the state and private schools?

Under the records section (pg. 7, lines 3-11), the chief officer of a private school must swear that they are maintained, but will they be available for any official/public purpose?

There was testimony in the Judiciary committee that the grade levels for standardized testing (pg. 6, line 14) were incorrect, are there any recommendations for change?

Without any established standards for pre-schools under this bill, how will it be determined that a school's primary purpose is educational? Who will be responsible for that determination?

Why are the sponsors of this bill deleting the Department of Health and Social Services' supervisory authority over public pre-elementary schools? (pg.2, subsection (8))

JCE:

Burt Curney is bringing two national figures to testify:

AL Janney - National President of the Assoc. of Christian Schools

Eugene Fadel - Regional Director Association of Christian Schools International

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS SB-354
Title: ... regulation of private schools
Sponsor: Faiks
Requestor: Hess
Date of Request: 1-19-84

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: Elementary & Secondary Education
BRU, Program or Subprogram(s) Affected: School Improvement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS: N/A

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard Luther, Director Phone: _____
Division: Education Program Support Date: _____

Approved by Commissioner: Harold Reynolds, Jr. Date: 1-20-84
Agency: Education

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

#1
A M E N D M E N T

Offered in the Senate

By V. Fischer

To: CSSB 354(Jud)

Page 2, line 23, following "pre-elementary schools" insert:

"and private pre-elementary schools that are not in facilities
associated with an elementary school operating grades one through
three"

Jan 23, 1984

Joe, Vic, Paul, Rick

Joe

OSHB 354 - Regulation of Private School
intro and background of the Bill - HB 357 from 1983 - veto -

Dr. Eugene Fadell - NW Reg. of Christian Sch. Assoc.

3,077 students in AK - 34 schools (27 local church)

Evangelical fundamental Christian schools strong academic programs w/ high standards. Students test one year over grade level. Ak. Idaho - Wash - Ore - Wyo

* Oregon - state not allowed to license, teachers not certified, schools can register w/ state (optional)

Nufford

School reporting report? - why not parent?

Fadell feels it would be better - less central!

Vic

possibilities of abuse - define pre-elementary schools
what about time element? difference between daycare and school.

Dr. Al Janney

many states in country have passed bills of same nature. states w/o legislation end up in litigation

Jim Ewell - Personal Liberties Committee

support bill.

Should parent or school report on student attendance?

Prefer parent.

Parents have an "overwhelming ability to decide what is

right for their child" and should decide what pre-school
in which to place their children.

Walford

is it a violation of church/state relationship for schools to report?

EWELL - yes!

state could require of the parent to submit forms to comply w/
compulsory attendance law.

David Burt Carney - Harvester Christian Academy
Difference between ~~child~~ day care & pre-elementary schools
~~there~~ are in funding - day care receive a great deal of
state funding. Day care double or higher than schools.
Parents of 4 & 5 yr olds have full day or half
day option. (this yr all 4 & 5 yr olds are all day)
all 34 schools represented have a pre-school as well
as an elementary.

Joe

Committee report - legislative history.

Vic

rather a definition for pre-school.

Carney - the Montessori school in existence since mid 50s and has a
full educational program all day. This was a court case
on the issue of a time limit.

re. parents making report - believe it would give Sheffield
reason to veto bill.

Chung pg 5, line 24 after child add "of compulsory school age."

Cherie Jacobus

* parent reporting - want an agreement from Administration that bill won't be vetoed prior to changing the bill. There will be some people who, by consensus, cannot go along with this model.

* pre-school - health & safety will be regulated; physical exams and immunizations are included and that is not in current law. Day care has subsidy - if you force pre schools under these regs, you will force these people out of business. DEISS and DOE have taken too much power in regulating schools.

Susan Clark - AMUW - state legis. Chair

suggested amendment to define pre-elementary schools as those operating 4 hrs. a day or less.

no requirement for staff to be teachers, nutrition requirements, etc.

pre-elementary education is functionally different - shorter attention span, more physical activity; pre primary skill development; learn self-sufficiency; socialization cognitive skills - not standard education and the distinction is hard to draw.

The diff. between an all day pre-school and a day care are not very different - but the requirements are very different. require emergency records.

Vic - preceding testimony agree on differentiation between day care and pre school - criterion → part of an elem. school?

Bro Brown - Glacier Valley Baptist Church - Valley ^B Academy
same problems as in 1983. Purpose is beautiful but the parents are responsible for their children and he sees the bill as a violation of separation of church & state. He doesn't want to be a bureaucrat officer.

Bro Cooksey - NEA - Alaska

Concerns about bill. State obligation in education → 'quality' But the exemptions seem to deny this when health & safety are one thing but the educational component

pg 2 line 22

pg 5 line 8 - non-exempt provision inconsistent

Reports to public school good - but require so many basic reports etc but don't deal w/ ed. component or minimal teacher requirements.

Sen. Jan Ficks

This is compromise legislation - Gov, H.C., DOE etc. Al. had lead in the bill/lack of compromise



Alaska State Legislature

Representative Mike Davis

Pouch V
Juneau, Alaska 99811
(907) 465-4930/4941

Interim Office:
P.O. Box 81435
Fairbanks, Alaska 99708

February 6, 1984

To: Sen. Josephson

From: Rep. Davis

Attach please find a letter from one of my constituents concerning the regulation of private schools.

I am providing a copy to your for your information.

Thank you.

RECEIVED



January 26, 1984

Representative M. Davis
Pouch "V"
Juneau, Alaska

re: HB514 and SB354.

Dear Rep. Davis:

I have built a Child Care Center. We have a quality Preschool Program and I have worked very dilligently to provide a high ratio of trained staff to children, nutritious meals, information to parents on our program, uniform standards of discipline and a quality environment which meets (and beats) current licensing standards. If a parent does have a complaint, though, they can go to H.&.S.S. to report it, thus providing a back up to my good intentions.

I testified against these two bills. There were 200 clapping, vocal people at that meeting, many from "moral Majority" churches, who clearly did not want ANY regulation to intrude into their schools. The passing of these bills to placate this vocal minority is a terrible disservice to children, in my opinion. If you pass these bills, that means that Child Care Centers (who range from babysitting to quality preschool programs) will be asked to meet higher standards than preschools. Any person who wants to start an unregulated program will call it a preschool. Children would be cared for in large groups, with little staff, with no assurances of safety for children. Is this your aim? Is the system so unresponsive to the needs of many that it backs down to the loud tactics of a vocal minority?

We need safe places for children during the day. The parents often don't ask the questions you think they might. They often ask "Where are you located, and how much does it cost?" They ASSUME that someone

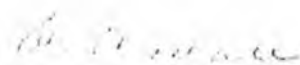
1327 KALAKAKET.
FAIRBANKS, ALASKA 99701
479-0753 / 479-3193 OFFICE

is guaranteeing the standards for their children. But with passage of these Bills, an important part of that guarantee will be lost.

My hope is that the State will sit down with sensible, responsible members of the religious community and sift out the offending parts of the legislation. The State should not be telling churches what or how to teach, but I think it is sensible for the State to define some basic standards to ensure that profit-motivated and unsavoury types are not allowed to abuse preschool operation by allying themselves with the "no regulation church types."

Please find a sensible way out of this other than eliminating all regulation for our children. Passage of these bills is a very large step towards opening a door for child abuse. Please don't do that.

Yours truly,


Diane Duvall
Director (and Mother)

DD:bsk

Sent to Reps. Miller, Davis & Kopponen

p.s. The number of Child Care Centers in Fairbanks has doubled in the past year. The trend is for centers to be established which are catering to large numbers of children (most over 30, some over 50 and one to 170 children). The profit motive is there and growing. It must be regulated. It is so difficult to make money in this business with a small, personalized center, that you will find people starting up larger centers. This is part of why regulation is needed now, not elimination of standards.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

WITNESS REGISTER

BILL NUMBER SSB 354 (JUD) REGULATION DATE January 23, 1984
OF PRIVATE SCHOOLS

NAME	REPRESENTING	ADDRESS	PHONE NUMBER
Susan Clark	AAUW	1109 C St - Juneau	586-6952
✓ Dr. Fadel	ASET ACSI	Portland, Ore.	
✓ Burt Carney	Harvester Christian Academy	Anchorage	
Fenton McNewen	Tumana Christian Sch	Tumana AK	789-2176
✓ William E. Brown	Glacier Valley Baptist Church	Tumana AK	789-7348
✓ Dr. Al Janssen	American Assoc. of Christian Schools	Tidwellville, FL	
✓ Tim Ewert	Personnel Librarians Committee	PO Box 496 Eagle River	338-2345
✓ Cheri Jacobus	self	1348 CRESCENT AVE	501-8754
Bob Cooksey	NEA - Alaska		586-3090

Nebraska pastor's crusade clashes with public interest

Ray Jenkins
Baltimore Evening Sun

RENDER to Caesar the things that are Caesar's, and to God the things that are God's.

So reads one of the most familiar — and possibly most misunderstood — passages in the Bible. It is Jesus' response to guileful questioners who sought a definitive statement on what one must do when civil obligation conflicts with the demands of conscience. As was so often the case, the questioners were dumbstruck by the brilliance of the reply, and quietly slipped away to concoct yet more promising questions in their relentless quest to entangle this troublemaker in incriminating words.

Yet, when we study the words carefully, it becomes clear that the advice contains a large measure of calculated ambiguity. The answer was really no answer at all, but merely a restatement of the question.

It was well enough that we should render to Caesar and to God each according to his due. But

to determine precisely what is due, and to whom, we are, alas, left to our own frail devices. Worse, we are left to live with the frightful consequences of miscalculation.

What better evidence of the enduring tension between God and Caesar than the cases of the Rev. Sun Myung Moon and the Rev. Everett Sileven — two men, each claiming to be God's agent, under imminent threat of imprisonment.

This month Sileven was in Baltimore as part of his national campaign to gather support — chiefly by warning that when he is gone, others will surely feel Caesar's boot upon the neck. Several U.S. senators and distinguished law professors support his cause. His meetings are well attended, and no one doubts Sileven's sincerity.

But this only begs the question. It is not sincerity that is at stake, but rather the public interest. And clearly the two are on collision course.

Sileven is a committed advocate — indeed, fanatic is not too strong a word — of the rapidly growing force known as "Christian education." Now, it is crucial to understand that "Christian schools" are not your ordinary



United Press International

The Rev. Everett Sileven, left, got the support of the Rev. Jerry Falwell, leader of the Moral Majority, at a Nebraska rally two years ago in the dispute over a private church school.

parochial schools. These schools are in every sense an extension of church teaching; even algebra instruction is laced with religious indoctrination.

"Christian school" partisans see public education as pursuing its own form of indoctrination under the guise of "secular humanism," an argument that has plausibility.

But Sileven is so determined to keep Caesar from crossing God's

threshold in his remote Nebraska village that he refuses to comply with the state law requiring that all teachers, whether in church schools or public schools, be certified by the state as competent instructors. It is noteworthy that even though Sileven has the credentials for certification, he refuses to submit as a matter of principle.

For his refusal, he already has served 120 days in jail for con-

tempt of court; six of his brethren are still imprisoned, and others are fugitives.

Caesar — in this case, the State of Nebraska — is equally adamant. Like most states, Nebraska feels strongly enough about the value of universal education that it maintains strict compulsory-attendance and teacher-certification laws.

So Daniel is in the lion's den; Sileven sees the issue exclusively as a matter of religious freedom; Nebraska sees it exclusively in terms of the integrity of universal education.

To get a proper perspective, let us for the moment remove religion from the picture altogether. Let us say that Sileven opened a school in Nebraska exclusively as a commercial, profit-making venture.

Would anyone for one moment argue that such a school would be beyond state regulation? Indeed, to contend so would be as ludicrous as to argue that it would be none of the state's concern if McDonald's started making horsemeat hamburgers.

So in the end, Sileven's claim to immunity from regulation rests exclusively on his unilateral assertion that he is God's agent. And once God enters the picture, according to this reasoning, the State of Nebraska must depart.

But if we accept his definition of the issue, we have effectively obliterated society's ability to guarantee all children an acceptable education. Indeed, if we take Sileven's argument to its logical conclusion, then any form of con-

duct — including human sacrifice — could be placed beyond the reach of state law simply by a unilateral assertion of "God's law."

Far-fetched? Not at all. Let us not forget the tragic case in Detroit recently in which a child was beaten to death by parents who belonged to a religious cult that believed God demanded merciless discipline; so powerful was their belief that the parents were not even remorseful over their own child's death. It was as if the Abraham and Isaac story had been carried to its bloody conclusion, without God's intervention.

A few years ago the U.S. Supreme Court, in a decision fraught with potential mischief, carved out what might be called a religious endangered-species act by exempting from state school regulation the small but generally admired religious sect known as the Amish. The Amish devoutly believe that public schools are the pathway to a sinful life — precisely the basis of Sileven's resistance.

It will take quite a trick for the federal courts now to distinguish the Amish case from Sileven's dispute with Nebraska. But if a distinction cannot be found, we might as well forget about compulsory-school-attendance laws and state requirements for competent teachers. Indeed, we might even have to forget about parents who beat their children to death — on instructions from God, of course.

MEMORANDUM

TO: JOE
FROM: NANCY
RE: SB 354 _ RELATING TO THE REGULATION OF PRIVATE SCHOOLS

SECTION 1

(7) PROVIDES THAT THE DEPARTMENT OF EDUCATION WITH THE FIRE MARSHALL AND STATE SANITARIAN WILL PROVIDE REGULATIONS THAT "WILL ASSURE HEALTHFUL AND SAFE CONDITIONS" IN ALL PUBLIC AND PRIVATE PRESCHOOLS AND OTHER SCHOOLS.

(8) PROVIDES FOR GENERAL SUPERVISION OVER PUBLIC PRE-ELEMENTARY SCHOOLS ONLY.

SECTION 2 (COMPULSORY ATTENDANCE STATUTE)

EXEMPTS FROM COMPLIANCE ANY STUDENT IN A PRIVATE SCHOOL AND DELETES THE WORDING CONCERNING PROFICIENCY REQUIREMENTS AND THE PROMULGATION OF REGULATIONS DEFINING SUBJECT AREAS TO BE TESTED AND MINIMUM TEST SCORES.

SECTION 3

LANGUAGE IN THIS SECTION REGARDING EXEMPTIONS FROM THIS CHAPTER IS SOMEWHAT CONFUSING. RICK ROBERTSON FROM THE A.G.'S OFFICE TOLD ME THIS MORNING THAT THIS IS A DRAFTING ERROR THAT HE DID BRING UP TO KEITH LEVY AT LEGAL.

THIS SECTION STATES THAT PRIVATE SCHOOLS ARE NOT EXEMPT FROM GENERAL PROVISIONS OF LAW AND REGULATION RELATING TO EDUCATION EVEN IF THEY DECIDE NOT TO COMPLY WITH THE CHAPTER. ACTUALLY, THERE ARE NO GENERAL PROVISIONS - OTHER THAN TEACHER CERTIFICATION REQUIREMENTS IN THE COMPULSORY ATTENDANCE LAW - THAT WOULD APPLY TO PRIVATE SCHOOLS.

SECTION 4 AND 5

THESE TWO SECTIONS SET UP SEPARATE MECHANISMS FOR PRIVATE SECTARIAN AND PRIVATE NON-SECTARIAN SCHOOLS THAT ARE IDENTICAL, HOWEVER, THE SECTIONS ON ATTENDANCE REPORTS, REPORTING (ON THE SCHOOL CALENDAR), AND STUDENT RECORDS ARE PURELY VOLUNTARY. THE ONLY REQUIREMENTS THAT ARE MANDATORY ARE "LAWS AND REGULATIONS RELATING TO PHYSICAL HEALTH, FIRE SAFETY, SANITATION, IMMUNIZATION, AND PHYSICAL EXAMINATIONS."

DIFFERENCES IN THE HOUSE BILL

THERE IS A PURPOSE SECTION THAT GENERALLY TALKS ABOUT THE SEPARATION OF CHURCH AND STATE. STRANGELY ENOUGH SUBSECTION (2) SPEAKS TO THE QUALITY OF ALL EDUCATION, INCLUDING PRIVATE EDUCATION.

UNDER DUTIES OF THE DEPARTMENT, ACCREDITATION, THERE IS ADDITIONAL LANGUAGE THAT THERE IS NO AUTHORITY FOR THE DEPARTMENT TO REQUIRE LICENSES FOR RELIGIOUS OR PRIVATE SCHOOLS - UNNECESSARY LANGUAGE SINCE THE SUBSECTION IS STRICTLY APPLIED ONLY ON REQUEST.

THE CONFUSING LANGUAGE MENTIONED ABOVE IN SECTION 3 IS SOMEWHAT CLEARER,

HOWEVER IT REQUIRES MONTHLY ATTENDANCE AND ANNUAL REPORTS WHILE THE EXEMPTION SECTIONS STATE THAT REPORTS ARE ON A VOLUNTARY BASIS (IN SENATE BILL).

EXEMPTION SECTION (HOUSE BILL)

RELIGIOUS AND PRIVATE SCHOOLS ARE INCLUDED IN ONE SECTION WHICH IS VOLUNTARY EXCEPT FOR HEALTH AND SAFETY REQUIREMENTS.

PAGE 5, LINE 19 - LANGUAGE IS NOT THE SAME AS OTHER SECTIONS, DOES THE SCHOOL HAVE THE ABILITY TO "ELECT TO COMPLY" AS IN OTHER SECTIONS? PAGE 5, LINES 25-27 MUST THE SCHOOL NOTIFY THE DISTRICT OF ANY STUDENT NO LONGER IN SCHOOL EVEN IF THE SCHOOL DOES NOT ELECT TO COMPLY WITH THE LAW AND THE PARENT HAS NOT FILED A NOTICE AS IN SUBSECTION (a)?

PAGE 6, SUBSECTION (b) RELATING TO MONTHLY RECORDS IS VOLUNTARY AND SEEMS TO CONFLICT WITH THE REQUIREMENT FOR RECORDS IN SECTION 4.

THE SECTION ON STANDARDIZED TESTING REQUIREMENTS PAGE 6. LINES 6-27 SEEMS TO BE MAKING AN OBVIOUS THRUST AT EDUCATION REQUIREMENTS BY STATING THAT TEST RESULTS WILL NOT BE MADE PUBLIC UNLESS STANDARDIZED TESTS ARE REQUIRED IN PUBLIC SCHOOLS AND RESULTS MADE PUBLIC.

THE SECTION ON RECORDS PAGE 6, LINE 28 etc. MAKE THE KEEPING OF HEALTH RECORDS VOLUNTARY. THIS WOULD SEEM TO CONFLICT WITH THE REQUIREMENT IN ARTICLE 2 ON PAGE 5, LINES 14 - 16

SECTION 6 REPEALS THE CURRENT STATUTE THAT SAYS THE COMMISSIONER MAY FURNISH EXAM QUESTIONS AND ISSUE 8TH GRADE GRADUATION DIPLOMAS.

Health, Education and
Social Services Committee



Official Business

Alaska State Legislature
Senate

Pouch V
State Capitol
Juneau, Alaska 99811
465-4907
465-4908

January 17, 1984

Senator Jalmar Kerttula
President
Alaska State Senate
State Capitol
Juneau

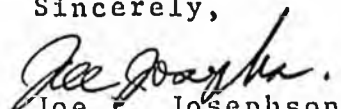
Dear Mr. President:

Pursuant to our discussion yesterday and the Uniform Rules, I am requesting a subsequent referral of Senate Bill 354 to the Committee on Health, Education and Social Services. The bill concerns education and is germane to the scope of the committee's jurisdiction.

I am advised that our colleague, Senator Faiks, desires that the matter reach the floor of the Senate as rapidly as possible. I am sure that you and she will recall that in 1983, when faced with a similar request, I made sure that the Committee on Health, Education and Social Services acted expeditiously to help bring a religious education bill to the floor in order that the Senate could work its collective will on the matter. That is the way I conduct the Committee, and that is the way SB 354 will be treated, of course.

Should Senator Faiks request an early hearing, I will calendar one for the week of January 22.

Sincerely,


Joe F. Josephson
Chairman

cc: Senator Faiks

MEMORANDUM

TO: JOE
FROM: NANCY
RE: SB 354 - REGULATION OF PRIVATE SCHOOLS

I HAD A LONG TALK WITH DICK LUTHER FROM D.O.E. YESTERDAY ABOUT THE WAY THAT THE DEPARTMENT IS INTERPRETING THE MEANING OF THIS BILL.

HIS UNDERSTANDING IS THAT A PRIVATE SCHOOL WILL HAVE TWO OPTIONS, EITHER TO COMPLY WITH THE EXEMPT SECTION IN ITS ENTIRETY, OR TO GO BY THE REGULAR REQUIREMENTS FOR ALL SCHOOLS.

THE EXEMPTION SECTION WILL REQUIRE THE MAINTENANCE OF FORMS ON STUDENT ATTENDANCE, HEALTH RECORDS, ETC. WHAT WILL NOT BE REQUIRED IS THAT THE TEACHERS BE CERTIFIED. IT HAS BEEN THIS WAY IN THE PAST EXCEPT THAT THE CURRENT LAW PROVIDES THAT TESTING DATA MUST BE COMPARABLE TO OTHER SCHOOLS IN THE AREA.

DICK SAID THAT ALL DISTRICTS IN THE STATE DO SOME KIND OF STANDARDIZED TESTING, BUT THAT IT IS NOT UNIFORM IN EITHER TESTS OR GRADE LEVELS TESTED. HE BELIEVES THAT THE STATE SCHOOL BOARD MAY INSTITUTE A REQUIREMENT FOR STANDARDIZED TESTS IN THE STATE TO DEVELOP A DATA BASE ON ACHIEVEMENT.

THE ONLY OPTION UNDER THE BILL, ACCORDING TO DICK, IS FOR THE LOCAL SCHOOL DISTRICT TO FILE AGAINST THE PARENT IN THE CASE OF NON-ATTENDANCE. THE DEPARTMENT WOULD PREFER NOTIFICATION TO LE THE RESPONSIBILITY OF THE SCHOOLS RATHER THAN THE PARENTS, WHICH WOULD SEEM TO BE MORE EFFICIENT. AS THE BILL READS, THE PARENTS MUST SIGN THE FORM, HAVE THE SCHOOL ADMINISTRATOR SIGN IT AND DELIVER IT TO THE PUBLIC SCHOOL SUPERINTENDANT. THE SCHOOL HAS THE RESPONSIBILITY OF NOTIFYING THE LOCAL DISTRICT IF A CHILD IS NO LONGER IN SCHOOL.

ACCREDITATION, MENTIONED IN THE BILL UNDER DUTIES OF THE DEPARTMENT, IS AN ALL INCLUSIVE, INDEPTH STUDY OF A SCHOOL THAT INCLUDES THINGS SUCH AS CLASS SIZE, TEACHER-STUDENT RATIO CURRICULUM, ETC. THERE IS A NORTHWEST ACCREDITING ASSOCIATION THAT COVERS ALASKA

I, PERSONALLY, AM MOST DISTRESSED ABOUT THE PRESCHOOL EXEMPTION FROM LICENSURE REQUIREMENTS, AS CHILDREN IN THE 3 - 5 AGE GROUP ARE MOST DEFENSELESS.

SB 354

Purpose section - equal standing in section for religious & private schools.

pg 1; line 26 - Ray says private schools should be included to provide equal protection.

Ray wants AB memo on Equal protection aspects of bill - education opportunities.

Joe,

I will offer this as a committee substitute today.

Amitz

RECEIVED
Josephson

CS for Senate Bill 354 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE - SECOND SESSION
A BILL

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

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

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

(1) to ensure that in matters of education by religious organiza *typo*

the state shall not control or interfere with the rights of conscience and religious liberty; and

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

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

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

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

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

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

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

(5) establish, in coordination with the Department of 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

What does accreditation mean?

*Discussed
Notes*



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 (P) 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.

Alaska State Legislature

OFFICIAL BUSINESS

CHAIRMAN
RULES COMMITTEE



JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

January 24, 1984

Senator Joe P. Josephson
Alaska State Senate
Juneau, Alaska 99811

Dear Senator Josephson:

Thank you for sharing with me your proposed amendments to Senate Bill 354. I have no problem with any of these changes and certainly will support their incorporation into the bill. I will be happy to speak in support of these amendments on the floor if you feel that would be helpful.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jan Faiks".

Jan Faiks
Senator

JF:ss

RECEIVED

SENATE AMENDMENT

By Halford and Josephson

To: Committee substitute SENATE BILL No. 354

To: _____ HOUSE BILL No. _____

PAGE: 7 LINE: 9-10

Delete : "under oath to the department"

#1
A M E N D M E N T

Offered in the Senate

By V. Fischer

To: CSSB 354(Jud)

Page 2, line 23, following "pre-elementary schools" insert:

"and private pre-elementary schools that are not in facilities
associated with an elementary school operating grades one through
three"

#1
A M E N D M E N T

Offered in the Senate

By V. Fischer

To: CSSB 354(Jud)

Page 2, line 23, following "pre-elementary schools" insert:

"and private pre-elementary schools that are not in facilities
associated with an elementary school ^{that operate} ~~that operate~~ grades one through
three" .

NOTE COPY

Offered: 1/19/84
Referred: Health, Education and
Social Services

Original sponsors: Faiks, Kerttula,
Bennett, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 354 (Judiciary)
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.

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

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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;

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16 SOCIAL SERVICES], standards that will assure healthful and safe con-
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18 requirement of physical examinations and immunizations in private
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20 more stringent than those for public schools;

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7 and secondary schools and for additions to and major rehabilitation of
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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
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9 medical authority determines will make attendance impractical;

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11 ities;

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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
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29 correspondence study program;

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12 attendance reports and annual reports to the commissioner in the same
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22 or guardian of a child enrolled in a religious or other private school
23 that complies with AS 14.45.100 - 14.45.140 shall file an annual
24 notice of enrollment in the school for the child, ^{OF EXEMPT SCHOOLS} with the local public
25 school superintendent for the area in which the child resides on a
26 form provided by the department. The form shall be signed by the
27 parent or guardian and the chief administrative officer of the school
28 and returned to the local public school superintendent by the parent
29 or guardian. The school shall notify the local public school

1 superintendent within a reasonable time if the child is no longer
2 enrolled in or attending the school.

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

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

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

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

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

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

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

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

12 Sec. 14.45.140. DEFINITION. In this chapter

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

16 * Sec. 6. AS 14.45.020 is repealed.



Alaska State Legislature

Thirteenth Legislature — First Session

Senate Calendar

Official Business of the Senate

TUESDAY
January 24, 1984
10:00 a.m.

Sixteenth Legislative Day

Chaplain: Reverend Steve Brown of the Bethel Assembly of God

SECOND READING OF HOUSE RESOLUTIONS

CS HCR 17 (HESS) Relating to the state medal for heroism
State Affairs report, page 1017.

CITATIONS

Honoring - Vern Rohde and Roger Woods
(Small Businessmen of the Year)
by Senators Faiks and Pettyjohn

PUBLICATION NOTICE - Wednesday Calendar

Honoring - Alaska Support Industry Alliance
by Representatives Ward, Tischer, Hayes and Bussell

In Memoriam - Sam Fox
by Representatives Herrmann, McBride, Davis and All Other Members of
the House
Senator Mulcahy

HCR 17

SENATE JOURNAL - PAGE 829- 1 4/28/83

<CS FOR HOUSE CONCURRENT RESOLUTION NO. 17 (HESS)> by the Health, Education and Social Services Committee,

Relating to the state medal for heroism,

was read the first time and referred to the State Affairs Committee.

HCR 17

SENATE JOURNAL - PAGE 1017- 3 5/18/83

The State Affairs Committee considered <CS FOR HOUSE CONCUR->
<RENT RESOLUTION NO. 17 (HESS)> (state medal for heroism) and
a majority of the committee recommended do pass. The report
was signed by Senator Vic Fischer, Chairman and concurred in
by Senators Kelly and Sturgulewski.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 17 (HESS) was referred
to the Rules Committee.

* HONORING VERN RONDE & ROGER WOODS *

* SMALL BUSINESSMEN OF THE YEAR *

The members of the 13th Legislature are proud to commend two industrious Alaskans, Vern Rohde and Roger Woods of Alaska Truss and Millwork Company for their recent selection as Small Businessmen of the Year. The award, made by the Small Business Administration, is a highly coveted prize achieved only by those small business owners who have displayed outstanding attributes of quality and service to their customers and to their community.

We find it most appropriate that Vern Rohde and Roger Woods have been chosen for this high honor. Through their energy and dedication to quality work these two men have developed, over a period of years, a successful firm that grew from the construction of a few houses a year into a multi-million dollar business.

The dedication Vern and Roger have shown to providing a business based on integrity and quality work has also been shown in their whole-hearted support for civic activities and cultural events in the Anchorage area. The Little League Baseball program and the Anchorage Fur Rendezvous are just two programs which have greatly benefited from their support.

Both these fine Alaskans have enjoyed the strong support of their families, who have been with them throughout the early, difficult years, and who now share their enthusiasm at the success their efforts have brought.

For Vern and Roger, and for their families, the future does indeed look bright. We believe these outstanding Alaskans richly deserve the recent award, and we wish them great and continued success in all they endeavor.

SPEAKER OF THE HOUSE

PRESIDENT OF THE SENATE

Date:

Requested by: Senator Falks, *Pettyjohn*

Offered: 1/19/84
Referred: Health, Education and
Social Services

Original sponsors: Faiks, Kerttula,
Bennett, et al

Doyle
Went this about

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 354 (Judiciary)

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
schools."

7

8

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

9

* Section 1. PURPOSE. In conformity with the fundamental right to
freedom of religion guaranteed by the constitutions of the United States
and the State of Alaska and in recognition of the right of parents to
choose to have their children educated in private schools, it is the pur-
pose of this Act

14

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

17

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

19

(3) to allow diversity in education by encouraging private
education.

20

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
the state except the University of Alaska;

25

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

28

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

29

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;

operative

*Not all -
including
(Bureau)*

*how decided?
who decided?*

*and private pre-elementary
schools that are not in
facilities... essential with a
elementary school or grade
through 1 through 6*

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;

*ADVIS
Nothing*

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 (iC) 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.

21 Sec. 14.45.110. REQUIREMENTS OF EXEMPT SCHOOLS. (a) The parent
22 or guardian of a child enrolled in a religious or other private school
23 that complies with AS 14.45.100 - 14.45.140 shall file an annual
24 notice of enrollment in the school for the child ^{if appropriate} with the local public
25 school superintendent for the area in which the child resides on a
26 form provided by the department. The form shall be signed by the
27 parent or guardian and the chief administrative officer of the school
28 and returned to the local public school superintendent by the parent
29 or guardian. The school shall notify the local public school

*Appx work
for total schools*

1 superintendent within a reasonable time if the child is no longer
2 enrolled in or attending the school.

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

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

*found in
flow*

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

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

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

Sum

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

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

8 (b) The chief administrative officer of a school that elects to
9 comply with AS 14.45.100 - 14.45.140 shall certify [under oath] to the
10 department] that the records required under (a) of this section are
11 being maintained.

12 Sec. 14.45.140. DEFINITION. In this chapter

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

16 * Sec. 6. AS 14.45.020 is repealed.

A handwritten signature, possibly "DeFuria", is enclosed within a hand-drawn oval shape.