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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary

5/9/86

8:00 AM

"

"

5/10/86

7:30 PM

Offered: 4/24/85
Referred: Judiciary

Original sponsor: P.Fischer

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 226 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the violation of compulsory
8 education laws."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 14.30.020 is repealed and reenacted to read:
11 Sec. 14.30.020. PENALTY. A person violating AS 14.30.010 is
12 guilty of a class B misdemeanor. Each day of unlawful absence is a
separate offense.



0-11 111

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 21, 1985

Senator Paul Fischer
State Senate
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Fischer:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

Several years ago, we worked out a procedure with the District Attorney to appropriately carry out the steps required before we turn matters over to his office.

All administrators carry out building level counseling and disciplinary procedures in all truancy cases. Emphasis is given to procedures that keep students in class rather than suspending them for not coming to school.

Students with 10 or more days of unexcused absence are referred to my office and I initiate a series of three formal parent contacts that inform them of their rights and responsibilities, offer assistance, inform them of alternatives to regular school attendance, and, finally, indicate that they will be referred to the District Attorney's office if student truancy continues.

After students have been truant for 20 or more days, I request permission for the School Board, as required by current law, to make and file a report with the District Attorney who represents the branch of government empowered to take further action.

At this point, the issue has been transferred to the judicial arena and further delays occur as the case is processed, calendared and heard.

And, at this point, the wording of the law cited above renders both the school district and the District Attorney's office powerless to act whenever parents or their attorneys arrange delays that extend beyond the end of the school year because -

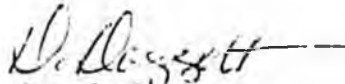
"In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section." from Sec. 14.30.020. See attached.

At the present, state law only requires students to attend school from age 7 to 16 or nine years of a 13 year K-12 system. Current truancy law makes it impossible to really require parents to have their children in school for the nine years.

I request your assistance in modifying the existing law by deleting the sentence noted above. This action would permit school districts, through the District Attorney's office, to enforce the law from year to year.

Please contact me if I can provide you with assistance or information.

Cordially,



Dr. Dennis Daggett
Associate Superintendent
Instructional Services

encl

cc: Shannon Turner
Thomas Wardell
District Principals

DD/set

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- 1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE: (907) 277-8622
- P.O. BOX 3070
DILLINGHAM, ALASKA 99576
PHONE: (907) 842-2482
- 145 MAIN STREET LOOP, ROOM 201
KENAI, ALASKA 99611
PHONE: (907) 283-3131
- 326 CENTER AVE, SUITE 205
KODIAK, ALASKA 99615
PHONE: (907) 486-5744
- 809 S. CHUGACH ST.
PALMER, ALASKA 99645
PHONE: (907) 745-5027
- P.O. BOX 671
VALDEZ, ALASKA 99686
PHONE: (907) 835-2462

February 8, 1985

Dr. Dennis Daggett
Associate Superintendent
Instructional Services
Box 1200
Soldotna, Alaska 99669

Re: Tony Hansen
Johnny Colwell



Dear Dr. Daggett,

On May 24, 1984, we received your letter regarding the above students and a complaint alleging failure to educate a child was filed June 26, 1984. Because of difficulty in serving a summons, Mrs. Hanson was not arraigned until November 28, 1984. Her trial was set for February 11, 1985.

The public defender has indicated they would seek to have the case dismissed because of the wording of the statute which seems to relieve the parent of responsibility at the end of each school year. I have dismissed the case because I do not believe we could convince the court of any other interpretation of that statute.

Hopefully, we can begin these cases earlier in the school year so that we could get to trial (or whatever disposition is appropriate) before the statute creates a problem. Perhaps the statute should be changed.

If you have any questions, please call.

Very truly yours,

A handwritten signature in cursive script that reads 'Shannon D. Turner'.

Shannon D. Turner
Assistant District Attorney

SDT:11

Chapter 30. Pupils and Educational Programs for Pupils.

Article

1. Compulsory Education (§§ 14.30.010 — 14.30.050)
2. Physical Examinations and Screening Examinations (§§ 14.30.060 — 14.30.170)
3. Education for Exceptional Children (§§ 14.30.180 — 14.30.350)
4. Health Education (§§ 14.30.360 — 14.30.370)
5. Bilingual-Bicultural Education (§§ 14.30.400 — 14.30.410)
6. Adventure-Based Education (§ 14.30.500)
7. Alaska Student Leadership Development Fund (§ 14.30.510)

Article 1. Compulsory Education.

Section

10. When attendance compulsory
20. Violation
30. Report of violations and procedures
40. [Repealed]
45. Grounds for suspension or denial of admission

Section

47. Admission or readmission, when cause no longer exists
50. Truant officers

Collateral references. — 68 Am. Jur. 2d Schools, §§ 219-233.

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

Right to refuse diploma or other evidence of pupil's completion of course. 6 ALR 1533; 68 ALR 928; 121 ALR 1471.

Extent of power of school district to provide for the comfort and convenience of teachers and pupils. 7 ALR 791; 52 ALR 249.

Free textbooks and other school supplies for individual use of pupils. 17 ALR 299; 67 ALR 1196.

Discretion of school authorities to deny to pupils or teachers scholarship, certificate, diploma, license or other like privilege, to which they would be otherwise entitled by law. 121 ALR 1471.

Teacher's civil liability for administering corporal punishment. 43 ALR2d 469.

Regulations as to fraternities and similar associations connected with educational institution. 10 ALR3d 389.

Student organization registration statement, filed with public school or state university or college, as open to inspection by public. 37 ALR3d 1311.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 35 ALR3d 1222

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

(b) This section does not apply if a child

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

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

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(B) tutoring by personnel certificated according to AS 14.20.020; or
 (C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the department with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved;

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

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

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

(5) is temporarily ill or injured;

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

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

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;

(9) has completed the 12th grade;

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

(11) is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends. (§ 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975; am § 1 ch 30 SLA 1976; am § 1 ch 10 SLA 1977; am § 4 ch 126 SLA 1978)

Effect of amendments. — The 1978 amendment, in paragraph (1) of subsection (b), added the subparagraph (A) and (B) designations, deleted "or by" from the end of present subparagraph (A), added "or" to the end of present subparagraph (B), and added subparagraph (C).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, ch. 58, SLA 1982.

Additionally, the words "of education" were deleted following "department" by the revisor under AS 01.05.031 and 14.60.010.

Legislative history reports. — For report on ch. 10, SLA 1977 (HB 60), see 1977 House Journal, p. 45.

14.30.010

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NOTES TO DECISIONS

Quoted in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Stated in *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Cited in *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961), *D.R.C. v. State*, Ct. App. Op. No. 94 (File No. 4905), 646 P.2d 252 (1982).

Collateral references. — Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Inmates of charitable institutions as residents entitled to school privileges. 48 ALR 1098.

Constitutionality, construction, and effect of statutes in relation to admission of nonresident pupils to school privileges. 72 ALR 499; 113 ALR 177.

Religious beliefs of parents as defense to prosecution for failure to comply with compulsory attendance law. 3 ALR2d 1401.

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

Applicability of compulsory attendance law covering children of a specified age, with respect to a child who has passed the anniversary date of such age. 73 ALR2d 874.

Power of public school authorities to set minimum or maximum age requirements for pupils in absence of specific statutory authority. 78 ALR2d 1021.

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

What constitutes a private, parochial or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Sec. 14.30.020. Violation. A person violating AS 14.30.010 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until the convicted person has served one day for every \$2 of the fine and costs, at which time the fine and costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (§ 37-7-2 ACIA 1949; am § 37 ch 98 SLA 1966)

Editor's notes. — The words "the convicted person" were substituted for "he" in the first sentence by the revisor of

statutes under AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district or state-operated school shall report all apparent violations of AS 14.30.010 to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB-226
Title: ...compulsory education...

Sponsor: Fischer, Paul
Requestor: Senate HESS
Date of Request: 4-16-85

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: _____

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
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						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill has no fiscal impact on this Department.

Prepared By: Steve Hole Phone: 2800
Division: Commissioner's Office Date: 4-16-85
Approved by Commissioner: Harold Reynolds, Jr. Date: 4-16-85
Agency: Education

Distribution (by Agency preparing fiscal note):

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

7/1/84

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Juneau, Alaska 99809
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau:

Pouch V
Juneau, Alaska 99811
(907) 465-3791

MEMORANDUM

TO: Representative Nilo Koponen, Co-Chairman
House HESS

✓ Representative Max Greunberg, Jr., Co-Chairman
House HESS

FROM: Senator Paul Fischer

RE: Senate Bill 226 (An act relating to the violation of compulsory education laws.)

DATE: January 15, 1986

I would appreciate your scheduling a hearing on this legislation at your earliest convenience.

The bill would eliminate one sentence as follows: "in any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section."

This sentence is evidently being interpreted as relieving a parent of responsibility for their child's truancy at the end of each school year. Not only does the provision 'wash the slate' of any penalty imposed, but it is being misused to cause dismissal of cases unless actually brought to trial before the end of the final school term.

SB 226 would delete the provision of the state's compulsory education law which releases and discharges a parent or guardian from all penalties associated with their child's truancy at the end of the school year. Under current statute, a parent who fails to send a child to school is guilty of a misdemeanor punishable by a fine or imprisonment but these penalties expire at the end of each school year. SB 226 is intended to enhance enforcement of the truancy law, since court proceedings can often not be completed within the term of one school year.

Local school and law enforcement personnel have strongly urged remedial action and I believe this problem merits our serious consideration.

Thank you.

4/25

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCS CSSB 226 (HESS)
Title : ... relating to the violation
of compulsory education laws.
Sponsor : P. Fischer
Requestor : House HESS
Date of Request : April 11, 1986

FISCAL DETAIL

Agency Affected : Department of Education
BR# : _____
Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

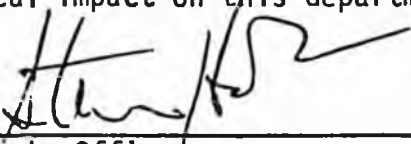
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

This bill has no fiscal impact on this department.

Prepared by : Steve Hole 
Division : Commissioner's Office

Phone : 465-2800
Date : April 11, 1986

Approved by Commissioner : Marshall L. Lind
Agency : Department of Education

Date : April 11, 1986

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)



0-11/11

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 21, 1985

Senator Paul Fischer
State Senate
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Fischer:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

Several years ago, we worked out a procedure with the District Attorney to appropriately carry out the steps required before we turn matters over to his office.

All administrators carry out building level counseling and disciplinary procedures in all truancy cases. Emphasis is given to procedures that keep students in class rather than suspending them for not coming to school.

Students with 10 or more days of unexcused absence are referred to my office and I initiate a series of three formal parent contacts that inform them of their rights and responsibilities, offer assistance, inform them of alternatives to regular school attendance, and, finally, indicate that they will be referred to the District Attorney's office if student truancy continues.

After students have been truant for 20 or more days, I request permission for the School Board, as required by current law, to make and file a report with the District Attorney who represents the branch of government empowered to take further action.

At this point, the issue has been transferred to the judicial arena and further delays occur as the case is processed, calendared and heard.

Letters From School District

- ANCHOR POINT
- COOPER LANDING
- ENGLISH BAY
- HOMER
- HOPE
- KENAI
- MOOSE PASS
- NIKISKI
- NIKOLAEVSK
- NINILCHIK
- PORT GRAHAM
- SELDOVIA
- SEWARD
- SOLDOTNA
- STERLING
- TUSTUMENA
- TYONEK

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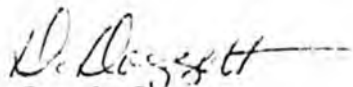
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At the present, state law only requires students to attend school from age 7 to 16 or nine years of a 13 year K-12 system. Current truancy law makes it impossible to really require parents to have their children in school for the nine years.

I request your assistance in modifying the existing law by deleting the sentence noted above. This action would permit school districts, through the District Attorney's office, to enforce the law from year to year.

Please contact me if I can provide you with assistance or information.

Cordially,



Dr. Dennis Daggett
Associate Superintendent
Instructional Services

encl

cc: Shannon Turner
Thomas Wardell
District Principals

DD/set



February 21, 1985

*See -
check out.
Draft response.*

Senator Bettye Farhenkamp
Chairman
Health Education and Social Services
Pouch V
Juneau, Alaska 99811

Re: Student Attendance Laws
Alaska Statutes, Title 14, Education, Chapter 30. Pupils,
Article 1. Compulsory Education, paragraphs 020. Violation

Dear Senator Farhenkamp:

Student truancy is an increasing problem here. As our student population increases at a 7% annual rate, there has been an even greater increase in the number of students who do not attend school regularly.

Several years ago, we worked out a procedure with the District Attorney to appropriately carry out the steps required before we turn matters over to his office.

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Dr. Dennis Daggett
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Associate Superintendent
Instructional Services

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cc: Shannon Turner
Thomas Wardell
District Principals

nd/set

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION/THIRD JUDICIAL DISTRICT
OFFICE OF THE DISTRICT ATTORNEY

BILL SHEFFIELD, GOVERNOR

REPLY TO:

- 1031 WEST 4th AVENUE, SUITE 520
ANCHORAGE, ALASKA 99501
PHONE (907) 277-8622
- P.O. BOX 3070
DILLINGHAM, ALASKA 99576
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Associate Superintendent
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Re: Tony Hansen
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If you have any questions, please call.

Very truly yours,

Shannon D. Turner

Shannon D. Turner
Assistant District Attorney

SDT:ll

Chapter 30. Pupils and Educational Programs for Pupils.

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Regulations as to fraternities and similar associations connected with educational institution. 10 ALR3d 389.

Student organization registration statement, filed with public school or state university or college, as open to inspection by public. 37 ALR3d 1311.

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

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

(b) This section does not apply if a child

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

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

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(B) tutoring by personnel certificated according to AS 14.20.020; or
 (C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the department with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved:

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

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

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

(5) is temporarily ill or injured;

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

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

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;

(9) has completed the 12th grade;

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

(11) is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, the request for excuse is made in writing by the child's parents or guardian, and approved by the principal or administrator of the school that the child attends. (§ 37-7-1 ACLA 1949; am § 36 ch 98 SLA 1966; am § 5 ch 71 SLA 1972; am § 5 ch 190 SLA 1975; am § 1 ch 30 SLA 1976; am § 1 ch 10 SLA 1977; am § 4 ch 126 SLA 1978)

Effect of amendments. — The 1978 amendment, in paragraph (1) of subsection (b), added the subparagraph (A) and (B) designations, deleted "or by" from the end of present subparagraph (A), added "or" to the end of present subparagraph (B), and added subparagraph (C).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, ch. 58, SLA 1982.

Additionally, the words "of education" were deleted following "department" by the revisor under AS 01.05.031 and 14.60.010.

Legislative history reports. — For report on ch. 10, SLA 1977 (HB 60), 1977 House Journal, p. 45.

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NOTES TO DECISIONS

Quoted in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

Stated in *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Cited in *Matthews v. Quinton*, Sup. Ct. Op. No. 31 (File No. 48), 362 P.2d 932 (1961); *D.R.C. v. State*, Ct. App. Op. No. 94 (File No. 4905), 546 P.2d 252 (1982).

Collateral references. — Extent of legislative power with respect to attendance and curriculum. 39 ALR 477; 53 ALR 832.

Inmates of charitable institutions as residents entitled to school privileges. 48 ALR 1098.

Constitutionality, construction, and effect of statutes in relation to admission of nonresident pupils to school privileges. 72 ALR 499; 113 ALR 177.

Religious beliefs of parents as defense to prosecution for failure to comply with compulsory attendance law. 3 ALR2d 1401.

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

Applicability of compulsory attendance law covering children of a specified age, with respect to a child who has passed the anniversary date of such age. 73 ALR2d 874.

Power of public school authorities to set minimum or maximum age requirements for pupils in absence of specific statutory authority. 78 ALR2d 1021.

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

What constitutes a private, parochial, or denominational school within statute making attendance at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Sec. 14.30.020. Violation. A person violating AS 14.30.010 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until the convicted person has served one day for every \$2 of the fine and costs, at which time the fine and costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (§ 37-7-2 ACCLA 1949; am § 37 ch 98 SLA 1966)

Editor's notes. — The words "the convicted person" were substituted for "he" in the first sentence by the revisor of

statutes under AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district or state-operated school shall report all apparent violations of AS 14.30.010 to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation



Official Business

Alaska State Legislature

House of Representatives

*Mary
Fuller*

Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1986

Dr. Dennis Daggett
Associate Superintendent
148 North Binkley Street
Soldotna, Alaska 99669

Dear Dr. Daggett:

Thank you for your letter urging support of SB 226, which relates to violation of compulsory education laws. Senate Bill 226 is in the HESS Committee.

Senate Bill 226 has not been scheduled for a hearing as of this date. I have taken the liberty of forwarding a copy of your comments to the HESS Committee.

Your comments are well taken and when Senate Bill 226 comes before the full House for action I will certainly take your comments into consideration before voting.

Thank you again for your letter.

Sincerely,

Representative John G. (Jack) Fuller



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846

February 6, 1986

Representative Jack Fuller
Pouch V
Juneau, Alaska 99811

Dear Representative Fuller:

During the last session, I requested legislative support to revise Chapter 30. Pupils, Article 1. Compulsory Education, Sec. 14.30.020 that deals with student truancy.

Existing policy and procedures in most school districts effectively handle most of these cases. Truancy is often a family problem and current practices attempt to deal with the causes behind the behavior. But every year there are several cases in which parental attitudes deny the child's right to do an education and we are powerless to act because we cannot get the parent to court in a timely manner.

As written, the statute cited above concludes by saying, "In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section."

We are informed by the District Attorney that, to beat this "sundown" provision in the statute, we must identify the student as chronically truant (10 or more days unexcused absence), exhaust all remedial efforts in our policy, notify the parent in three subsequent letters of our administrative intent and then ask our Board of Education for permission to file a complaint with the District Attorney. That office must then investigate and set a court date.

If we can't accomplish all of the above prior to January 1 annually, a competent public defender can delay until the end of school and render our complaint moot. The District Attorney's office cannot consider truancy referrals after January 1 since there is no chance of getting them to court.

I ask you to support the changes in Sec. 14.30.020 contained in SB 226 now in House HESS Committee. We need your help to keep more students in school where we can help them improve their lives.

Cordially,

Dr. Dennis Daggett
Associate Superintendent
Instructional Services

DD/set

COMMITTEE REPORT

4/25

HOUSE

(7)

5/10/85

FURTHER:

JUDICIARY

Date:

April 23, 1986

The Committee on HEALTH, EDUCATION SOCIAL SERVICES has had CSSB 226 (HESS) "An Act relating to the violation of compulsory education laws."

under consideration and recommends:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[X] replace with CS for CSSB 226 (HESS) [X] same title [] new title
and recommends do pass
[] AND attaches a "Letter of Intent" [X] New Fiscal Note [X] Zero Fiscal Note Attached
[] reports it back without recommendation
[] referred to the Juit Committee

MEMBERS SIGNING DO PASS

Handwritten signatures of committee members who support the bill.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Blank lines for members with other recommendations.

Handwritten signatures of the Chairman and a co-chairman.

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269 H



State Senate

While in Juneau

Pouch V
Juneau, Alaska 99811
(907) 485-3791

M E M O R A N D U M

To: Representative Mike Miller, Chairman
House Judiciary Committee

From: Senator Paul Fischer

Date: April 25, 1986

Subject: SB 226, violation of compulsory education laws, SJR
40, legislative annulment of regulations.

I would appreciate it very much if you would schedule Senate Bill 226 and Senate Joint Resolution 40 at the earliest possible time.

Attached are backup for both of these bills.

Thank you.

Paul