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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 226

Sponsor: P. FISCHER

Date referred to committee:

3/12/85

Synopsis completed:

Fiscal note:

Further referrals: JUDICIARY

CONTACTS:

AG's Ofc. 3460 Lisa Nelson

DOE 2800 STEVE HOLF ~~answer questions~~

DOA 279-754 Anna Fabe - Public Defender / Bob Stokes <sup>as fiscal note</sup>

Drafter 3867 Keith Lutz - Legal Services

Bill Moffett - Sr. P. Feather

586-9702 Don McKinnon, School Administrators

452-2000 Dr. Ken Buralgo, Phil Wright - no problem w/ bill - no  
travelling problem

586-1083 Bob Green, School Boards.

**COMMITTEE REPORT  
SENATE**

FURTHER: JUDICIARY

5/12/85

Date 5/12/85

Mr. President

The Committee on WESS considered SB 226  
violation of compulsory education laws.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 226
- new title
- same title and recommends same
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Walter H. ...  
Chairman

L. ...  
Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

APR 17 1985

Revision Date: \_\_\_\_\_

REQUEST

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

FISCAL DETAIL

Agency Affected: Education  
Program Category Affected: \_\_\_\_\_

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

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

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

FEB 27 1985

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

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



February 21, 1985

*Edie -  
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.

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

SB 226: RELATING TO THE VIOLATION OF COMPULSORY EDUCATION LAWS.

\*\* SB 226 DELETES A LINE IN STATUTE WHICH RELIEVES A PARENT AT THE END OF THE SCHOOL YEAR OF ALL CHARGES BROUGHT AGAINST THEM FOR VIOLATING THE COMPULSORY EDUCATION LAWS.

\*\* PARENTS ARE RESPONSIBLE FOR THEIR CHILD'S TRUANCY. WHEN THE COMPULSORY EDUCATION LAWS ARE VIOLATED AND CORRECTIVE MEASURES ESTABLISHED BY THE SCHOOL DISTRICT HAVE NOT PROVEN EFFECTIVE, THEN PARENTS/GUARDIANS BECOME LIABLE.

\*\* THE ATTORNEY GENERAL'S OFFICE IS OFFERING AN OPTION OF TWO AMENDMENTS. THE FIRST WOULD REPEAL THE SECTION AND REENACT IT BY STATING THAT A PERSON VIOLATING THE COMPULSORY ED LAWS IS FOUND GUILTY OF A CLASS B MISDEMEANOR. THE SECOND AMENDMENT WOULD REPEAL THE SECTION AND REENACT IT BY STATING THAT A PERSON VIOLATING THE COMPULSORY ED LAWS IS FOUND GUILTY OF A VIOLATION. AS THE LAW IS CURRENTLY WRITTEN, A PERSON IS FOUND GUILTY OF A MIX BETWEEN VIOLATION AND MISDEMEANOR.

\*\* CLASS B MISDEMEANORS WOULD SERVE NO MORE THAN 90 DAYS IN JAIL AND PAY NO MORE THAN \$1,000. VIOLATORS WOULD PAY UP TO \$300.00 IN FINE WITH NO JAIL SENTENCE OR TRIAL PROCEEDINGS. ANY OR ALL PARTS OF EITHER SENTENCE CAN BE SUSPENDED BY THE COURT.

DRAFT  
Law

DEPARTMENT OF LAW  
PROPOSED COMMITTEE SUBSTITUTE  
FOR SB 226

For an Act entitled: "An Act relating to the violation of compulsory  
education laws."

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

\* Section 1. AS 14.30.020 is repealed and reenacted to read:

Sec. 14.30.020. PENALTY. A person violating AS 14.30.010 is  
guilty of a violation as defined in AS 11.81 and as punishable under  
AS 12.55. Each day of unlawful absence constitutes a separate  
offense.

DRAFT  
Law

DEPARTMENT OF LAW  
PROPOSED COMMITTEE SUBSTITUTE  
FOR SB 226

For an Act entitled: "An Act relating to the violation of compulsory  
education laws."

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

\* Section 1. AS 14.30.020 is repealed and reenacted to read:

Sec. 14.30.020. PENALTY. A person violating AS 14.30.010 is  
guilty of a class B misdemeanor. Each day of unlawful absence  
constitutes a separate offense.

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# 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) 465-3791

April 5, 1985

To: Bettye Fahrenkamp, Chair  
HESS Committee

Subject: Senate Bill 226 (Violation of Compulsory Attendance Laws)

Dear Bettye,

I hope you will consider an early calendaring of SB 226 for a hearing before the HESS Committee. It seeks to correct a minor, but none the less important, defect in our present truancy statutes. Apparently, prosecutors and school officials are having difficulty bringing offenders actually to trial. I don't believe the matter will require too much of the committee's time.

Perhaps you might contact me about this at your convenience. I'd also like a chance to chat with you regarding SB 119 (Capital Punishment) as soon as possible.

Cordially,

A handwritten signature in cursive script that reads "Paul".

Paul

PAF:wmm

~~SECRET~~

# Alaska State Legislature

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



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

## State Senate

March 14, 1985

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

To: Senator Bettye Fahrenkamp, Chair  
Health, Education & Social Services Committee

From: Senator Paul Fischer *PF*

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.

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

Thank you.

*Edie - go ahead & get feel for bill from:  
check w/ Ken Bunnley, Sch Supt - 46x  
DOE*

*Let me know - if no concerns, let's talk to  
BF about scheduling.  
+ draft response to attached.*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

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

Mary Van Nimwegen

*AESS 4-23-85 3:13pm*