

C S S B

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HOUSE COMMITTEE REPORT

(11)

Date referred: 5/4/87

FURTHER REFERRALS:

DATE: 5-14-87

The Finance Committee has considered CSSB 33 (HESS)

"An Act relating to violation of compulsory education laws."

RECOMMENDS:

- replace with HCS CSSB 33 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Al Adams

Pat Kautsch

Ronald J. Linn

Tim Auer

Ed Swack

Mark Boyer

Steve Rhein

John D. ...

Ray Wallis

SIGNING OTHER RECOMMENDATIONS:

Ray Brown

Mike Davis

Robert P. Adams
Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

HCS CS SB 33 (HESS)

REQUEST: _____

Bill Version: ~~SB 33~~
Publish Date: _____

Revision Date: _____
Title: ...violation of compulsory
education laws.

Agency Affected: Education
BRU: _____

Sponsor: Senator Fischer
Requestor: Senate HESS

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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 *Steve Hole*
Division: Commissioner's Office

Phone: 465-2800
Date: 1/21/87

Approved by Commissioner: Marshall L. Lind
Agency: Education

Date: 1/21/87

Distribution (by preparer):

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

page _____ of _____

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

HCS CS SB 33 (HESS)

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education laws.

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Components: _____

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Original sponsor: Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 33 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

8

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

9

* Section 1. AS 14.30.010(a) is amended to read:

10

(a) Every child between seven and 16 years of age shall attend

11

school at the public school in the district in which the child resides

12

during each school term. Every parent, guardian or other person

13

having the responsibility for or control of a child between seven and

14

16 years of age shall maintain the child in attendance at a public

15

school in the district in which the child resides during the entire

16

school term, except as provided in (b) of this section [INSURE THAT

17

THE CHILD IS NOT ABSENT FROM ATTENDANCE].

18

* Sec. 2. AS 14.30.020 is repealed and reenacted to read:

19

Sec. 14.30.020. VIOLATIONS. A person who knowingly fails to

20

comply with AS 14.30.010 is guilty of a violation. Each five days of

21

unlawful absence under AS 14.30.010 is a separate violation.

22

* Sec. 3. AS 14.30.050 is repealed.

Alaska State Legislature

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



State Senate

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

May 4, 1987

To: Representative Al Adams, Chairman
House Finance Committee

From: Senator Paul Fischer *PF*

Subject: SB 33; VIOLATIONS OF TRUANCY LAWS

This bill has a zero fiscal note! Honest! It won't cost the State anything!.

SB 33 would rewrite the provision of current law that releases liability for truancy at the end of the school year. Currently, enforcement of this law is usually delayed until then and the case is automatically dropped.

The purpose of our truancy law is to insure that children under the age of 16 are getting an education. This is not the case as the law is currently written.

Last session, a similar bill (SB 226) passed the Senate and almost made it through the House. The opinions and lessons of that bill's history are incorporated in SB 33.

The new language in the H.Hess Committee Substitute alters the parents responsibility to maintain versus [INSURE] that their children are going to school. The penalty has been reduced from a class B misdemeanor to a simple violation. Each five days constitutes a new and separate violation. An archaic law dealing with truant officers is also repealed.

I would greatly appreciate the scheduling of this bill as soon as possible.



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/282-5846

December 4, 1986

cc: Paul Fischer

INDIVIDUAL LETTERS WERE SENT TO ALL MEMBERS OF THE STATE SENATE.

Senator Paul Fischer
P.O. Box 784
Soldotna, Alaska 99669

RE: AS 14.30.020-030

Dear Senator Fischer:

Kenai Peninsula Borough Schools maintain a firm, fair and compassionate disciplinary system for dealing with the problems students and their parents bring to us. It enjoys the support of parent advisory groups and local police departments. It works because we keep the student's behavior the focus of attention and recognize that students often learn more from their mistakes than anything else.

One problem with a few students each year is based not in student behavior but with their parents. Chronic truancy has increased in the past several years and we developed procedures to advise both student and parent about the student's regular attendance in school. We just can't teach them much when students are not in school.

Each year a few students and their parents do not respond to admonishments to come to school on a regular basis. In that event, I send a series of written announcements and, if there is no improvement, ask the school board for permission to refer the parent to the district attorney's office. Under procedures worked out with that office, every effort is made to inform the parents of their legal responsibility for the student without going to court.

Our difficulty is with the wording of the AC 14.30.020 which includes the following statement.

"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 statement forces us to bring truancy cases to the district attorney prior to December 15 each year or forget about them. Attorney's can (and have) delayed these cases beyond "the expiration of the school year", rendering them moot. The District Attorney's Office is unwilling to waste their time on cases they have no chance of winning. And the school district is forced to begin again next school year as if the truancy had never occurred.

CORRESPONDENCE

13

Our recommendation is to delete the sentence above from the current statute. No other change is necessary and the revised statute would permit schools to deal with truancy without clogging up the court system. This recommendation was presented in the last legislative session and almost made it into law. I request your support when it comes before you in committee or on the floor this year.

Please contact me if you have any questions.

Cordially,

Dr. Dennis Daggett
Associate Superintendent
Instructional Services

cc: Executive Secretary, Alaska ASA

encl

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 320
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

Original sponsor: Fischer

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BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 33 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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5 A BILL

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

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

9 * Section 1. AS 14.30.010(a) is amended to read:

10 (a) Every child between seven and 16 years of age shall attend
11 school at the public school in the district in which the child resides
12 during each school term. Every parent, guardian or other person
13 having the responsibility for or control of a child between seven and
14 16 years of age shall maintain the child in attendance at a public
15 school in the district in which the child resides during the entire
16 school term, except as provided in (b) of this section [INSURE THAT
17 THE CHILD IS NOT ABSENT FROM ATTENDANCE].

18 * Sec. 2. AS 14.30.020 is repealed and reenacted to read:

19 Sec. 14.30.020. VIOLATIONS. A person who knowingly fails to
20 comply with AS 14.30.010 is guilty of a violation. Each five days of
21 unlawful absence under AS 14.30.010 is a separate violation.

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6 For an Act entitled: "An Act relating to the violation of compulsory
7 education laws."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 14.30.020 is repealed and reenacted to read:
10 Sec. 14.30.020. PENALTY. A person who violates AS 14.30.010 is
11 guilty of a class B misdemeanor. Each day of unlawful absence is a
12 separate offense.

1 IN THE SENATE

BY FISCHER

2

SENATE BILL NO. 33

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - FIRST SESSION

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7 education laws."

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

9 * Section 1. AS 14.30.020 is amended to read:

10 Sec. 14.30.020. VIOLATION. A person violating AS 14.30.010 is
11 guilty of a misdemeanor and upon conviction is punishable by a fine of
12 not less than \$50 nor more than \$200, plus the cost of prosecution,
13 and may be imprisoned until the fine and costs are paid or until the
14 convicted person has served one day for every \$2 of the fine and
15 costs, at which time the fine and costs are automatically discharged.
16 Each unlawful absence is a violation and if an absence is extensive
17 there is a new violation each time five consecutive days of the
18 absence elapse. The court may suspend sentence, stay or postpone
19 enforcement of execution, or release from custody a person found
20 guilty upon the conditions which are in the best interests of the
21 child. [IN ANY EVENT, AT THE EXPIRATION OF THE SCHOOL YEAR, THE
22 PERSON SHALL BE RELEASED AND DISCHARGED FROM ALL PENALTIES PROVIDED BY
23 THIS SECTION.]