

HB

475

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT I

HYDER
KETCHIKAN
KUPREANOF
MEYERS CHUCK
PETERSBURG
SAXMAN
WRANGELL



HOME

P.O. BOX 5723
KETCHIKAN, AK 99901
PHONE 225-6304

DURING SESSION

P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3424

Representative Cheri L. Davis

MEMORANDUM

TO: Representative Johnny Ellis
FROM: Representative Cheri Davis *CD*
DATE: March 20, 1990
RE: HB 475

Current state law says that a child under school age shall be admitted to a school in the district in which the child is a resident, if immediately before the child became a resident of the district, the child was legally enrolled in the public schools of another district or state.

HB 475 would allow a student who moved from another district or state and was enrolled in a private school, the same rights as a child who had attended a public school.

After listening to testimony the primary concern seemed to be that HB 475 would allow someone to open a private kindergarten for the purpose of advancing underage students into the public school system. The concern seemed to be that Suzy could enter a private kindergarten in Juneau with no state mandated age requirements and then enter the Juneau public school system.

The section of AS 14.03.080(e) we are dealing with applies only to those students who have moved from another district or state. I don't believe parents will be willing to move from one city to another merely for the purpose of entering their child into kindergarten early. In order to make it clear to everyone that we intend HB 475 to apply only to those children moving from another district or state I offer the following CS HB475.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
 Title: Enrollment in the public BRU: K-12 Support
schools
 Sponsor: C. Davis Components: Foundation
 Requestor: C. Davis

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

It is impossible to predict the fiscal impact of this bill, since it is unknown how many eligible kindergarten students would seek admission to the public schools under provisions of HB 475.

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 2/12/90
 Approved by Commissioner: William G. Demmert Date: 2/12/90
 Agency: Education

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 (Immunized Agencies)

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Sec. 14.03.080. Free education. (a) A child of school age is entitled to attend public school without payment of tuition during the school term in the school district in which the child is a resident subject to the provisions of AS 14.14.110 and AS 14.14.120.

(b) A person over school age may be admitted to the public school in the school district in which the person is a resident at the discretion of the governing body of the school district. A person over school age may be charged tuition by the governing body of the school district.

(c) A child under school age may be admitted to the public school in the school district of which the child is a resident at the discretion of the governing body of the school district if the child meets minimum standards prescribed by the board evidencing that the child has the mental, physical and emotional capacity to perform satisfactorily for the educational program being offered.

(d) A child who is five years of age before August 15 preceding the beginning of the school year, and who is under school age, may enter a public school kindergarten.

(e) A child under school age shall be admitted to school in the district of which the child is a resident if immediately before the child became a resident of the district, the child was legally enrolled in the public schools of another district or state. (§ 1 ch 98 SLA 1966; am § 1 ch 64 SLA 1972; am § 2 ch 1 FSSLA 1987)

Effect of amendments. — The 1987 amendment, effective July 1, 1985, in subsection (d) deleted "or who will become five years of age" following "years of age" and substituted "August 15 preceding" for "November 2 following."

NOTES TO DECISIONS

Notice of school closure. — The importance of the educational and property interests involved in the closure of neighborhood schools in a school district requires adequate notice of the school board meeting at which the decision was made to close a specific school and five-day notice of the meeting is insufficient *Tunley v. Municipality of Anchorage School Dist.*, Sup Ct Op No 2160 (File Nos 4796, 4797, 4826), 631 P.2d 67 (1980).

A five-day notice of which schools in a school district are to be closed militates against appropriate preparation and poses serious obstacles to the presentation of persuasive, properly researched, and supported opposition to any closure plan. It also lessens the likelihood of a fair hearing before the school board and of the school board reaching a reasoned administrative decision *Tunley v. Municipality of*

Anchorage School Dist., Sup Ct Op No 2160 (File Nos 4796, 4797, 4826), 631 P.2d 67 (1980).

Given the critical importance of education to democratic society, the significant interests of the plaintiff as a taxpayer-owner of real property affected by the closure of the school nearest the plaintiff, and the important interests of both plaintiff's child, and the plaintiff as a parent, in the educational considerations involved, the plaintiff has rights subject to procedural due process protection, which due process rights to notice and an opportunity to be heard are independent of the requirement under the city's charter for an ordinance setting forth notice provisions for school board meetings *Tunley v. Municipality of Anchorage School Dist.*, Sup Ct Op No 2160 (File Nos 4796, 4797, 4826), 631 P.2d 67 (1980).

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JUNEAU, AK 99811
PHONE 465-3424

Representative Cheri L. Davis

MEMORANDUM

TO: Rep. Johnny Ellis
FROM: Rep. Cheri Davis *CD*
DATE: March 19, 1990
RE: Public Education/Private Education Bill

Current state law says that a child under school age shall be admitted to school in the district in which the child is a resident if immediately before the child became a resident of the district, the child was legally enrolled in the public schools of another district or state.

This law prevents a child from another district or state who was enrolled in a private school to enter into kindergarten or first grade if they are under age according to our entrance age requirements.

Example: Suzy has just moved to Juneau from Orange County, Ca. Her birthday is October 25, she will be 5. While in California her parents had her legally enrolled in a private school in kindergarten. In January her parents moved to Juneau where they decided to put her in the public school. They were told that because Suzy had not been 5 by August 15 that she could not start kindergarten here. They could have her tested at which time the school district would see if she fell under the category of being gifted/talented. If she tested to their satisfaction, then she would be allowed to enter the public school. If Suzy had been enrolled in a public school, there would have been no questions asked except proper school transcripts. This same scenario could also be used if the student had already completed kindergarten and was trying to enter the first grade being under the age of six.

I feel this raises a question of discrimination, but more importantly, I am concerned for the child who is unfairly treated by the system.

Juneau Christian School

P.O. Box 2000 • Juneau, Alaska 99803 • (907) 789-2179

February 13, 1990



Representative Cheri Davis
Pouch V
Juneau, AK 99811

Dear Representative Davis,

I have reviewed HB 475 Public/Private Schools Enrollment. As the administrator of a private school and also having been the director of a daycare center, I can appreciate the concern over the August 15th cut off date for 5 year olds entering kindergarten. I strongly agree that it is a good entrance age requirement because it allows children time to mature and truly be ready for kindergarten. What I disagree with is the discrimination against private schools versus public schools throughout our state and nation, private schools also have varying standards. Should it be assumed that private schools are inferior just because they have chosen to not be publically sponsored and regulated?

Let me give you several examples that I've dealt with in the last five years on the private school side. Last year we had a first grade transfer student from a public school in another state. This child was supposedly at the top of his class as reflected from his report card and parent interviews. This child could barely achieve even our minimum standards. He was young (he had an October birthday) and he was immature, both factors to his detriment but he had been in kindergarten already in a public school. Last year we also had a transfer student from a private school in Anchorage. When he joined us he fit right in and was in the top half of the class. With both examples is it really the issue of public versus private education? Or more of an issue of the individual maturity of the child?

Last year we made a decision to not accept children younger than the cut-off date except in the case of a child who had been tested and was found mature enough in development to be in kindergarten. We do not view our school as the easy way to get a child into public school if they complete our kindergarten program. I even state that in interviews with parents who are convinced their little Johnny or Suzy is the exception to the rule (most of these parents do, by the way). We are not trying to compete with public schools, we provide an alternative for an education with a Christ-centered philosophy.

/Continued

We do, however, provide a strong academic base of learning for our students. Automatically discriminating against a student because of attendance in a private school is purely religious discrimination which is unconstitutional. Again, from experience, I stress that school background does not always constitute success or failure at the appropriate grade level for their age. Much of it is due to the individual child's abilities and their maturity.

I hope this will assist you in formulating your opinion.

Sincerely,

Mrs. Carol Habeger

Mrs. Carol Habeger
Administrator
Juneau Christian School

CAH/jb

6-1777E
Ford
3/21/90

BY REP. C. DAVIS, Collins, Sharp, Leman, Hudson, Swackhammer

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 475

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to enrollment in the public
7 schools."

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

9 * Section 1. AS 14.03.080(e) is amended to read:

10 (e) A child under school age shall be admitted to school in the
11 district of which the child is a resident if, immediately before the
12 child became a resident of the district, the child was legally en-
13 rolled in a [THE] public or private school in a grade level K - 12 in
14 a school [SCHOOLS] of another district or state.

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STATE OF ALASKA
THE LEGISLATURE

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

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

H. HESS 3-20-90