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HOUSE COMMITTEE REPORT

(9)

Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/31/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 354

HOUSE BILL NO. 354

I.D. REQUIRED TO ENROLL CHILD IN SCHOOL

"An Act relating to identification required upon enrollment in a public school."

RECOMMENDATIONS:

be replaced with _____

CS HB 354 (HSS)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note H+SS, Public Safety

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Don Beudo</u>	<input checked="" type="checkbox"/>	<u>Rep. Coet</u>		<input checked="" type="checkbox"/>	
<u>Bob Wes</u>	<input checked="" type="checkbox"/>	<u>Rep. Vigney</u>		<input checked="" type="checkbox"/>	
		<u>Longman</u>		<input checked="" type="checkbox"/>	

Don Beudo
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 354

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Identification required to enroll in school BRU: State Health Services
 Component: Bureau of Vital Statistics
 Sponsor: House HES
 Requestor: House HES COMPONENT SERIAL NO. #961

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY95	FY96	FY97	FY98	FY99	FY00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS:	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health

Phone: (907) 465-3090
 Date: 01/13/94

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Date: 1-14-94

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT H&SS	DIVISION Public Health	BILL NUMBER HB 354	SPONSOR House HESS Committee
SHORT TITLE OF BILL An Act relating to identification required upon enrollment in a public school			
DEPARTMENT POSITION The Department supports this bill			
PREPARED BY Peter M. Nakamura, MD, MPH	DATE 1/13/94	COMMISSIONER'S SIGNATURE <i>M. Lowe</i>	DATE 1-14-94

SUMMARY

OTHER AGENCIES AFFECTED BY BILL DFYS, DOE, School Districts	CONSTITUENT GROUP(S) AFFECTED BY BILL Parents
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Stolen children are a national problem. This bill will help in those cases where the child is enrolled in school. However, this bill will have little or no impact on children stolen by a parent shown on the birth certificate. The Department supports this bill.

ANALYSIS OF BILL/PROGRAM EFFECTS
This bill will have no impact on Department programs.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: HB 354

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to identification required upon enrollment in a public school" BRU: Statewide Support
 Component: Administrative Services
 Sponsor: H. HESS
 Requestor: H. HESS COMPONENT SERIAL NO. 525

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

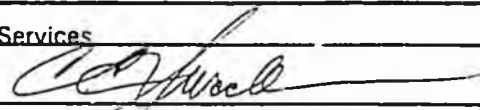
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MF/TIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact is anticipated.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 2/2/94
 Approved by Commissioner:  Date: 2/2/94
 Agency: Richard J. Burton, Dept. of Public Safety

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Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:
 SB 225: INSURANCE TAX CREDIT: GIFTS TO COLLEGES
 HB 210: HIRING OF CHIEF SCHOOL ADMINISTRATOR
 HB 351: ID REQUIRED TO ENROLL CHILD IN SCHOOL

DATE: 3/31/94

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Al Alvarez	AK Pacific University	401 University Dr Anchorage	99508	345-2464	564-8347	(Y) N	SB 225
Larry Meyers	D.O.R.			2320		Y (N)	SB 225
Steve Mophetres	ACSA	3200 4th St. #104	99501	6-9702		(Y) N	HB 210
Stone, Jeffrey	SELF	2601 Monmouth	99500	W/A	-	Y (N)	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

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BILL HB 354

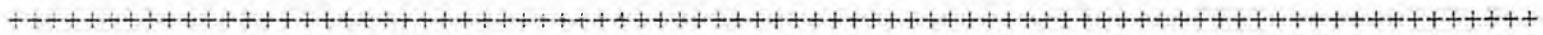
DATE 3/31/91

TAPE 94-63B

NUMBER 643

SUBJECT OF VOTE TO PASS HB 354 OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS AND ACCOMPANYING FISCAL NOTE.

MEMBER	YEA	NAY	ABS
Rep. Gary Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Al Vezey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Pete Kott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Harley Olberg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bettye Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Irene Nicholia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Brice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Cynthia Toohey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Con Bunde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>4</u>	<u>1</u>	<u>—</u>



BILL _____

DATE _____

TAPE 94- _____

NUMBER _____

SUBJECT OF VOTE _____

MEMBER	YEA	NAY	ABS
Rep. Al Vezey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Pete Kott	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Harley Olberg	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bettye Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Irene Nicholia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Brice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Cynthia Toohey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Con Bunde	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8-LS1385E ✓
Ford
3/29/94

CS FOR HOUSE BILL NO. 354(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to identification required upon enrollment in a public school."

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

3 * Section 1. AS 14.30.710 is amended by adding new subsections to read:

4 (b) A person who enrolls a child in a public school shall, not more than 30
5 days after enrollment, provide to the public school a copy of the child's birth
6 certificate or other proof of the child's identity, if the child has not previously been
7 enrolled in a public school.

8 (c) If a person enrolls a child under a name other than the name as indicated
9 on at least one of the child's identifying documents, the school shall notify the missing
10 persons information clearinghouse of the child's name as shown on the identifying
11 document and the child's name under which the child is enrolled. The information in
12 the notice is confidential and may only be released to the missing persons information
13 clearinghouse or to a law enforcement agency. If a person fails to comply with (b) of
14 this section, the school shall notify the nearest law enforcement agency of the failure

1 to comply with this section and request a determination of whether the child has been
2 reported as missing.

3 (d) When accepting a child for enrollment under (a) or (b) of this section, the
4 school shall use a form that contains a written notice informing the person enrolling
5 the child that enrolling the child under a false name is a criminal offense under
6 AS 11.56.210 and that failure to comply with (b) of this section is a violation.

7 (e) A person who knowingly fails to comply with (b) of this section is guilty
8 of a violation. In this paragraph, "knowingly" has the meaning given in AS 11.81.900.

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801
(907) 465-3759

HB 354

An Act relating to identification required upon enrollment in a public school.

This bill adds a new section to AS 14.30 to require a person who enrolls a child in a public school to provide a copy of the child's birth certificate or other proof of the child's identity and a copy of the child's school records from the school the child most recently attended (if the child was previously enrolled in school) to the school not more than 30 days after enrollment.

If a child is enrolled under a name other than the name indicated on the child's identifying documents, the school will notify the missing persons information clearinghouse of the child's name as shown on the identifying document and the child's name under which the child is enrolled. The information in the notice will be confidential, and can only be released to the missing persons information clearinghouse or to a law enforcement agency. If a person fails to comply with the law requiring proof of identity and school records, the school will notify the nearest law enforcement agency and request a determination of whether the child has been reported as missing.

When accepting a child for enrollment, the school will use a form that contains a written notice informing the person enrolling the child that enrolling the child under a false name is a criminal offense and that failure to comply is a violation.

I urge your favorable consideration of this legislation.

July 1, 1989, added the language beginning "however, a teacher or administrative person at the university" to the end of subparagraph (4)(C).

The 1990 amendment, effective July 1, 1990, added subparagraph (4)(D) and made related stylistic changes.

The 1992 amendment, effective August 23, 1992, inserted "contracted or" in paragraph (8).

Opinions of attorney general. — Amounts paid by the Anchorage School District to the Anchorage Education Association for dues for the association's representation of teachers in the district should not be included in base salary either for payment of contributions or for computation of benefits. July 25, 1989 Op. Att'y Gen.

NOTES TO DECISIONS

"Membership years" in AS 14.25.130(a). — Teachers' Retirement Board erred when it interpreted the term "membership years" in AS 14.25.130(a) as being the equivalent of "years of service" as defined in this section. *Casperson v.*

Alaska Teachers' Retirement Bd., 664 P.2d 583 (Alaska 1983).

Quoted in *Flisock v. State*, 818 P.2d 640 (Alaska 1991).

Cited in *Laing v. Laing*, 741 P.2d 649 (Alaska 1987).

Chapter 30. Pupils and Educational Programs for Pupils.

Article

- 1. Compulsory Education (§§ 14.30.010 — 14.30.047)
- 2. Physical Examinations and Screening Examinations (§§ 14.30.065 -- 14.30.127)
- 3. Education for Exceptional Children (§§ 14.30.180 — 14.30.350)
- 4. Health and Safety Education (§§ 14.30.360, 14.30.370)
- 5. Environmental Education (§ 14.30.380)
- 6. Bilingual-Bicultural Education (§§ 14.30.400, 14.30.410)
- 7. Adventure-Based Education (§§ 14.30.500)
- 8. Alaska Student Leadership Development Fund (§ 14.30.510)
- 9. Special Education Service Agency (§§ 14.30.600 — 14.30.660)
- 10. Records of Certain Missing or Transferred Children (§§ 14.30.700 — 14.30.720)
- 11. Alaska School Counseling Program Grant Fund (§ 14.30.750)

Article 1. Compulsory Education.

Section

- 10. When attendance compulsory
- 20. Violations
- 30. Report of violations and procedures
- 45. Grounds for suspension or denial of admission

Section

- 47. Admission or readmission, when cause no longer exists

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

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

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.

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 attendant at such school a compliance with compulsory school attendance law. 65 ALR3d 1222.

Student's right to compel school officials to issue degree, diploma, or the like. 11 ALR4th 1182.

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 maintain the child in attendance at a public school in the district in which the child resides during the entire school term, except as provided in (b) of this section.

(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;

(B) tutoring by personnel certificated according to AS 14.20.020; or

(C) attendance at an educational program operated in compliance with AS 14.45.100 — 14.45.200 by a religious or other private school;

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

(3) has a physical or mental condition that 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 that 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) the state boarding school established under AS 14.16; or

(B) 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; am § 3 ch 11 SLA 1984; am § 1 ch 78 SLA 1987; am § 4 ch 73 SLA 1988)

Effect of amendments. — The 1988 amendment, in subsection (b)(10), divided the formerly undivided language into an introductory paragraph and subparagraph (B), and inserted subparagraph (A).

NOTES TO DECISIONS

Quoted in *L.A.M. v. State*, 547 P.2d 827 (Alaska 1976).

Stated in *In re S.D.*, 549 P.2d 1190 (Alaska 1976).

Cited in *Matthews v. Quinton*, 362 P.2d 932 (Alaska 1961); *D.R.C. v. State*, 646 P.2d 252 (Alaska Ct. App. 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.

Applicability of compulsory attenda. e

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. 33 ALR2d 497; 56 ALR3d 641.

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. Violations. A person who knowingly fails to comply with AS 14.30.010 is guilty of a violation. Each five days of unlawful absence under AS 14.30.010 is a separate violation. (§ 37-7-2 ACLA 1949; am § 37 ch 98 SLA 1966; am § 2 ch 78 SLA 1987)

Cross references. — For fines for violations, see AS 12.55.035.

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district school or regional educational attendance area 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 of all charges of violation. In private or federal schools, the chief administrative officer shall make a full and

impartial investigation of all apparent violations. If it reasonably appears upon investigation that a person has violated AS 14.30.010, the governing body of a district school or regional educational attendance area, or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation. (§ 37-7-3 ACLA 1949; am § 1 ch 32 SLA 1949; am § 38 ch 98 SLA 1966; am § 55 ch 6 SLA 1984; am § 23 ch 85 SLA 1988)

Effect of amendments. — The 1988 amendment, effective June 2, 1988, deleted the former last sentence, which read "The judge or magistrate may issue a warrant for the arrest of the person and may act upon the complaint."

Legislative history reports. — For an analysis of the amendment of this section

by § 23, ch. 85, SLA 1988 (HCS CSSB 413 (Jud)), see 1988 House & Senate Joint Journal Supplement No. 18, May 10, 1988, p. 5.

Collateral references. — Privilege in reports or statements about school pupils. 12 ALR 147.

Sec. 14.30.040. Extension of provisions to United States public schools for aborigines. [Repealed, § 59 ch 98 SLA 1966.]

Sec. 14.30.045. Grounds for suspension or denial of admission. A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

(1) continued wilful disobedience or open and persistent defiance of reasonable school authority;

(2) behavior that is inimicable to the welfare, safety, or morals of other pupils;

(3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

(4) a physical or mental condition that in the opinion of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;

(5) conviction of a felony that the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils. (§ 39 ch 98 SLA 1966)

NOTES TO DECISIONS

Quoted in *Breese v. Smith*, 501 P.2d 159 (Alaska 1972).

Collateral references. — Regulations forbidding pupils to leave school grounds during school hours. 32 ALR 1342; 48 ALR 659.

Smoking as ground for expulsion or sus-

pension of pupil. 33 ALR 1180.

Personal liability of school authorities for dismissal or suspension of pupil. 42 ALR 763.

Expulsion or suspension from private

school or college. 50 ALR 1497.

Marriage or other domestic relations as ground for exclusion of pupil from school. 63 ALR 1164.

Failure of student to attain or maintain prescribed scholastic rating as ground for dropping him from roll of public educational institution. 36 ALR 484.

Validity, construction, and application of statutes or regulations concerning recreational or social activities of pupils of public schools. 134 ALR 1274.

Right of student to hearing on charges before suspension or expulsion from educational institution. 58 ALR2d 903.

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

Marriage or pregnancy of public school student as ground for expulsion or exclusion, or of restriction of activities. 11 ALR3d 996.

Validity of regulation by public school

authorities as to clothes or personal appearance of pupils. 14 ALR3d 1201.

Participation of student in demonstration on or near campus as warranting imposition of criminal liability for breach of peace, disorderly conduct, trespass, unlawful assembly, or similar offense. 32 ALR3d 551.

Participation of student in demonstration on or near campus as warranting expulsion or suspension from school or college. 32 ALR3d 864.

Right to discipline pupil for conduct away from school grounds or not immediately connected with school activities. 53 ALR3d 1124.

Truancy as indicative of delinquency or incorrigibility, justifying commitment of infant or juvenile. 5 ALR4th 1212.

Admissibility of hearsay evidence at disciplinary proceedings. 23 ALR4th 935.

Sec. 14.30.047. Admission or readmission, when cause no longer exists. (a) A child who has been suspended from or denied admittance to a school under AS 14.30.045(3) or (4) shall be permitted to attend school when the child is obviously recovered or presents to the governing body a statement in writing from a competent medical authority that the child is no longer afflicted with, or suffering from, the physical or mental condition to the extent that it is a cause for suspension or denial of admission under AS 14.30.045(3) or (4).

(b) A child who has been suspended from or denied admittance to a school for any other cause provided by AS 14.30.045 shall be permitted to attend school when it reasonably appears that the cause has been remedied. (§ 40 ch 98 SLA 1966)

Sec. 14.30.050. Truant officers. [Repealed, § 3 ch 78 SLA 1987.]

Article 2. Physical Examinations and Screening Examinations.

Section

- 65. Supervision
- 70. Physical examination required
- 120. Certificate of physical examination

Section

- 125. Immunization
- 127. Vision and hearing screening examinations

Collateral references. — 68 Am. Jur. 2d Schools, §§ 275-280.

79 C.J.S. Schools and School Districts, §§ 452-454.

Power of municipal or school authorities to prescribe vaccination or other health measure as a condition of school attendance. 93 ALR 1413.

Article 10. Records of Certain Missing or Transferred Children.

Section
700. Records of missing children
710. Required records upon transfer

Section
720. Definitions

Sec. 14.30.700. Records of missing children. Upon notification by the Department of Public Safety of a child's disappearance, a school or school district in which the child is currently or was previously enrolled shall flag the school record of that child in a manner that, when a copy or information regarding the record is requested, the school or school district shall be alerted to the fact that the record is that of a missing child. The school or school district shall immediately report to the Department of Public Safety a request regarding flagged records, including any knowledge as to the whereabouts of the child. Upon notification by the Department of Public Safety that the person who was listed as a missing child has been found, the school or school district shall remove the flag from the person's record. (§ 1 ch 202 SLA 1990)

Sec. 14.30.710. Required records upon transfer. Within 14 days after enrolling a child as a transfer student from this or another state in an elementary or secondary school, the school or school district shall request directly from the child's previous school a certified copy of the child's record. An elementary or secondary school or a school district in this state requested to forward a copy of a transferring child's record to another school shall comply with the request within 10 days after receiving the request unless the record has been flagged under AS 14.30.700. Upon receipt of a request for a record that has been flagged, the school or school district shall immediately notify the Department of Public Safety. Unless directed to do so by the Department of Public Safety, a school or a school district may not forward a copy of a flagged record. (§ 1 ch 202 SLA 1990)

Sec. 14.30.720. Definitions. In AS 14.30.700 — 14.30.720,
(1) "child" means a person under 18 years of age;
(2) "school district" means a municipal school district or a regional educational attendance area. (§ 1 ch 202 SLA 1990)

Sec. 11.56.210. Unsworn falsification. (a) A person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement which the person does not believe to be true

(1) in an application for a benefit; or

(2) on a form bearing notice, authorized by law, that false statements made in it are punishable.

(b) Unsworn falsification is a class A misdemeanor. (§ 6 ch 166 SLA 1978)

Sec. 11.56.220. Proof of guilt. In a prosecution for perjury or unsworn falsification it is not necessary that proof be made by a particular number of witnesses or by documentary or other type of evidence. (§ 6 ch 166 SLA 1978)

NOTES TO DECISIONS

Editor's notes. — The case cited in the notes below was decided under former AS 11.30.010.

Required proof. — To be guilty of perjury, it was necessary under former law to prove that a person under oath willfully and falsely swore. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

One could not be convicted of perjury on the uncorroborated testimony of one witness under former law. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Testimony of perjury had to be corroborated by other evidence, either di-

rect or circumstantial. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

The purpose of such a rule was to prevent ill-founded retaliatory attacks by perjury prosecution upon a witness based on no more than the contrary oath of another. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

What was corroborative evidence. — In order to be corroborative, evidence had to induce a rational belief that what the witness said was true. *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Sufficiency of evidence. — See *Nelson v. State*, 546 P.2d 592 (Alaska 1976).

Sec. 11.81.620. Effect of ignorance or mistake upon liability.

NOTES TO DECISIONS

Applied in *Russell v. State*, 793 P.2d 1085 (Alaska Ct. App. 1990).

Quoted in *De Nardo v. State*, 819 P.2d 903 (Alaska Ct. App. 1991).

Sec. 11.81.640. Application of AS 11.81.600 — 11.81.630.

NOTES TO DECISIONS

Cited in *Cole v. State*, 928 P.2d 175 (Alaska Ct. App. 1992).

Article 6. Definitions.

**Section
900. Definitions**

Sec. 11.81.900. Definitions. (a) For purposes of this title, unless the context requires otherwise,

(1) a person acts "intentionally" with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly "with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable

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Alaska State Legislature

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February 26, 1992

MEMORANDUM

TO: Senator Paul Fischer

FROM: Carol R. Vandor
Legislative Analyst

RE: Identification for School Enrollment
Research Request 92.049

You asked whether any states require birth certificates as identification for school enrollment. You also wanted to know about the criteria in Alaska and other states for obtaining copies of birth certificates.

Alaska does not have a statute which requires proof of identification upon enrollment in a school. Following is a description from a random sample of seven states' laws (copies attached) which require identification upon enrollment. The states are Arkansas, Kansas, Kentucky, Nevada, North Dakota, South Dakota and Texas. Also included is a description of the procedures associated with obtaining a certificated copy of a record, the fees that must accompany the application for a record, the penalties for falsifying a record, and the procedures for handling the records of a missing child.

Alaska

Alaska does not have a statute which requires proof of identification upon enrollment in a school.

Under A.S. 18.50.310, to protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it is unlawful for a person to permit inspection of or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of a record, except as authorized.

Under A.S. 18.50.320, the bureau of vital statistics will, upon request, issue a certified copy of a certificate or record. Attached with Alaska's statutes is a Vital Record Order Form. This form must be completed prior to obtaining a certified copy of a record. A \$7.00 fee must accompany this application.

Under A.S. 18.50.900, a person who, with the intention to deceive willfully, uses or attempts to use a certificate of birth or certified copy of a record of birth knowing that the certificate was issued upon a record that is false or that the record relates to the birth of another person, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, by imprisonment for not more than one year, or by both. A person who

willfully and knowingly makes a false statement in a report or certificate of birth required to be filed, or in an application for amendment of it; in an affidavit or paper submitted in support of such a certificate or application, with intent to induce or secure registration of a birth; or accepts a certificate of birth as evidence of the date and place of birth, identity, or citizenship for a purpose of deception is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$300, by imprisonment for not more than three months, or by both, except when a more severe penalty is provided. A person who refuses to provide information, or who knowingly furnishes false information is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100, except when a different penalty is provided.

Under A.S. 18.50.315, upon receiving notification by the Department of Public Safety or another law enforcement agency that a child born in Alaska is missing, the bureau will flag the birth certificate record of the missing child in a manner that alerts the bureau to the fact that the record is that of a missing child when a copy of the birth certificate or information regarding the birth certificate is requested. Upon notification by the department that the person who was listed as a missing child has been found, the bureau will remove the flag from the person's birth certificate record.

The bureau may not provide a copy of a birth certificate or information concerning the birth record of a person whose record is flagged, except as authorized. When a copy of a flagged birth certificate is requested, the bureau must immediately notify the Department of Public Safety. If a flagged record is requested in person, the bureau must record the name, address, and telephone number of the person making the request. The bureau may only provide a copy of the requested birth certificate by mail.

Arkansas

Under §6-18-208, no child will be admitted to any public school until the responsible person presents to the proper school authorities an official copy of the child's birth certificate and provides the child's social security number. However, if the responsible person objects to providing the child's social security number, the requirement may be waived. School authorities may provisionally admit a child for whom an official birth certificate has not been provided if other proof of the child's date of birth is submitted along with a completed and postage-paid application for an official birth certificate. Payment must accompany the application.

Request for a birth certificate of a missing child is addressed under §12-12-802. When the Division of Vital Records receives a request for the birth certificate of a child which has been reported missing, the division must, within five business days after receipt of the inquiry, notify and furnish law enforcement officials the name, address and telephone number, if known, of the person making the inquiry.

Arkansas Statute 20-18-301 et. seq., addresses disclosure of information and issuance of copies of birth certificates. To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, it is unlawful for any person to permit inspection of or to disclose information contained in vital records, or to copy or issue a copy, of all or part of any record, except as authorized.

The state registrar will, upon receipt of written application, issue a certified copy of a vital record to any applicant having a direct and tangible interest in the vital record. The fee for obtaining a copy of a record is \$5.00 and is paid by the applicant.

Kansas

Under §72-53,106, when a child enrolls, the school board of the school in which the child is enrolling will require proof of identity of the child. If proof of identity of the child is not presented to the school board within 30 days after enrollment, the school board must immediately give written notice to a law enforcement agency. Upon receipt of the written notice, the law enforcement agency must conduct an investigation to determine the identity of the child. No person or persons claiming custody of the child will be informed of the investigation while it is being conducted. Schools and law enforcement agencies will cooperate with each other in attempting to identify the child.

In the case of a child enrolling in kindergarten or first grade, proof of identity means a certified copy of the birth certificate of the child. In the case of a child enrolling in any of the grades two through twelve, proof of identity means a certified transcript or other similar pupil records or data. Other documentary evidence may be deemed satisfactory by the school board as proof of identity.

Under §65-2422, it is unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized, and it is unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized.

The state registrar may not permit inspection of the records or issue a certified copy of a certificate or part thereof unless the state registrar is satisfied the applicant has a direct interest in the matter recorded, and the information contained in the record is necessary for the determination of personal or property rights. The secretary of health and environment will permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them will be made.

Under §65-2418, the secretary will fix and charge the fees, if any, to be paid for certified copies of certificates. Under §65-2434, any person who willfully makes or alters any certificate or certified copy will be fined not more than \$1,000, be imprisoned for no more than six months, or both.

Kentucky

Kentucky has established a program to identify and locate missing children enrolled in schools. Under §156.495, the Department of Education must provide, by administrative regulation, for a program to identify and locate missing school children who are enrolled in public and private schools in kindergarten through grade 12. Under this program, the department must notify the appropriate law enforcement authorities as soon as any additional information is obtained or contact is made with respect to a missing school child.

Under §213.061, upon notification that a child is missing, the state registrar of vital statistics will flag the birth certificate record of the child in such a manner that whenever a copy of the birth certificate or information regarding the birth record is requested, the state registrar will be alerted to the fact that the certificate is that of a missing child.

In response to any inquiry for a copy of a flagged birth certificate of a missing child, the state registrar will not provide a copy of the birth certificate unless it has been approved by the appropriate law enforcement agency. When a copy of a flagged birth certificate is requested in person, the state registrar or the designee accepting the request will inform the person making the request that a copy of a certificate will be mailed to the requester. The state registrar will, upon the departure of the requesting person, immediately notify the appropriate law enforcement agency. When a copy of a flagged birth certificate is requested in writing, the state registrar will immediately notify the appropriate law enforcement agency as to the request and will provide a copy of the written request.

Under §213.136, the state registrar will, upon receipt of an application, issue a certified copy of a vital record in the registrar's custody, or a part thereof, to any applicant. All forms and procedures used in the issuance of certified copies of vital records will be provided or approved by the state registrar. Under §213.141, a fee, not to exceed \$5.00, will be charged for a copy of a certified record.

Nevada

Under §392.165, the board of trustees of a school district will not allow a child to be permanently enrolled in any school until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he or she most recently attended.

A child must be enrolled in a school under his or her name as it appears in the identifying document or records, unless the parent or guardian furnishes a court order authorizing a change of name. If the parent or guardian fails to furnish the identifying document or records required within 30 days after the child is conditionally enrolled, the principal or superintendent will notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

Under §440.170, it is unlawful for any employee of the state to disclose data contained in vital statistics, except as authorized. Data contained in vital statistics records may be used for research purposes, but without identifying the persons to whom the records relate.

Under §440.327, the state registrar will not, without a court order, issue to any person or governmental entity an original or copy of the certificate of birth of a child who is listed as missing. The state registrar will inform the attorney general or the investigation division of the department of motor vehicles and public safety of the name and identifying information, dates and circumstances of any person or governmental entity requesting the certificate of birth of such a child without a court order and any other information which might be helpful.

Under §440.650, upon request, the state registrar will furnish any applicant a certified copy of the record of any birth registered. The state registrar will not issue a certified copy of a certificate unless he is satisfied that the applicant has a direct and tangible interest in the matter recorded. Under §440.700, the fee for a certified copy of a record of birth is \$11.00. However, upon the request of any parent or guardian, the state registrar will supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

Under §440.760, any person who willfully alters any certificate of birth, or the copy of any certificate, is guilty of a misdemeanor. Under §440.765, it is unlawful for any person to obtain or possess the birth certificate of another for the purpose of establishing a false identity. Every person who has in his or her possession the birth certificate of another person without lawful reason or who uses the birth certificate of another in the commission of a misdemeanor, is guilty of a misdemeanor. Every person who has in his possession two or more birth certificates of other persons without lawful reason or who uses the birth certificate of another person in the commission of a gross misdemeanor is guilty of a gross misdemeanor. Every person who uses the birth certificate of another person to aid in the commission of a felony will be punished by imprisonment for not less than one year nor more than six years, by a fine of not more than \$5,000, or by both.

North Dakota

Under §54-23.2-04.2, when a child enrolls in a school for the first time, the school will require proof of identity and request the appropriate school records for the child from the previous school attended. Proof of identity means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any other documentary evidence the school considers appropriate.

If proof of identity is not presented by the parent within 40 days of enrollment, or school records are not received within 60 days of enrollment, the school will notify the missing person information program and a law

enforcement authority. When a school receives a notice that a child who is or has been enrolled in a school has been reported as a missing child, the school will flag the child's records. The school will notify the missing person information program and a law enforcement authority if a request for school records is received from any source. If it is necessary for law enforcement authorities to conduct an investigation on a missing child, school personnel may not inform the person claiming custody of the child of the investigation while it is being conducted.

When the division of vital records of the state department of health receives a notice from a law enforcement authority that a person is reported as missing, the division will flag the records of the individual and notify the appropriate authority if a request for records is received from any source.

Under §23-02.1-27, to protect the integrity of vital records, to ensure their proper use, and to ensure efficient and proper administration of the system of vital records registration, it is unlawful for any person to permit inspection of or to disclose information contained in vital records, or to copy or issue a copy of all or part of any such record, except as authorized.

Under §23-02.1-28, the state registrar will, upon request, issue a certified copy of any certificate or record in his or her custody. Under §23-02.1-29, the state department of health will prescribe the fees, if any, not to exceed \$5.00, to be paid for each certified copy of a certificate or record. The department will charge an additional fee in the amount of \$2.00 for the issuance of each certified copy of a birth certificate.

South Dakota

Under §13-27-3.1 et. seq., any person who is required to enroll a child in school will, either at the time of enrollment or within 30 days of initial enrollment, provide the school with a certified copy of the child's birth certificate or an affidavit in lieu of a birth certificate as issued by the department of health in such cases where the original birth certificate is deemed unattainable. A person commits a class 2 misdemeanor if he or she violates this section.

Any copy of any certified birth certificate becomes a part of the child's permanent school record. The superintendent of any public or nonpublic school will regularly report to the state's attorney the name and address of any child for whom the school does not have a copy of a certified birth certificate.

Under §34-25-52 et. seq., the department of health will, upon request, supply to any applicant a certified copy of a record. The fee is based upon administrative cost as established by the department and is paid by the applicant. There is an additional fee of \$2.00 for a copy of a birth certificate.

Senator Fischer
February 26, 1992
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Texas

Under §21.0313 of the Education Code, no later than 30 days after a parent enrolls a child in school, the parent, or other person of the school district in which the child most recently attended school, must furnish the child's birth certificate or another document suitable as proof of the child's identity and a copy of the child's records from the child's previous school. If the information is not furnished within 30 days, the district must notify the appropriate law enforcement agency and request a determination of whether the child has been reported as missing.

If a child is enrolled under a name other than the child's name as it appears in the identifying document or records, the school district must notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled. The information in the notice is confidential and may be released only to a law enforcement agency.

Under §191.0045 and §191.0046 of the Health and Safety Code, the bureau of vital statistics may collect a fee for copies of vital statistics records. An additional fee of \$2.00 is charged for issuing a certified copy of a certificate of birth. However, on the request of a child's parent, the state registrar must issue without fee a certificate necessary for admission to school or to secure employment. The certificate is limited to a statement of the child's date of birth.

Under §191.052, subject to rules controlling the accessibility of vital records, the state registrar must supply to a properly qualified applicant, on request, a certified copy of a record, or part of a record, of a birth registered. Under §195.003, a person commits a felony in the third degree if he or she intentionally or knowingly makes a false statement in a certificate, record, or an application for a certified copy of a vital record. A person also commits a felony in the third degree if he or she intentionally or knowingly fraudulently identifies himself or herself to obtain or return registration forms, certificates, or any other forms.

I hope this information is useful to you. If we may be of further assistance, please contact this office.

Attachments