

**HB**

**172**

# FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 172

1995 LEGISLATIVE SESSION

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

Department Affected: Education

Title: An Act relating to kindergarten programs and compulsory education; to identification required upon...

BRU: K-12

Component: Foundation

Sponsor: House HESS by request

Requester: House HESS

COMPONENT SERIAL NO. \_\_\_\_\_ 141

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.) Section 1 amends AS 14.03.040 "Day In Session" to include kindergarten and sets the minimum number of hours a child must attend school at 2.5 hours. This bill does not amend the foundation statute. AS 14.17.041(c) states that "kindergarten students who attend less than four hours will be counted at .5 ADM under (a) and (b) of this section", (AS 14.03.041). Sections 2 through 4 address elementary, secondary and middle schools. These sections do not have a fiscal impact because school construction grants are based on grade levels within a building and not the classification of the school building. Section 5 amends AS 14.03.070 "School Age" from six to five years of age. Section 6 amends AS 14.03.080(d) to delete language which refers to a five year old "who is under school age". Section 7 amends AS 14.30.010(a) to lower the age for compulsory education from seven to six. Section 8 amends AS 14.30.710 by adding a new section requiring the parent to provide proof of the child's identity within 30 days of enrollment.

Prepared by: Duane Gulley

Phone: \_\_\_\_\_

Division: \_\_\_\_\_

Date: February 28, 1995

Approved by Commissioner: \_\_\_\_\_

Mike Maher

Agency: Education

Date: February 28, 1995

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# HOUSE COMMITTEE REPORT

(7) Date Referred: February 10, 1995 FURTHER REFERRALS: Finance

Date of Committee Action: 4/13/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 172

HOUSE BILL NO. 172 KINDERGARTEN & MISC. EDUC

"An Act relating to kindergarten programs and compulsory education; to identification required upon enrollment in a public school; to those grades that constitute elementary, junior, and secondary school; and providing for an effective date."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Education  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Henry J. Sings</i>			<input checked="" type="checkbox"/>	
<i>Car Beede</i>	<input checked="" type="checkbox"/>			
<i>SOLOMON</i>	<input checked="" type="checkbox"/>			
<i>Caren Robinson</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Car Beede*

# HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES

STATE CAPITOL, JUNEAU 99801  
(907) 465-3759



## SPONSOR STATEMENT

### HB 172

"An Act relating to kindergarten programs and compulsory education; to identification required upon enrollment in a public school; to those grades that constitute elementary, junior, and secondary school; and providing for an effective date."

Research indicates that kindergarten is an important part of a public school education. Thirty-five states and territories have mandated that kindergarten be offered as a grade. All school districts in Alaska are already providing kindergarten as a part of the educational curriculum of their school districts. HB 172 recognizes the importance of kindergarten as part of the instructional program and would insure that all districts would continue to offer kindergarten in the future.

By current law, a secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high. Enacting this legislation would add middle school to the definition of secondary school and allow for the sixth grade to be included as a part of junior high or middle school.

According to the 1990 State Education Indicators, 27 states currently mandate the age students must enter school at age six or less; and, in 43 of the 50 states, including Alaska, students generally enter school at age five.

This bill also adds a new section that anyone enrolling a child in a public school shall, not more than 30 days after enrollment, provide to the public school a copy of the child's birth certificate or other proof of the child's identity if the child has not previously been enrolled in a public school.

"(B) the school board has submitted an acceptable plan under which students will receive the approximate educational equivalent of a 180-day term."

**Effect of amendments.** — The 1991 amendment, effective September 10, 1991, rewrote the section.

**Sec. 14.03.040. Day in session.** Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to AS 14.03.050. A school board may approve Saturdays as a day in session. The day in session in every school shall be at least four hours long, exclusive of intermissions, for the first, second, and third grades and five hours, exclusive of intermissions, for all other grades. The commissioner may approve a shorter day in session for any grade. The period of the day in session shall be devoted to the instruction of pupils or to study periods for the pupils. (§ 1 ch 98 SLA 1966; am § 2 ch 137 SLA 1976)

**Sec. 14.03.050. School holidays.** (a) Public schools may not be in session on school holidays, which are Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas Day, New Years Day, Memorial Day, and the Fourth of July. If one of these holidays falls on a Saturday, the Friday immediately preceding is a school holiday. If one of these holidays falls on a Sunday, the Monday immediately following is a school holiday. A teacher may not be required to perform employment services on these holidays, nor may the salary of a teacher be diminished because the teacher does not perform employment services on a school holiday.

(b) The public schools shall be in session on all other holidays falling upon school days and shall conduct appropriate exercises in recognition of the day.

(c) The governing body of the school district may declare additional holidays. (§ 1 ch 98 SLA 1966)

**Sec. 14.03.060. Elementary, junior high, and secondary schools.** (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade. (§ 1 ch 98 SLA 1966)

**Collateral references.** — Kindergartens or specialized departments, power and duty of school authorities to maintain. 70 ALR 1313.

Zoning regulations as applied to public elementary and high schools. 74 ALR3d 136.

**Sec. 14.03.070. School age.** A child who is six years of age before August 15 following the beginning of the school year, and who is under the age of 20 and has not completed the 12th grade, is of school age. (§ 1 ch 98 SLA 1966; am § 1 ch 1 FSSLA 1987; am § 19 ch 85 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, substituted "before August 15 following" for "or who will become six years of age before August 15 preceding."

(Jud)), see 1988 House & Senate Joint Journal Supplement No. 18, May 10, 1988 p. 5.

**Legislative history reports.** — For an analysis of the amendments to this section by § 19, ch. 85, SLA 1988 (HCS CSSB 413

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

**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 following 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; am § 20 ch 85 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, substituted "following" for "preceding" in subsection (d).

CSSB 413 (Jud)), see 1988 House & Senate Joint Journal Supplement No. 18, May 10, 1988 p. 5.

**Legislative history reports.** — For an analysis of the amendment to (d) of this section by § 20, ch. 85, SLA 1988 (HCS

**Opinions of attorney general.** — A school district must permit a child who is temporarily hospitalized or attending a treatment facility in the district to enroll

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 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; 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



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TO: HOUSE HEALTH, EDUCATION & SOCIAL SERVICES  
COMMITTEE

SUBJECT: LETTER OF SUPPORT: HB 172, " AN ACT RELATING TO  
KINDERGARTEN PROGRAMS AND COMPULSORY  
EDUCATION...

DATE: FEBRUARY 23, 1995

The Anchorage School District strongly supports the passage of HB 172, " An Act relating to kindergarten programs and compulsory education; to identification required upon enrollment in a public school; to those grades that constitute elementary, junior, and secondary school; and providing for an effective date."

Research indicates that kindergarten is an important part of a public school education. Thirty-five states and territories have mandated that kindergarten be offered as a grade. All school districts in Alaska are already providing kindergarten as a part of the educational curriculum of their school districts. HB 172 recognizes the importance of kindergarten as part of the instructional program and would insure that all districts would continue to offer kindergarten in the future.

By current law, a secondary school consists of grades seven through 12 or any appropriate combination of grades with this range, and that grades seven through eight, nine, and ten or any appropriate combination of grade within this range may be organized as a junior high. Enacting this legislation would add middle school to the definition of secondary school and allow for the sixth grade to be included as a part of a junior high or middle school.

According to the 1990 State Education Indicators, 27 states currently mandate the age students must enter school at age six or less; and, in 43 of the 50 states, including Alaska, students generally enter school at age five. The District supports changing the compulsory school age from age in Alaska from seven to six.

Finally, the Anchorage School District currently requires that a person who enrolls a child in our public school shall provide to the District a copy of the child's birth certificate or other proof of the child's identify if the child has not previously been enrolled in a public school. We support this practice statewide.



# NEA-ALASKA

*Affiliated with the National Education Association*

## NEA-ALASKA POSITION STATEMENT

### HB 172 - KINDERGARTEN PROGRAMS

It is our understanding that every school district in Alaska offers kindergarten programs for five year olds. The value of kindergarten programs has been demonstrated. Kindergarten is a critical link to a successful elementary experience for a child.

Research has shown that much of what a child will learn is acquired before the child enters the first grade. The kindergarten experience offers children an opportunity to develop social skills along with some academic skills. During their first year in the public schools, kindergarten children experience many developmental opportunities which reduce the need for remedial programs later.

Kindergarten offers each child an opportunity to enter the public schools on an equal footing. Children from all economic backgrounds, cultures and geographic areas benefit directly from kindergarten experiences.

We also recognize and support the opportunity for districts to organize middle school opportunities for children. We encourage the HESS Committee to support HB 172.

3-2-95



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

DATE: MARCH 2 1995

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 HB 172: KINDERGARTEN &  
 MISCELLANEOUS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT		WHAT SUBJECT/ WHICH BILL?
						TO TESTIFY?		
Duane Guiley	DOE	Juneau AK	99801		2891	Y	N	Answer Questions HB 172
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



# Alaska State Legislature

## House of Representatives

COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

DATE: APR 13 1995

PLACE: Capitol Room 106

SUBJECT OF MEETING:

HB 172: KINDERGARTEN +  
MISC. Education

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
DEE A. HUBBARD	SELF	4251 PINNACLE CIR.	99504	337-6370	337-6370	(Y) N	HB 172
Vernon Marshall	WIFA - AIL	114 2nd St			586-3050	(Y) N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	