

HB

158

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 26, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/18/97 an

The FINANCE Committee considered:

HB 158

HOUSE BILL NO. 158

RIGHT TO ATTEND SCHOOL ON PART-TIME BASIS

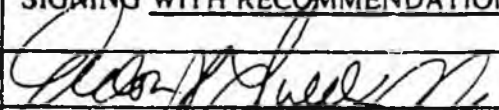

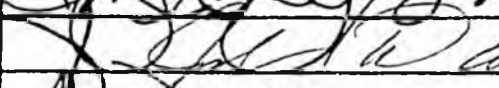
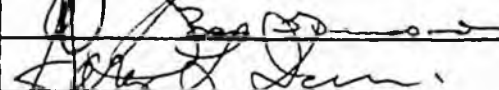
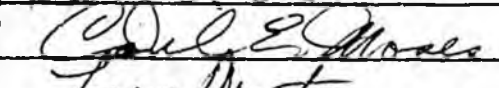
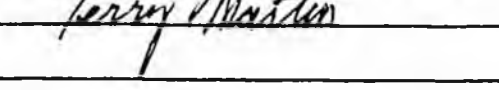

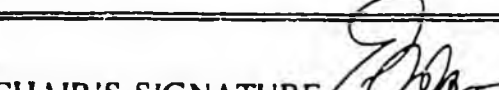
“An Act relating to attendance at a public school on a part-time basis.”

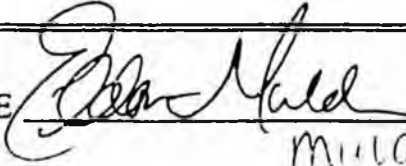
recommends it be replaced with the following committee substitute _____ the same title
 a new title

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) _____ zero fiscal note(s) Education 3/26/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
 MULDER	✓			
 KELLY	✓			
 FOSTER	X			
 J. DAVIES	X			
 GRUSSENDORF	X			
 G. DAVIS	X			
 MASTS	X			
 MARTIN	X			

CHAIR'S SIGNATURE  _____
muldee

FISCAL NOTE

No. 1
 Bill Version: HB 158
 (H) Publish Date: 3/26/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An act relating to attendance at a public school on a part-time basis.
 Sponsor: Representative Dyson
 Requester: HESS

Department Affected: Education
 BRU: K-12 Support
 Component: Foundation Program

COMPONENT SERIAL NO. 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

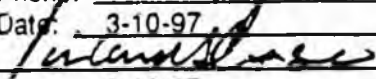
POSITIONS:

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: -0-

ANALYSIS: (Attach a separate page if necessary.) Section 1 requires a local school board to allow a child who is enrolled at a private school, is a correspondence student or is being home schooled, to enroll as a part-time student. Currently AAC 05.035, allows a school district to enroll a part-time student. School districts that permit part-time enrollment shall adopt a policy how the district will comply with certain requirements and process a request for part-time enrollment. Districts may enroll part-time students if there is space available, if requested by the student's parent, if the student has met the prerequisites for the course and if the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution. 4 AAC 09.050 establishes the methodology for counting part-time students for foundation funding.

Prepared by: Eddy Jeans, School Finance Manager
 Division: Education Support Services
 Approved by Commissioner: Shirley Holloway, Ph. D., Commissioner
 Agency: Education

Phone: 465-8679
 Date: 3-10-97

 Date: 3-10-97

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REPRESENTATIVE FRED DYSON

HF: 158

Sponsor Statement (revised)

"An Act relating to attendance at a public school on a part-time basis."

HB 158 prohibits public school districts from discriminating against part-time Alaskan students.

The Alaska State Constitution, Article VII, Section 1 (Public Education) states, "The legislature shall by general law establish and maintain a system of public schools open to all children of the State...." The Alaska Administrative Code makes provisions and establishes a funding mechanism for part-time students. According to 4 AAC 09.040, "a student enrolled in one course in a semester equals 0.25 full-time equivalent" of the foundation formula. The graduated scale gives a school full credit for a student who attends four courses daily.

When the Attorney General's office prepared the current state statutes for part-time students and the foundation formula reimbursement for part-time students, it was anticipated that every school would fulfill the constitutional mandate and not discriminate against part-time students.

On April 14th, the State Board of Education unanimously endorsed HB158. They strongly encourage public schools to provide educational service to all local qualified students including home, correspondence, and private school students.

Many public school districts such as Sitka, Mat-Su, and Fairbanks work cooperatively with all non-public school students. Their attitudes and actions allow many options for parents and provide for a quality educational experience. They report virtually no problems from this cooperation. For students who have been expelled from the public schools and are being home schooled in the interim, the part-time option will allow the student to gradually make the transition back into the public school system.

School districts have found part-time students to be academic and social assets to their schools. In working cooperatively with private and home school students, public educators take a critical step toward providing an important resource to "all children of the State." The participation of part-time students in public schools has helped to diminish the apprehension of many parents about the public school system.

As far as we know, every school district in the state accepts part-time students from the home, correspondence and private school communities except the Anchorage School District (ASD). ASD reasons that providing an educational benefit to an individual child might accrue as a benefit, somehow, to some private school and thus raise constitutional concerns. The Legislative Legal staff, as well as the Attorney General's office, maintain that there is no constitutional issue.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>



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REPRESENTATIVE FRED DYSON

HB 158 Sponsor Statement

"An Act relating to attendance at a public school on a part-time basis."

In the Alaska State Constitution, Article VII, Section 1 (Public Education) states, "The legislature shall by general law establish and maintain a system of public schools open to all children of the State...."

A few Alaska school districts do not allow part-time students. This bill ensures that all qualified Alaska students are allowed to participate in public schools, including part-time students. Discrimination against part-time students is prohibited.

The Alaska Administrative Code makes provisions and establishes a funding mechanism for part-time students. These provisions are weighted in favor of the schools that accept part-time students. According to 4 AAC 09.040, "a student enrolled in one course in a semester equals 0.25 full-time equivalent" of the foundation formula. This graduated scale gives a school full credit for a student who attends four courses daily.

Many of Alaska's part-time public school population are private or home schooled students. They attend public schools in order to take advantage of public school facilities such as computer labs, chemistry labs, foreign language courses or other specific classes for which the private or home school does not have the resources.

For students who have been expelled from the public schools and are being home schooled in the interim, this option will allow them to gradually make the transition back into the public school system.

Most Alaska schools and school districts gladly encourage and accept part-time students. They realize that our public schools are an important resource and have found part-time students to be academic and social assets to their schools. The experience also helps the public schools build bridges to the private and home school movements.

- E-mail -
Representative_Fred_Dyson
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STATE OF ALASKA

DEPARTMENT OF EDUCATION OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

GOLDBELT PLACE
801 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99801-1894

(907) 465-2800
FAX (907) 465-4156

April 9, 1997

APR 10 1997

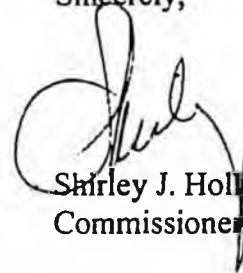
Representative Fred Dyson
Alaska State Capitol, Room 428
Juneau, AK 99811-1182

Dear Representative Dyson:

During its April 7, 1997 meeting, the Alaska State Board of Education, by unanimous vote, voted to support HB 158, an act relating to attendance at a public school on a part-time basis.

On behalf of the State Board of Education, I would like to thank you for attending the public comment portion of the State Board meeting on Monday, and speaking about HB 158.

Sincerely,



Shirley J. Holloway, Ph.D.
Commissioner

cc: State Board of Education

Fran Ulmer
FEDERAL GOVERNOR

The Constitution of the State of Alaska

ARTICLE VII, SECTION 1
CONSTITUTION



SECTION 8. REAPPORTIONMENT BOARD. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

SECTION 9. ORGANIZATION. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

SECTION 10. REAPPORTIONMENT PLAN AND PROCLAMATION. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

SECTION 11. ENFORCEMENT. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause

shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII. HEALTH, EDUCATION AND WELFARE.

SECTION 1. PUBLIC EDUCATION. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

SECTION 2. STATE UNIVERSITY. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

SECTION 3. BOARD OF REGENTS OF UNIVERSITY. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

SECTION 4. PUBLIC HEALTH. The legislature shall provide for the promotion and protection of public health.

SECTION 5. PUBLIC WELFARE. The legislature shall provide for public welfare.

4 AAC 05.035

PART-TIME ENROLLMENT IN A PUBLIC SCHOOL.

(a) A district may permit its schools to enroll part-time public school students. A district that permits enrollment of part-time public school students shall adopt a policy that sets out how a school in the district shall comply with (b) of this section and how the school shall process a request for enrollment of a part-time public school student. The district shall make the policy available to an interested person.

(b) Subject to the policy that a district has set out under (a) of this section, a public school in the district may enroll a part-time public school student, including a private, correspondence, or home school student, who is exempt from compulsory education at a public school under AS 14.30.010(b), if

(1) space is available in a course in which the student desires to enroll after full-time public school students have had an opportunity to enroll;

(2) the enrollment is at the request of the student or the student's parent; for purposes of this paragraph, "parent" has the meaning set out at 4 AAC 52.990;

(3) the student has met the prerequisites for the course that are required of a full-time public school student; and

(4) the enrollment does not result in an expenditure of public money for the direct benefit of a private educational institution.

(c) A district shall count a part-time public school student for foundation aid purposes according to 4 AAC 09.040(c).

(d) A district may permit dual enrollment of a part-time public school student at a public school and a private, correspondence, or home school, if the dual enrollment satisfies the requirements of compulsory education set out at AS 14.30.010.

(e) For the purposes of this section, "part-time public school student" means a pupil who attends a public school less than a day in session, as "day in session" is defined at AS 14.03.040.

History -

Eff. 6/2/95, Register 134

Authority -

AS 14.03.080

AS 14.07.020

AS 14.07.060

AS 14.30.010

4 AAC 09.040

COUNTING OF CORRESPONDENCE STUDENTS AND PART-TIME PUBLIC SCHOOL STUDENTS.

(a) Repealed 6/2/95.

(b) Repealed 12/13/87.

(c) A student enrolled in an approved district correspondence study program, in the centralized correspondence study program, or as a part-time public school student under 4 AAC 05.035, shall be counted on a full-time equivalent basis as follows:

(1) a student enrolled in one course in a semester equals 0.25 full-time equivalent;

(2) a student enrolled in two courses in a semester equals 0.5 full-time equivalent;

(3) a student enrolled in three courses in a semester equals 0.75 full-time equivalent;

(4) a student enrolled in four or more courses in a semester equals 1.00 full-time equivalent.

History -

* Eff. 1/15/87, Register 101; am 12/13/87, Register 104; am 6/2/95, Register 134

Authority -

AS 14.07.020

AS 14.07.060

AS 14.17.010

AS 14.17.022

AS 14.17.031

AS 14.17.041

AS 14.17.080

AS 14.17.160

AS 14.17.170

AS 14.17.200

Voice of **The Times**

The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaskans, putting Alaska first"

Editors: DENNIS FRADLEY, PAUL JENKINS, WILLIAM J. TOBIN

The Anchorage Times Commentary in this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times, in the interests of preserving a diversity of viewpoints in the community.

Discrimination

UNDER REGULATIONS in Alaska's Administrative Code, public schools can discriminate against certain students because of what some believe to be classroom politics.

The schools have the authority to bar admission to students who wish to attend class part-time. The Anchorage School District is among those which deny part-time enrollment.

Students requesting part-time admission generally attend a private school or are being schooled at home. They usually want to take certain specialized classes at public school, in courses not otherwise available to them.

Denying these students part-time access is an inequity for their families — who already pay their fair share of local property taxes to support the public school system, in addition to financing a private education or making the sacrifices required to teach classes at home.

Many of these parents suspect that the closed-door policy is political, advocated by the teachers' union as a way to punish families providing their children an education alternative.

Freshman state Rep. Fred Dyson, R-Eagle River, wants to end the discrimination. He is sponsoring legislation, House Bill 158, which would require public schools to accept part-time students. "Property taxes used toward education costs are not selective among tax-paying individuals — neither should the schools," he said.

We concur.

IDITAROD AREA SCHOOL DISTRICT

Box 90

McGrath, Alaska 99627

F A X C O V E R S H E E T

DATE: February 24, 1997 TIME: 11:46 AM
TO: Jan Newton - Room 323 FAX: 586-8315
FROM: Isabelle Harrington ^{Isabelle} PHONE: 907-524-3599 ext. 224
Business Manager FAX: 907-524-3217

RE: PART TIME STUDENTS

Number of pages including cover sheet: 1

Message

Regarding your question on how we treat part-time students:

We have followed guidelines as outlined in the old DOE "Pupil Accounting" manual for correspondence students (page 58). Those guidelines are as follows:

"A student who is enrolled for two or more Carnegie units for a semester or four or more units for the year is to be counted as full-time. A student enrolled for less than two units for the semester or less than four for the year, will be divided by two or four, respectively and counted as a fractional full-time equivalency (FTE). When calculating the individual student membership for a secondary correspondence student, the number of days in members must be multiplied by the fraction obtained above."

Even though this applies only to secondary students, we have used these guidelines for all students even elementary students who may be on a home-schooled Christian school correspondence for part of their day.

What this does for funding purposes is a student would then be pro-rated for the foundation count. A child who only is enrolled for two courses would then be counted as a half-time student and the funds given would be less than a full-time student.

I hope this helps. Let me know if you need any additional information.

*Seniors carrying min.
Correspondence*



JUNEAU SCHOOL DISTRICT
CITY AND BOROUGH OF JUNEAU

10014 CRAZY HORSE DRIVE • JUNEAU, ALASKA 99801-8529 • (907) 463-1700

x214
Superintendent
Mary Kuvassov

FACSIMILE TRANSMISSION

Date: 2/24/97 Telefax #: (907)463-1768

To: Lisa No. of pages transmitted: 1
(including transmittal page)

Fax #: 465-4587

From: Shelley Jensen City and Borough of Juneau
School District

Regarding: we do not have a policy
which addresses part-time students.
It is addressed in DOE Adm. Reg.
4 AAC 05.035.

IF NOT RECEIVED CORRECTLY
PLEASE CALL BECKIE WILSON
AT THE JUNEAU SCHOOL DISTRICT
CENTRAL OFFICE (907)463-1700 EXT. 210



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

March 17, 1997

Attention: Lisa
Representative Fred Dyson
Alaska State Capitol, Room 428
Juneau, AK 99801

MAR 20 1997

Dear Representative Dyson:

I am writing this letter in response to your staff's query regarding whether or not the Fairbanks North Star Borough School District has been implementing the requirements of 4 AAC 05.035 regarding part-time students. For the past several years, Fairbanks has allowed part-time students, both elementary and secondary, to attend schools/classes in our schools. These students are coded as part-time and (if they were enrolled during our October count period) are included in official student enrollments.

Each year, the staff in our student records office reviews the class schedules of all secondary students and calculates the part-time FTE of each student based on the number of classes in which they are enrolled. Your proposed House Bill No. 158 would not cause our district to do anything different from what we have already been doing for years.

If you have any questions about this, feel free to contact either Mr. Bob Shefchik, the Assistant Superintendent for Business and Finance or myself at 452-2000.

Sincerely,

Dr. Nicholas Stayrook, Director
Program Planning and Evaluation

cc: Bob Shefchik

Gaye Willis
9345 Turn St.
Juneau, AK 99801
(907-789-7634)
gjwillis@aol.com

The Honorable Fred Dyson,

Dear Sir,

I would like to express my support for **HB 158** regarding the right to attend school on a part-time basis. Clearly the Alaska State Constitution provides that all students shall have access to education. The current policy of some districts to prohibit part-time attendance violates that mandate.

I have three children, two are currently enrolled in our local district and one is in Alyeska Central School. During the past 5 years, we have used a combination of both options in choosing the best educational program for our children. My personal experience and my contact with other homeschool parents convince me that this bill is necessary to provide fair access to educational opportunities to all children in the state.

For two years our daughter was able to participate in choir at the middle school while doing correspondence. This best option for her was possible because she had a gifted and talented IEP in music. State law required district to service such children. Other students, without a G/T label, who would have benefitted from a similar opportunity, were denied access. This inequitable situation would be remedied with this bill.

Parents who choose correspondence, private schools, or homeschool should not be penalized or denied access to programs that are freely provided for other children within our state. They pay local taxes and contribute to our state. Educational discrimination against their children is wrong.

All Alaskan have a stake in providing the best education for our children. Please support this bill and open educational opportunities to all of our children.

Thank you,
Gaye Willis

SUPPORT

March 19, 1967

To Representative Van Buren
Chair of the H.E.S. Committee

I am a home schooling parent of two children 8 & 10 years old. We are also part of a home schooling - cooperative - group with five other parents.

I feel it would constitute a tremendous opportunity for home school children to be able to join classes offered in public schools, on an interest level that is at times difficult for us parents to present.

I therefore would strongly be interested to see the bill "HB 158" passed.

Sincerely

Ellen
Mickle

Please distribute this testimony to all the other committee members.

Fax

To: Rep Fred Dyson

From: Kathy Rutter

Fax: (907)4654587

Date: March 12, 1997

Phone: (907)4652199

Pages: 1

Re: HB 158

CC:

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Comments: We strongly support HB 158. As a home schooling family, we believe that our children should not be denied access to the public schools, which we help to support. We believe that we also have a right to access to public school facilities such as libraries.

Sincerely,

Kathy J. Rutter
James B. Rutter III

P.O. Box 893
Valdez, Alaska 99686
(907)8352501
rutter@alaska.net

Mr. John
HC02 Box 7741-B

Shrader

746-3972

Palmer

AK 99645

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Subject

03/12/97

N

HB 158

Supports

STUDENTS THAT AREN'T ATTENDING FULL TIME SHOULD NOT BE DISCRIMINATED AGAINST, ALLOWING THEM IN TO THE SCHOOL COULD ALLOW THESE STUDENTS TO MORE EDUCATIONAL OPPORTUNITIES.

Michael T. Shelton
P.O. Box 876325
Wasilla, Alaska 99687

Rep. Fred Dyson
Alaska State Capital
Juneau, Alaska 99801

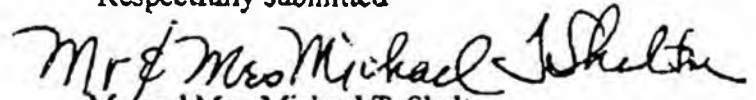
The Honorable Fred Dyson:

We are writing in support of HB 158.

Our son attends private school for his academics, while he attends public school for music. He has been singing for a local high school since his freshman year. He is now a junior. We are looking toward scholarships for our son's continuing college education. We have been advised that although he is pursuing the medical field he should qualify for scholarships through his voice.

This bill is crucial for our family as well as other families. Thank you for bringing this issue forward for support.

Respectfully submitted


Mr. and Mrs. Michael T. Shelton

March 12, 1997

Rep. Con Bundy
Chair, HESS Committee

Please distribute the following testimony to all committee members:

I am writing on behalf of my spouse and myself on the issue of enacting legislation which would allow home-educated children the right to enroll in selected courses and extra-curricular activities offered by the Alaska public schools, specifically for us, within the Mat-Su Borough School District.

We are in full support of children being admitted to the public schools for 1 or more courses or activities, without any restrictions as to a minimum number of courses, or any requirements as to which type of courses they must take to be allowed to enroll part-time.

My husband is a public school teacher at Wasilla Middle School and endorses with enthusiasm the idea of having students partake in his classes who are genuinely

cc:Mail for: Lisa Hoff

Subject: Support of HB 158

MAR 13 1997

From: dclover@ptialaska.net (David Clover) at CC2MHS1 3/13/97 12:19 PM

To: Lisa Hoff at LAA_TRANS

Sue Clover
Four-leaf Clover School
4413 Julep St
Juneau, Alaska 99801

Representative Fred Dyson
HESS Committee
Alaska State Legislature

Dear Sirs:

I am writing in support of HB 158. I believe this bill would be a benefit to the parents and children of Alaska. It would allow parents more options in the education of their children and more ability to tailor the education to fit their child. The need for this option is especially true in the high school years where, in small schools or home schools, foreign language classes and science labs are not always possible.

As a resident of Juneau, I have found that my children can only be totally in the public school system or totally out of it. The very few people I have heard of that were able to take part in a public school class or program had to be so demanding that they got their way, or their children had to be gifted or special needs, or they had to "know someone." Education should not depend upon "knowing someone."

Thank you,

Sue Clover

MAR 13 1997

Representative Fred Dyson
Attn: Lisa Hoff
Alaska State Capitol
Juneau, AK 99801-1182
Fax (907) 465-4587

Re: House Bill #158

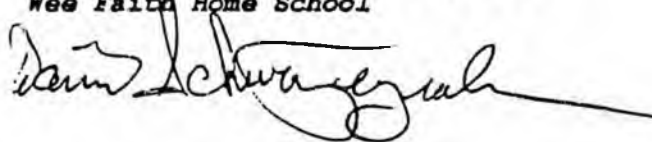
March 13, 1997

To Whom It May Concern;

This is to give a written testimony that my and family and I support the passing of HB #158. This would be a great asset to our family as home schoolers here in Juneau; we have been schooling our children at home for nine years and this would be a resource that would be appreciated for our older children in particular. We have found that one of the greatest needs for schooling our children is money and resources for the children as they have grown older and needed more specific help to meet their schooling needs. This Bill could make a big difference in providing those resources.

Thank you,

David and Beth Schwartzengraber
Wee Faith Home School



cc:Mail for: Representative Fred Dyson

Subject: (no subject)

From: mvandiest@matnet.com (marty van diest) at CC2MHS1 3/12/97 12:28 AM

To: Representative Fred Dyson at LAA_TRANS

MAR 13 1997

I am writing in support of HB 158 allowing private school students the opportunity to attend a public school on a part-time basis. These students should be allowed to take even one class at their local public school if their parents deem in beneficial.

The parents of most private and home school students have been paying local property taxes for years. Most of the tax, as much as \$2000 per year, goes to the local public school. Yet, they have not used the schools at all but instead, in addition to paying for neighbor's childrens education through taxes, they are bearing the total cost of education for their own children. In effect, they have been subsidizing the public schools for years.

Very few of these families will take unfair advantage of this bill should it become law. They have chosen to make the financial sacrifice of taking them out of public school for a reason. However, there are certain situations in which a teacher well versed in his field with good facilities can often provide opportunities to a student that he may not receive at his small private school or at his home school. Chemistry is a good example of a subject that makes use of special equipment not often found in a very small school.

I believe that the Alaska Legislators will understand that this bill is good for Alaskan students and will see fit to pass it.

Marty Van Diest
HC 32 Box 6661-A
Wasilla AK 99654
(907) 373-0999

cc:Mail for: Representative Fred Dyson

Subject: HB 158

From: Christine_OConnor@compuserve.com ("Christine N. O'Connor") at CC2MHS1 3/15/97 4:34 PM

To: Representative Fred Dyson at LAA_TRANS

Dear HESS Committee members,

March 15, 1997

I am writing to express my support for HB 158 which would allow homeschooled students to attend classes part time at public schools. I am a homeschooling Mother of two elementary age children. While I believe homeschooling is best for my family at this time, I would like the option of using public school classes as a suplement when my children get older.

Alaska politicians are constantly stating their committment to excellence in education. Allowing students more access to public schools is a common sense step in achieving this excellence.

I urge you to support this bill and see that it becomes law. After all, it's only fair that my family be allowed to use facilites our tax dollars help pay for.

Sincerely,
Christine O'Connor

URGENT MEMO

March 18, 1997

To: Joe Green, Chair, Judicial Committee

From: Dana and Becky Hofseth (907)235-6250
P.O. Box 2158, Homer, AK 99603

Re: Two current private/home school bills in legislation

As homeschooling parents for the last 11 years, we were especially thankful to hear of the two current bills being considered. Both are homeschool friendly, and both take thought for working with, not against, the homeschooling community. We feel privileged to live in a state that is looking toward the future and realizing that alternatives in education are not only inevitable but of benefit to our communities.

We are especially hopeful that HB158 will pass. It is our understanding that this bill will prevent public schools from discriminating against home school or private school students who would like to take classes at the public school. This has been a difficulty for us here in Homer. After our oldest daughter had homeschooled exclusively through eighth grade, in 1995 we decided to enter her at the public high school for her ninth grade year. She had a very positive year, being a 4.0 student, making new friendships, and excelling in team sports.

At the end of that year, we evaluated the experience. Together we thought the best educational plan was to have her continue at the high school on a part-time basis and take the remainder of her courses at home. This year she has been enrolled in Spanish, geometry, and music at the public high school. Having a love and aptitude for music, she auditioned and was chosen for Homer High School's specialty "Swing Choir." Unfortunately, the school principal has made it clear that our daughter will not be allowed to be in Swing Choir during her junior and senior year unless she is a full-time student. The irony is, that technically, she has been a full-time student, meeting the requirement of taking four classes; the school has been getting full funding for her!

We have had many conversations with the principal, but because he is fundamentally opposed to part-time students in general, he has chosen to interpret the school district's guidelines in a limiting, and what we consider, discriminatory way. As it stands now, the current school board's regulation states: "Acceptance and attendance (of part-time students) will begin following the principal's determination of space availability within (10) school days of the first day of each semester." He has determined that Swing Choir is always a "full" class and therefore never available to part-time students (even though they have earned the right to be there by audition).

Page 2
3/18/97 FAX

With the public school's ever burgeoning numbers, a school principal could conceivably always determine that a class is "full." Though we have sought to communicate the substantial benefits to the high school of welcoming part-time students (not only are less class seats being taken, but the schools are receiving extra funds for part-timers' presence), our argument evidently has not been compelling enough, and at this point we are still at the mercy of one principal's determinations.

It appears that HB158 would eliminate any arbitrary decision making on the behalf of school principal's and thereby give tax paying parents' students equal access to their public school. This was affirmed by Alaska's own state legislature when they established the week of October 13-19, 1996 as Alaska Home Education Week. In that resolution it states, "Further resolved that the Department of Education, school districts, and regional educational attendance areas are encouraged to cooperate with parents who are teaching their children at home." Passing these two bills will put feet to this resolve, truly making it possible for the public and private schools to compliment one another for the betterment of our society.

cc: HESS COMMITTEE MEMBERS

Regarding House Bill No. 158 Thursday, March 20, 1997
Regarding Senate Bill No. 134 Friday, April 11, 1997

"Home Schooling Education program"

APR 11 1997

I would like to express my support for this bill.

My wife and I have chosen to home school our children. There may be situations where we would like to take advantage of some of the programs at the local public school. If we would choose to enroll our students full time at the public school, the school would be obligated to accept our children and pay for their entire education. Because we choose to take primary responsibility for educating our children and pay for this ourselves and we only ask to participate a little bit in the program, current state regulations say that our local school board can consider our children ineligible for a partial public education! They can even deny us entrance into the school even if we offer to pay for the classes! Is that right?

Because my students attend our private home school the state is relieved of paying "their share" of the cost of educating my children at the public school. If I would like to enroll for 10% of the program instead of 100% of the program, I would think that the state would be delighted that I am only asking for 10% of what most parents are asking for.

The local public school district is in the business of educating students. Isn't it inconsistent for them to establish policies that discourage or prohibit students from attending their classes? If the state is unwilling to pay for my children to attend part time, but I am willing to pay for the part time instruction this should not present a burden to the local school district, yet with current regulations, they can still prohibit my children from attending part time.

A number of people who have testified against this bill say they fear that these part time students will only be taking the "expensive" courses at the public schools creating an inordinate financial burden to the schools. If I attend a public college and I take a course with extra expenses such as a lab, there is usually a "lab" fee or a surcharge for special curriculum items. Thus there is additional income to the school for the more expensive classes.

A public grade school or high school could likewise charge the appropriate fee representative of the additional costs for a course, but current regulations, rather than encourage the school to accept students and permit them to pay the appropriate costs, rather encourages the school to deny access to the classes so that the school does not have to bother with part time students. I think that this is wrong.

Very Sincerely and respectfully,

DJZ

Daniel J. Zachary

Box 1531 Petersburg, AK 99833 (907) 772-3681

Rep. Fred Dyson

APR 14 1997

Alaska Star
March 30, 1997

It recently came to my attention that some equivalent provided within state and local school aged children who are home schooled or attend small private schools are not allowed to supplement their education by attending classes within public school systems. I saw this as an unfair practice, and it prompted me to sponsor House Bill 158, which would prohibit Alaska's public schools from discriminating against part-time students.

Most school districts around the state make cheerful accommodations for part-time students. These districts believe the public schools are a public resource and the system should not deny access to those classes requiring additional equipment or instruction (such as chemistry labs, computer labs, foreign language courses, etc.) to any qualified student.

Several public school administrators have expressed they have also used the part-time student category as a transition back into school after a student had been expelled for a period of time.

The current Alaskan educational regulations make generous provisions for part-time students. They also provide for progressive credit toward the full-time student funding

budgets. So far, the Anchorage School District (ASD) is the only district we know of which does not allow for part-time students. They are also the only opposition to this anti-discrimination legislation. ASD argues that teaching some individual part-time students might somehow benefit parochial schools. This bill makes no provisions for the type of instruction provided, and no classes outside the established curriculum would need to be added. The benefits parochial school students will receive are the same as any other child attending public school.

If you have an opinion on this bill, please let your legislators know via the Public Opinion Message System by calling the Legislative Information Office at 258-8111 (TTY 258-8173). I can be reached by phone at (800) 342-2199; by mail at State Capitol Building, Juneau, AK 99801; or via e-mail, at Representative_Fred_Dyson@legis.state.ak.us. I look forward to hearing your comments on House Bill 158 or any other issue you would like to bring to my attention.

Dear Rep Dyson,

Thank you for sponsoring HB 158. I appreciate your efforts for the benefit of all students. I was very concerned by Rita Holtzhouse, Larnet Drummond and Debbie Osswald's response on the question of part time enrollment. They seem a bit more concerned about the school district than the students. Thank you for your concern.
Mary Turle

Mrs. Sylvia Dean
2225 Meadow Lane
Juneau, AK 99801

MAR 19 1997

March 19, 1997

Rep. Fred Dyson and HESS Committee Members

Dear Rep. Fred Dyson and HESS Committee Members,

I would like to encourage your strong support for HB #158. This bill would serve the parents who are the most committed to their children's education with more options. One great need in our public school systems is parent support. The people concerned enough to put their children in home schools or private schools have shown their commitment to education by their investment of time and money. If they choose to use public school options it will be an asset to that system.

The public school need not fear large numbers as the people who are choosing other options have strong convictions about education. It may take more of the load of over crowding off public schools as other options open.

Sylvia Dean

HR 158

"Home Schoolers access to taking part time classes in Public School"

My name is Sharylee Zachary. My husband, Dan, and I home school 3 daughters. We home school the girls for a variety of reasons.

Some of these reasons are: 1) There are certain things that we want our girls schooled in that use to be taught but are no longer taught or allowed to be alluded to in the current public school curriculums. 2) The teachers already have their hands full and right now we are able to give our children personalized attention in their studies. 3) In a world where families are breaking apart, children are learning to be callous and on the 'attack' in order to protect themselves. They are bringing these attitudes to school. When children are constantly trying to defend themselves from the attacks of others, they cannot learn the positive character qualities that help them to reach out in compassion to those who are hurting. We want our children to be part of the 'healing' of our nation, not part of the problem.

We are a low-income family. We scrimp and sacrifice in many areas in order to home school. Our tax dollars go to help support the public school system. This means we pay twice. We have not complained. However, when we asked to be able to come in and use the elementary school library, we were told that it was against "policy" for home schoolers to check out books and that home schoolers were not allowed to even sit in the library and read the public school materials. I thought our taxes went to provide for these things. For several years, now I have been told from other home schooling families that we were not allowed to take any classes at the schools unless we took them all. Also, we are barred from extra-curricular activities. Even if we pay an extra fee for these things they are not available to us.

Two weeks ago I contacted the district offices to request a copy of the 'policies' of the school board regarding home schoolers. I wanted to know officially what was allowed and not allowed. I was told that there 'are no written down policies'. Yet, we are told that "policy says, 'no' to everything." It was interesting to me that last year, however, two home school boys who were very good at wrestling were allowed to join the team (I am happy for them). The boys were going to go to school the following year, but they were not in public school at that time. Interesting how 'policy' was put aside for the convenience of the coaches having a better team.

We are a small community with little or no access to certain things offered only in the public school system. Things like chemistry lab, foreign languages, band, etc. If our tax dollars go to provide these things for other children, why can we not use them, also? We are already doing our part not to overload the public school system and we are doing our best not to make waves.

Very Sincerely and respectfully,

Sharylee M. Zachary

Sharylee M. Zachary

Box 1531 Petersburg, AK 99838 (907) 772-3681



LAW
Lawrence A. Wiget, Ed.D.
Director, Government Relations/Legislative Liaison
Anchorage School District
4600 Debarr Road
Anchorage, Alaska 99519-6614
(W) 907 269-2255 (FAX) 907 269-2340

TO: REPRESENTATIVE CON BUNDE
SUBJECT: HB 158: SUMMARY OF ASD CONCERNS
DATE: MARCH 24, 1997

6 pages including cover sheet

DEAR REPRESENTATIVE BUNDE:

PLEASE DISTRIBUTE THE ATTACHED LETTER SUMMARIZING ASD CONCERNS REGARDING HB 158 TO MEMBERS OF THE HESS COMMITTEE.

PLEASE FEEL FREE TO CALL IF YOU HAVE ANY QUESTIONS.

THANK YOU!



Anchorage School District

Anchorage, Alaska 99519-6614

Bob Christal, Superintendent
 (Phone) 907 269-2813 (FAX) 907 269-2340

Re: HB 158

Dear Chairman Bunde:

I am writing to summarize Anchorage School District concerns regarding HB 158. The brief time allotted for public testimony plus confusion regarding constitutional and other issues has made it difficult for the District to clearly set forth the basis for its opposition to this bill which would compel Anchorage, as well as all other public school districts, to admit as part-time students individuals who primarily are enrolled at private schools or through correspondence or home school.

Initially, we wish to make it absolutely clear that ASD schools are open to every school aged child residing in Anchorage. The District eagerly looks forward to educating each such child. We recognize that for a variety of reasons, some students and parents prefer the educational opportunities provided through private schools or through home or correspondence schooling. By providing quality programs, the ASD hopes to attract and retain an increasing number of students in our public schools.

As pertains to the situation which exists in Anchorage, HB 158 will not accomplish this purpose. Rather, HB 158 assuredly will decrease enrollment in and funding for public schools. The prediction of decreased enrollment and funding is based on our actual experience--not speculation.

As some of you are aware, the District was sued several years ago by students and parents who sought to compel the District to permit private and home school students to participate on District athletic teams. Bloomfield v. Anchorage School District, Civil Action No. 3AM-93-2740 Civil. The Superior court issued a lengthy opinion affirming the District acted legally when it did not admit students who attended private and home schools.

In addition to confirming the legality and constitutionality of the District's policy not to accept part-time or otherwise unenrolled students, the Bloomfield case also provided a significant insight into the actual impact of admitting part-time students. The named plaintiffs were in fact students who were enrolled as full time ASD students. However, if permitted, as they sought in the law suit, to participate in programs not offered outside the public school system, they fully intended to leave the public schools. In other words, the only reason these students remained enrolled in the ASD as full-time students was to participate in programs which were very important to them which programs private

and home schools did not offer.

If HB 158 is enacted into law, the District will lose many students who are currently enrolled full time. Such students will become part-time students, participating only in courses or programs which are not available through private or home schools. As a result, the ASD will lose funding. At the same time, we will experience increased demand for those offerings (such as science courses, computer and technological courses, vocational education courses, etc.) which are the most expensive to operate and which require the smallest class size.

Ultimately, then, HB 158 will lead to a decrease in the overall quality of our program by leading to increased class sizes and less funding. Thus while the motivation behind HB 158--to increase educational opportunities for private and home school students--is laudable, in fact any such increase in opportunities for private school students will come at the expense of opportunities available to fully enrolled students.

Moreover, while jeopardizing the quality of programs the ASD offers, HB 158 also raises a number of serious legal and administrative problems. The costs associated with addressing these problems will further dilute funds available to provide educational programs.

Legally, we have been advised by our attorney that HB 158 will almost certainly be found to be unconstitutional since it would provide a direct benefit to private educational institutions (see Sheldon Jackson University v. State, ___ P.2d ___ (Alaska 1979)) and it would create significant entanglements between the public school system and private schools.

We realize the legislative legal counsel has suggested constitutional problems would not be raised. Assuming for the sake of argument that the constitutional issues are murky, the ASD will assuredly be embroiled in litigation if HB 158 is enacted. We will be sued by the ACLU or similar interest if private students are admitted, or we will be sued by private students or their parents if we do not admit such students. Since the plaintiffs in either type of suit will certainly be viewed as "public interest litigants", the District will not be able to recover whatever costs it is required to expend if it wins such litigation, while it will have to use public funds to pay the costs and attorneys fees of the other side as well as its own costs if the District loses. Unless the constitutional issue has been clearly resolved, the ASD should not be compelled to risk this additional expenditure of funds.

Beyond the question of the constitutionality of HB 158, there are a host of other legal and associated administrative issues

which this bill as drafted raises.¹ To summarize, let me enumerate just a few of these issues:

--It is unclear how HB 158 would interface with the state compulsory education law (AS 14.30.010). First it will be both difficult and expensive (and require significant entanglement) for the ASD to verify whether part-time students meet compulsory education requirements. Moreover, AS 14.30.010(b) exempts from the compulsory education law students who attend "comparable" programs at private schools. If a student must seek out ASD offerings, a question would arise whether the private school program is "comparable."

--As drafted, HB 158 appears not to differentiate between primary and secondary students. Assuming it applies to elementary students, would application for part-time enrollment be limited to defined programs such as band, or could a parent demand part-time enrollment for a certain number of hours each day (say from 9 to 11 each morning), thus obtaining what could amount to little more than free part time day care?

--What leeway will a district have to reject a part-time applicant because particular courses or programs are already full? Would the District have to add additional sections to meet the demand created by part-time applicants? Would the District have an obligation to notify private schools or unenrolled students about registration each semester so that such students would have the same opportunity to apply for limited enrollment courses? If part-time students fill limited enrollment offerings, how would the District deal with full-time students who could not meet graduation or college admission requirements because desired courses were no

¹An amendment which the Committee considered at its meeting last week would limit the bill's application to home school and correspondence students. If adopted, this amendment would appear to lessen the constitutional problem created by Article VII, Section 1 of the Alaska Constitution which prohibits payment of any money from public funds "for the direct benefit of any religious or other private educational institution." (emphasis added) However, we envision a possible law suit by students attending private educational institutions questioning whether such a law would violate their rights to equal protection. Moreover, even if the constitutional problem is avoided, the other practical and legal concerns which we have would exist without regard to whether part-time students come from private institutions or from home and correspondence schools.

longer available? The course registration process is already complex and time consuming. Adding part-time students into the mix can only complicate this process and make it increasingly difficult for the District to meet the demands and expectations of our students.

--As drafted, is HB 158 intended to apply only to academic offerings, or does it also apply to participation on athletic teams and other extra-curricular activities? In other words, is HB 158 intended to over rule the Blenfield decision by allowing a private school or home school student to demand the right to participate on public school teams? Alternatively, could a part-time student who took one course only at a public school thereby claim enrollment in the school sufficient to allow participation on the school athletic teams?

--Must a part-time applicant seek out courses only at his "home" school, or could the student enroll at any school in the District? For instance, could a child living near West High School demand the right to take Japanese at Service High School? Or could that student enroll in Japanese at Service and Chemistry at West? Could a part-time student demand admission to a course at an authorized charter school or at one of the District's optional schools such as Steller or Polaris where full-time students gain admission only through lottery?

--Does the public school district have any responsibility under HB 158 to provide transportation to part-time students?

--What liability will the public school have in the event that a part-time student is injured or causes injury to others on his/her way to or from the public school?

--To avoid prohibit "direct benefits" to private educational institutions, will the ASD be required to investigate why each part-time student seeks to enroll? In other words, if a particular private school followed a practice of directing its students to take chemistry at ASD schools so the private school did not have to incur the cost of operating a chemistry program, this would certainly be a "direct benefit" to that school. However, the ASD would not necessarily know this was occurring unless it investigated each part time enrollment application. Obviously, this type of obligation would be expensive and time consuming and would involve a high level of entanglement between the ASD and the private schools.

The potential for legal claims and the additional

administrative costs associated with each of these issues is substantial. Addressing these issues will unavoidably siphon off the District's limited resources from its existing programs.

In conclusion, in those districts where admission of part-time students is identified as a benefit to both those students and to the public schools, it may be worth assuming the risk of a constitutional or legal challenge. Existing Department of Education regulations allow each district to determine whether the benefit to be gained is worth the administrative burden and risk of legal challenge. In the situation which exists in Anchorage with numerous non-public school alternatives, mandating enrollment of part-time students would weaken the public school system and expose the District to a variety of legal challenges and administrative headaches.

Under these circumstances, the ASD strongly believes enactment of HB 158 would constitute bad (and likely illegal) public policy, despite the laudable concerns which have motivated this proposed legislation. While perhaps unrealistic at the current time, the more sensible way to address the concerns which have motivated this legislation would be to fund public education more fully so the ASD could reduce class sizes and provide other improvements which would make full-time public school enrollment a desirable alternative to those who now choose to obtain their education outside of the public school system..

Thank you for considering our concerns. Representatives of the District remain available to provide you with such information as may be of assistance in your consideration of this important matter.

Sincerely,



Bob Christal

cc House HESS Committee Members

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

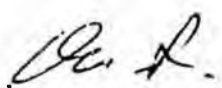
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 26, 1997

SUBJECT: Part-time attendance at a public school - (HB 158)

TO: Representative Fred Dyson
Attn: Lisa

FROM: Michael F. Ford 
Legislative Counsel

You have asked for my comments on the concerns raised by the Anchorage School district regarding HB 158. I will set out each point raised and my response.

1. HB 158 will decrease enrollment and funding for public schools.

This point seems unlikely given the existing funding mechanism for part-time students under regulations. It also seems contradicted by testimony by the district that it is an increase in enrollment that was the district's primary concern. Finally, if this is a real problem why haven't we heard about it from those districts that do admit part-time students?

2. HB 158 violates the constitutional prohibition against direct aid to private or religious schools.

While I will concede that HB 158 probably constitutes an indirect benefit to private schools, I firmly believe that it is not a direct benefit. This conclusion is supported by the interpretation of the Alaska Supreme Court in Sheldon Jackson College v. State, 599 P.2d 127 (Alaska 1979). The critical area of inquiry according to the court was whether the benefit in question was available without regard to status or affiliation. For example, police and fire protection may provide direct benefits to a private school, but because such benefits are provided without regard to the recipient, they do not violate the constitutional prohibition against direct benefits. Conversely, a benefit flowing only to private schools does not reflect the neutrality required under the Alaska Constitution. Assuming that HB 158 becomes law, it would benefit students who seek part-time enrollment, without regard to the status or affiliation of the recipient. This is another example of indirect aid to private schools that meets the constitutional requirement of neutrality. Finally, it is also instructive to consider another case, Matthews v. Quinton, 362 P.2d 932 (Alaska 1961). In this decision the court held that a statute enabling private school children to ride public school buses was a violation of the direct benefit provision of the Alaska Constitution. However, in Sheldon Jackson, the

Representative Fred Dyson

March 26, 1997

Page 3

8. Does HB 158 require the district to provide transportation to part-time students.

If the student who attends part-time is on a route that provides transportation to a full-time student, the part-time student is entitled to transportation. Again, HB 158 requires similar treatment, not disparate treatment.

9. Does HB 158 create additional liability for the district?

HB 158 does not increase or decrease liability. A part-time student is simply a student, with the same issues regarding liability as any other student.

10. HB 158 will require the district to investigate why a student wants to enroll part-time.

A district is not required to police its enrollment, if enrollment is available to all students regardless of whether enrollment is full or part-time. Complications do arise when distinctions are made on the basis of enrollment outside of the district. This is precisely the problem HB 158 would eliminate.

In conclusion, none of the issues raised by the district rise to the level of constitutional defects. There are certainly many policy questions, but these are questions that are within the power of the legislature to resolve.

If you have further questions please contact me.

MFF:jdr

97-221.jdr

cc:Mail for: Representative Fred Dyson

Subject: HB 158 Please Support this

From: charlieh@Alaska.NET (Charlie&Joanne Hardesty) at CC2MHS1 4/15/97 5:21 PM

To: Representative John Davies at LAA_TRANS

To: Representative Pete Kelly at LAA_TRANS

To: Representative Vic Kohring at LAA_TRANS

To: Representative Terry Martin at LAA_TRANS

To: Representative Fred Dyson at LAA_TRANS

To: Representative Eldon Mulder at LAA_TRANS

To: Representative Richard Foster at LAA_TRANS

To: Representative Carl Moses@Legis.Alaska at CC2MHS1

To: Representative Ben Grussendorf@Legis.Alaska at CC2MHS1

APR 16 1997

Dear Representative:

I am fully in support of HB 158 which allows part-time school attendance for children attending private or home schools, or correspondence students. All children should have access to the public school system. In this area, students have been denied the right to access the schools for whatever reason the school district may decide upon.

All students should have the right to attend classes that may not be provided by correspondence or home schools. Lets keep Alaskan students at the top of the class and provide the young people of Alaska all the tools they need to educate themselves for the future.

My understanding is that the 1995 Alaska Administrative Code gives school districts the

"option" of NOT allowing part-time students.

HB 158 would correct this and would not allow schools to discriminate between students taking all their classes at school and those who need specialized classes not offered through their correspondence school or homeschool.

Property taxes, which are used for education, show no bias and neither should the schools.

Thank you for taking the time to read this letter. Please support HB 158.

Joanne Hardesty
Nikiski, AK
907-776-8137

LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN, SUITE 101
FAIRBANKS, AK 99701
452-4448

DATE: 4/18/97

Please accept the enclosed original(s) of written
testimony for the

House Finance teleconference scheduled on

4/18/97. A copy of this testimony was

transmitted to your committee via fax.

Thank you,



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Finance - House
Committee/Name
 Committee on 158 Dated 4/18/97
Bill / Subject

For protection of home/privately schooled children and parents, I would prefer the bill delete the word "allow" on line 5, and change it to "not deny." This would protect us from the possibility that, by enumerating specific "allowances", we may be limiting our rights and freedoms to school out children to ~~existing~~ existing those specifically listed. Otherwise, the bill is great and much needed. Thank-you,

SIGNED:

Jamie Cox
 Testifier

Jamie Cox
 Representing

PO Box 16213 Two Rivers AK 99716
 Address / Phone Number 488-3458

High court studies lifting limit on aid to church schools

By Tony Mauro
USA TODAY

Supreme Court justices seemed worried Tuesday about moving too quickly to reverse their prior rulings and allow public school teachers to give remedial instruction inside parochial schools.

Lawyers for the Clinton administration and New York City asked the high court to reverse a 1985 decision that said federally funded Title I instruction in math and reading could not be given inside religious schools, to avoid "excessive entanglement" of church and state.

The Title I law, passed in 1965, requires federally funded remedial help for under-achieving students from low-income families, no matter what school they attend.

The effect of the 1985 decision has been to force qualified parochial students from low-income areas to leave their schools and go to vans parked at curbside for tutoring by public school teachers.

New York City, which was involved in the earlier case, says it has spent \$100 million on the vans and other measures to comply with the ruling — money that could have been spent helping more children. "New York City children who are poor are not getting what they need," the state's top lawyer, Paul Crotty, told the court.

Five justices have said in recent years that they would like to reconsider the 1985 decision, giving hope to advocates of school voucher programs that would give public funds to parents to send their children to parochial schools.

In past rulings, the court has also moved toward greater ac-

commodation of religious practices in public life.

But by the end of the hour-long argument Tuesday, the court seemed headed toward a narrow opinion that would lend little support to those who advocate more public aid to parochial schools.

"They seemed ~~between~~ and between," said Elliot Mincberg, lawyer for the civil liberties organization People for the American Way, who watched the arguments. "Nobody was talking about vouchers today."

Several justices indicated they were reluctant to allow parties involved in past Supreme Court decisions to ask the court to reverse itself later. If the court reverses itself here, Justice David Souter said, "I don't see why a losing litigant couldn't come in anytime and say 'I'd like another shot.'"

The court has reversed past rulings, but always in the context of a case posing new facts, rather than through a reconsideration of the original case as New York wants it to do now.

New York lawyer Stanley Geller, who has been fighting against public aid to parochial schools for 50 years, urged the court to preserve its earlier decision. He said the New York case was an inappropriate vehicle for reversal. The court instead could wait for cases from Louisiana and Minnesota that pose the same issue and are working their way through the courts, he said.

Geller also said parochial school students could get the instruction at much lower cost, by forgoing the vans and traveling to nearby public schools.

A decision in the case could come by July.

► Drug-testing ruling, 1A

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court said "we do not rely on Matthews in reaching today's decision, and thus have no occasion to overrule or reaffirm it. A substantial question, however, can be raised as to its continuing vitality in light of the analysis which we employ in the present opinion." Sheldon Jackson, at 130. This, I believe, signals the court's view that benefits provided without regard to status or affiliation, such as contemplated in HB 158, do not violate the Alaska Constitution.

3. HB 158 will cause problems regarding the compulsory education law (AS 14.30.010).

I cannot see how HB 158 will add or remove any concerns over enforcement of the compulsory attendance law. HB 158 specifies that part-time attendance does not constitute attendance for purposes of AS 14.30.010(a). In short, a student could not meet the requirements of AS 14.30.010 by part-time enrollment only.

4. HB 158 does not distinguish between primary and secondary students.

Again, I cannot see how this creates a problem. I would hope that public schools are not simply "day care" services as suggested by the Anchorage school district.

5. Does HB 158 allow a district to reject a part-time enrollee because a class is full?

Under HB 158 (sec. 14.03.095(b)(1)), enrollment can be denied if the enrollment would be denied for a full-time student. Again, the goal is to treat all students alike or in a neutral manner. Therefore a part-time student can be denied enrollment if a class is full, assuming a full-time student would also be denied enrollment.

6. Does HB 158 apply to extracurricular activities?

Arguably, HB 158 could be interpreted to require the same policy for academic classes as for extracurricular activities. This issue can be resolved by specifically excluding or including extracurricular events. Again, if HB 158 were applicable to extracurricular activities, part-time students would receive the same treatment as full-time students.

7. Does HB 158 require the district to allow part-time enrollment at any school in the district?

HB 158 allows the district to apply the same enrollment criteria to part-time enrollment as for full-time enrollment. Therefore, a part-time student could not enroll at any school if the enrollment is also denied to a full-time student.