

**SB**

**102**

# LEGAL SERVICES

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

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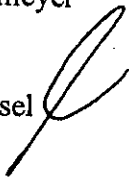
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 12, 2009

**SUBJECT:** Sectional Summary of CSSB 102( )  
(Work Order No. 26-LS0514R)

**TO:** Senator Bettye Davis  
Attn: Tom Obermeyer

**FROM:** Jean M. Mischel  
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Raises the age from 16 to 18 for the crime of contributing to the delinquency of a minor for repeated absences from school.

**Section 2.** Raises the compulsory school age from 16 to 18.

**Section 3.** Amends an exception to the compulsory school attendance age to provide for graduation for a secondary school.

JMM:ljw  
09-088.ljw

26-LS0514R  
Mischel  
2/12/09

**CS FOR SENATE BILL NO. 102( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS DAVIS, McGuire**

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to compulsory school attendance; and relating to the crime of  
2 contributing to the delinquency of a minor."

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

4 \* Section 1. AS 11.51.130(a) is amended to read:

5 (a) A person commits the crime of contributing to the delinquency of a minor  
6 if, being 19 years of age or older or being under 19 years of age and having the  
7 disabilities of minority removed for general purposes under AS 09.55.590, the person  
8 aids, induces, causes, or encourages a child

9 (1) under 18 years of age to do any act prohibited by state law unless  
10 the child's disabilities of minority have been removed for general purposes under  
11 AS 09.55.590;

12 (2) under 18 years of age or allows a child under 18 years of age to  
13 enter or remain in the immediate physical presence of the unlawful manufacture, use,  
14 display, or delivery of a controlled substance knowing that the manufacture, use,

1 display, or delivery is occurring, unless the child's disabilities of minority have been  
2 removed for general purposes under AS 09.55.590;

3 (3) under 18 [16] years of age to be repeatedly absent from school,  
4 without just cause; or

5 (4) under 18 years of age to be absent from the custody of a parent,  
6 guardian, or custodian without the permission of the parent, guardian, or custodian or  
7 without the knowledge of the parent, guardian, or custodian, unless the child's  
8 disabilities of minority have been removed for general purposes under AS 09.55.590  
9 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is an affirmative  
10 defense to a prosecution under this paragraph that, at the time of the alleged offense,  
11 the defendant

12 (A) reasonably believed that the child was in danger of physical  
13 injury or in need of temporary shelter; and

14 (B) within 12 hours after taking the actions comprising the  
15 alleged offense, notified a peace officer, a law enforcement agency, or the  
16 Department of Health and Social Services of the name of the child and the  
17 child's location.

18 \* Sec. 2. AS 14.30.010(a) is amended to read:

19 (a) Every child who is [BETWEEN] seven years of age or older and under  
20 18 [16] years of age shall attend school at the public school in the district in which the  
21 child resides during each school term. Every parent, guardian, or other person having  
22 the responsibility for or control of a child who is [BETWEEN] seven years of age or  
23 older and under 18 [16] years of age shall maintain the child in attendance at a public  
24 school in the district in which the child resides during the entire school term, except as  
25 provided in (b) of this section.

26 \* Sec. 3. AS 14.30.010(b) is amended to read:

27 (b) This section does not apply if a child

28 (1) is provided an academic education comparable to that offered by  
29 the public schools in the area, [EITHER] by

30 (A) attendance at a private school in which the teachers are  
31 certificated according to AS 14.20.020;

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

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

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

7 (3) has a physical or mental condition that a competent medical  
8 authority determines will make attendance impractical;

9 (4) is in the custody of a court or law enforcement authorities;

10 (5) is temporarily ill or injured;

11 (6) has been suspended or expelled under AS 14.03.160 or suspended  
12 or denied admittance under AS 14.30.045;

13 (7) resides more than two miles from either a public school or a route  
14 on which transportation is provided by the school authorities, except that this  
15 paragraph does not apply if the child resides within two miles of a federal or private  
16 school that the child is eligible and able to attend;

17 (8) is excused by action of the school board of the district at a regular  
18 meeting or by the district superintendent subject to approval by the school board of the  
19 district at the next regular meeting;

20 (9) has completed the 12th grade or has graduated from a secondary  
21 school;

22 (10) is enrolled in

23 (A) a state boarding school established under AS 14.16; or

24 (B) a full-time program of correspondence study approved by  
25 the department; in those school districts providing an approved correspondence  
26 study program, a student may be enrolled either in the district correspondence  
27 program or in the centralized correspondence study program;

28 (11) is equally well-served by an educational experience approved by  
29 the school board as serving the child's educational interests despite an absence from  
30 school, and the request for excuse is made in writing by the child's parents or guardian  
31 and approved by the principal or administrator of the school that the child attends;

1

(12) is being educated in the child's home by a parent or legal

2

guardian.

# Alaska State Legislature

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Senator Bettve Davis@legis.state.ak.us  
<http://www.akdemocrats.org>

## Senator Bettve Davis

**SB 102 "An Act relating to compulsory school attendance; relating to the crime of contributing to the delinquency of a minor; and relating to school disciplinary action and truancy."**

### Sponsor Statement

**SB 102 increases the Alaska compulsory school attendance age from 7-16 to 7-18.** At the same time it necessarily amends the crime of contributing to the delinquency of a minor from the maximum age 16 to 18. This bill will not preclude parents from homeschooling children, or using charter or alternative schools, or any other of the twelve enumerated exceptions to compulsory education under AS14.30.010(b), including completion of grade 12 or graduation from a secondary school before age 18.

**3283 Alaska students dropped out and 62.4% graduated in the 2007-2008 school year** per the Alaska Department of Education and Early Development (DEED). Nationally, the graduation rate is 70% or higher. The highest dropout rates in Alaska are among minorities with Alaska Natives at double the rate of others. These numbers have not changed much in many years and Alaska's compulsory school attendance age has not changed in decades.

**17 states have increased the compulsory school attendance age to 18. 9 states maintain age 17, and 23 states maintain age 16,** per the US Department of Labor February 10, 2009. The legislative intent by states which have increased compulsory school attendance age to 18 is to encourage more students to stay in school long enough to graduate, attend institutions of higher education, and decrease dropout rates, juvenile crime, and teen pregnancy. Studies have shown that students without a diploma earn less than 75% of those with a diploma; they are more likely to live in poverty, go to jail, and have health problems.

National Education Association's "12-Point Action Plan for Reducing the School Dropout Rate" lists as a first priority to "*mandate high school graduation or equivalency as compulsory for everyone below the age of 21.*" It reports:

*"Just as we established compulsory attendance to the age of 16 or 17 in the beginning of the 20<sup>th</sup> century, it is appropriate and critical to eradicate the idea of 'dropping out' before achieving a diploma. To compete in the 21<sup>st</sup> century, all of our citizens, at minimum, need a high school education."*

**Increasing compulsory school attendance age is the first step in reducing dropouts and increasing graduation rates.** The NEA also recommended high school graduation centers for students 19-21; individual attention in smaller learning communities; expanding graduation options in partnership with community colleges in career and technical fields and with alternative schools to provide other ways to earn a high school diploma; increasing workforce readiness programs; acting early to provide high-quality universal preschool and full-day kindergarten; involving families in students' learning at school and home; monitoring academic progress during the school year to prevent falling behind; involving the entire community in dropout prevention; providing educators with the training and resources to prevent dropouts; and asking Congress to invest \$10 billion over 10 years to support dropout prevention programs and states which make high school graduation compulsory.

**Remedial programs, work-study programs, alternative schools, and parental support to age 18 have proven effective in other states.** Opponents to increasing compulsory school age who are concerned about forcing students to be in the classroom against their will argue that these students may become disruptive and require more time and expense on behavior and truancy problems. For those students who want to work or are not as academically inclined, school districts are encouraged to continue accredited alternative schools and work-study programs to help students earn credits toward a diploma while they often work at the same time. Students will want to come to school, stay in school, and graduate, if academic problems are identified early and they helped long before they dropout. Coupled with early efforts to retain, train, and graduate, SB 102 can bring hope and success to thousands of Alaskan students who otherwise might not stay in school and graduate

# Alaska State Legislature

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Senator Bettye Davis@legis.state.ak.us  
<http://www.akdemocrats.org>

## Senator Bettye Davis

CSSB 102 ( ) 26-LS0514\R

**“An Act relating to compulsory school attendance; and relating to the crime of contributing to the delinquency of a minor.”**

### Explanation of Committee Substitute

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The Committee Substitute for Senate Bill 102 ( ), 26-LS0514\R was required because the first version of SB 102, 26-LS0514\A, inadvertently also included a subsection on truancy from a former bill which was not intended in this bill.

The Committee Substitute for Senate Bill 102 ( ), 26-LS0514\R effectively eliminated sections 4 and 5 from the original bill, SB 102, 26-LS0514\A.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB 102  
Bill Version: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB102-EED-ESS-02-20-09 Dept. Affected: Education & Early Development  
Title: "An Act relating to compulsory school attendance, relating to  
the crime of contributing to the delinquency of a minor, and relating to ..." RDU: K-12 Support  
Sponsor: Senators Davis & McGuire Component: Foundation Program  
Requester: Education, Judiciary, Finance Component Number: 141

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

|                               | Appropriation<br>Required | Information     |            |            |            |            |            |            |
|-------------------------------|---------------------------|-----------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2010         | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    |
| <b>OPERATING EXPENDITURES</b> |                           |                 |            |            |            |            |            |            |
| Personal Services             |                           |                 |            |            |            |            |            |            |
| Travel                        |                           |                 |            |            |            |            |            |            |
| Contractual                   |                           |                 |            |            |            |            |            |            |
| Supplies                      |                           |                 |            |            |            |            |            |            |
| Equipment                     |                           |                 |            |            |            |            |            |            |
| Land & Structures             |                           |                 |            |            |            |            |            |            |
| Grants & Claims               |                           | 16,626.6        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Miscellaneous                 |                           |                 |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>16,626.6</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                            | FY 2010         | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    |
|----------------------------|-----------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |                 |            |            |            |            |            |            |
| 1003 GF Match              |                 |            |            |            |            |            |            |
| 1004 GF                    | 16,626.6        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts   |                 |            |            |            |            |            |            |
| 1037 GF/Mental Health      |                 |            |            |            |            |            |            |
| Other Interagency Receipts |                 |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>16,626.6</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

The bill would change the compulsory age of a student attending public school in their district to begin no later than age 7 and under the age of 18. Exceptions to this would be if the student either graduates or completes the 12th grade.

In FY08 there were approximately 1,661 students between the ages of 16 and 18 that dropped out of public school after the student count period. The average cost of a student run through the FY10 foundation formula is \$10,010.  
1,661 x \$10,010 = \$16,626,610

Prepared by: Eddy Jeans, Director  
Division: School Finance  
Approved by: Larry LeDoux, Commissioner

Phone 465-8679  
Date/Time 2/20/09 12:00 AM  
Date 2/20/2009

# LEGAL SERVICES

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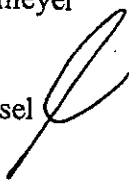
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February 12, 2009

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(Work Order No. 26-LS0514R)

**TO:** Senator Bettye Davis  
Attn: Tom Obermeyer

**FROM:** Jean M. Mischel  
Legislative Counsel 

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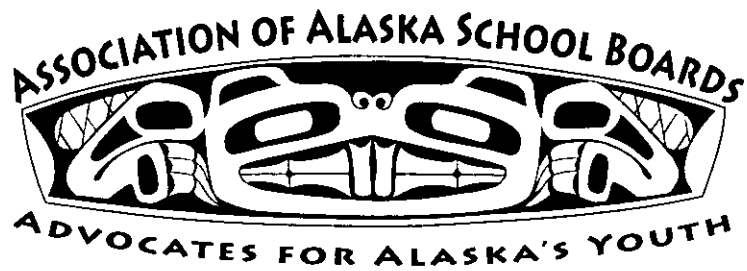
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JMM:ljw  
09-088.ljw



### **Position Statement on SB 102 Compulsory School Attendance**

School boards believe that 16-year-olds are not ready to make the enormous decision to give up a high school education. Increasing the mandatory attendance age from 16 to 18 helps ensure that students who have not yet graduated from high school and are too young to make the life-changing decision to forego basic education will stay in school and have more opportunities to meet performance standards and pass the High School Graduation Qualifying Exam. AASB believes that the best way to keep students in school is to fund and provide education programs that engage students.



# NEA-ALASKA

*Affiliated with the National Education Association*

February 20, 2009

Senator Bettye Davis  
State of Alaska  
State Capital  
Juneau, AK 99801-1182

Dear Senator Davis:

NEA-Alaska supports SB 102, a raise in the age of compulsory school attendance to eighteen for Alaska's children. Truancy and dropout rates are too high and we believe every effort should be made to encourage our youth to become as fully educated as possible. Raising the age of mandatory school attendance may serve to keep students in school longer than they now stay. If this bill causes even one child to complete their education it will be worthwhile.

Further, the annual Delegate Assembly of members in January 2009 passed a resolution which states:

NEA-Alaska believes the Legislature should establish penalties for non-compliance with Alaska's compulsory attendance laws.

It is our belief that a law with no teeth serves little purpose. Alaska's school employees work hard to offer our children opportunities which prepare them for life. We cannot fulfill the promise of a high quality education for Alaska's children if they are not in our classrooms.

Thank you for sponsoring this piece of legislation and the work you do on behalf of Alaska's future.

Respectfully,

Barb Angaiak, President



## NEA's 12-Point Action Plan for Reducing the School Dropout Rate

To address the nation's school dropout crisis, NEA has developed a 12-point action plan that includes the most promising actions supported by experience and data.

1. Mandate high school graduation or equivalency as compulsory for everyone below the age of 21. Just as we established compulsory attendance to the age of 16 or 17 in the beginning of the 20th century, it is appropriate and critical to eradicate the idea of "dropping out" before achieving a diploma. To compete in the 21st century, all of our citizens, at minimum, need a high school education.
2. Establish high school graduation centers for students 19-21 years old to provide specialized instruction and counseling to all students in this older age group who would be more effectively addressed in classes apart from younger students.
3. Make sure students receive individual attention in safe schools, in smaller learning communities within large schools, in small classes (18 or fewer students), and in programs during the summer, weekends, and before and after school that provide tutoring and build on what students learn during the school day.
4. Expand students' graduation options through creative partnerships with community colleges in career and technical fields and with alternative schools so that students have another way to earn a high school diploma. For students who are incarcerated, tie their release to high school graduation at the end of their sentences.
5. Increase career education and workforce readiness programs in schools so that students see the connection between school and careers after graduation. To ensure that students have the skills they need for these careers, integrate 21st century skills into the curriculum and provide all students with access to 21st century technology.
6. Act early so students do not drop out with high-quality, universal preschool and full-day kindergarten; strong elementary programs that ensure students are doing grade-level work when they enter middle school; and middle school programs that address causes of dropping out that appear in these grades and ensure that students have access to algebra, science, and other courses that serve as the foundation for success in high school and beyond.
7. Involve families in students' learning at school and at home in new and creative ways so that all families-single-parent families, families in poverty, and families in minority communities-can support their children's academic achievement, help their children engage in healthy behaviors, and stay actively involved in their children's education from preschool through high school

graduation.

8. Monitor students' academic progress in school through a variety of measures during the school year that provide a full picture of students' learning and help teachers make sure students do not fall behind academically.
9. Monitor, accurately report, and work to reduce dropout rates by gathering accurate data for key student groups (such as racial, ethnic, and economic), establishing benchmarks in each state for eliminating dropouts, and adopting the standardized reporting method developed by the National Governors Association.
10. Involve the entire community in dropout prevention through family-friendly policies that provide release time for employees to attend parent-teacher conferences; work schedules for high school students that enable them to attend classes on time and be ready to learn; "adopt a school" programs that encourage volunteerism and community-led projects in school; and community-based, real-world learning experiences for students.
11. Make sure educators have the training and resources they need to prevent students from dropping out including professional development focused on the needs of diverse students and students who are at risk of dropping out; up-to-date textbooks and materials, computers, and information technology; and safe modern schools.
12. Make high school graduation a federal priority by calling on Congress and the president to invest \$10 billion over the next 10 years to support dropout prevention programs and states who make high school graduation compulsory.

For the Spanish version of this plan, see [El Plan de la NEA para Reducir el Abandono de los Estudios](#).

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**Don Burrell**

---

**From:** Friedman\_Jeff [Friedman\_Jeff@asdk12.org]  
**Sent:** Saturday, February 21, 2009 7:16 PM  
**To:** Sen. Kim Elton; Sen. Bettye Davis; Sen. Charlie Huggins; Sen. Donny Olson; Sen. Gary Stevens  
**Cc:** Don Burrell; Thomas Obermeyer; Comeau\_Carol; Siegfried\_Robin; Sen. Lesil McGuire  
**Subject:** SB 102

Dear Senator Elton and Education Committee Members:

I am writing in support of SB 102, a bill to raise the compulsory age of school attendance.

The Anchorage School Board has consistently supported raising the age of school attendance to 18 years of age or graduation with a high school diploma, which ever comes first. This bill would accomplish that. While raising the school age would not prevent all students from dropping out, it would change the minds of some students. Over the years, we have heard of students whose parents tell them to leave school and get a job because the family needs the money and school is not required once they turn 16. We also hear of students who convince their parents that they should be permitted to stop going to school after they turn 16 because the current law says it is okay.

It is not okay for a 16 or 17 year old to stop going to school if they do not have a diploma. A high school diploma has become too important in today's society. We need to take all reasonable steps to reduce the number of students who leave school before graduating, and this is one of those steps. It is not the entire solution, but it is one piece of the solution.

The second part of this bill addresses procedures to reduce truancy. The Anchorage School Board has not yet had an opportunity to take a position on this issue, but I am confident that the Board would be interested in looking at ways to reduce truancy. I have personally noticed one thing in this portion of the bill that I want to bring to your attention.

The proposed definition of truancy says it is an unexcused absence without the prior knowledge and consent of the parent or guardian. From talking to teachers, it seems that a significant problem is that some parents routinely give their children permission to be absent from school. Because they have permission, they could not be considered truant under this bill. From an educational point of view, I don't think it would matter whether a student misses class with or without parental permission. The problem is missing too many instructional days. I don't know how best to address this, but I thought I would bring it to your attention.

Thank you for your consideration, and I urge you to support raising the compulsory age for school attendance.

**Jeff Friedman**

Anchorage School Board

1534 D St

Anchorage, AK 99501

907-742-4699 (home)

[friedman\\_jeff@asdk12.org](mailto:friedman_jeff@asdk12.org)



**UNITED STATES DEPARTMENT OF LABOR**

**Employment Standards Administration**

February 10, 2009

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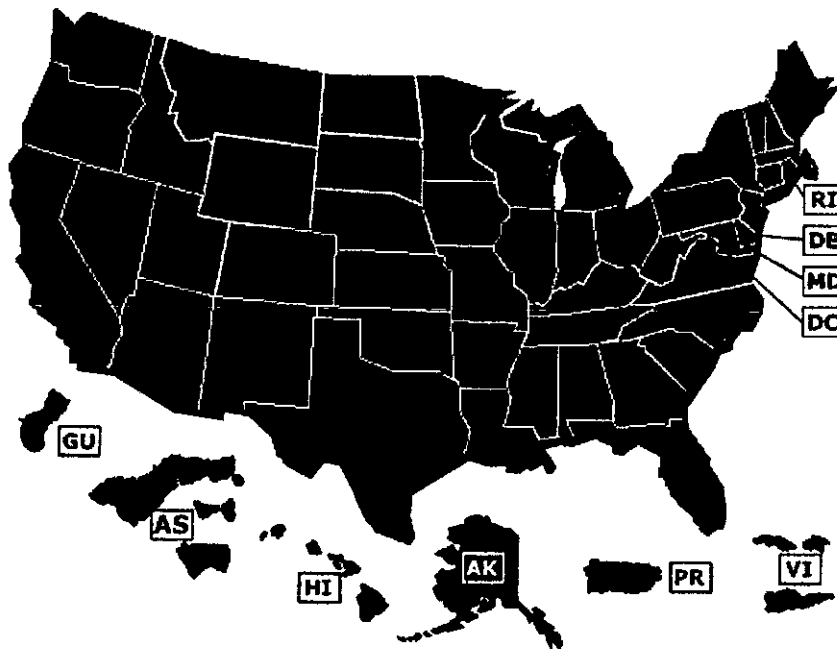
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**Employment Related Provisions in State Compulsory School Attendance Laws - January 1, 2009**



**Table of Employment Related Provisions in State Compulsory School Attendance Laws By State**

| State   | Age of Required School Attendance |    | Exemptions <u>1</u> / Employed                        |                     | High School Graduate |
|---------|-----------------------------------|----|---|---------------------|----------------------|
|         | from                              | to | Age   | Completion of Grade |                      |
| Alabama | 7                                 | 16 | legally and regularly employed under child labor law. | ---                 | X                    |
|         | 3                                 | 21 | permitted for special education students.             |                     |                      |
| Alaska  | 7                                 | 16 | ---   | ---                 | X                    |
|         |                                   |    | 14 with parental                                      |                     |                      |

|                      |   |                                 |   |     |     |
|----------------------|---|---------------------------------|---|-----|-----|
| Arizona              | 6 | 16                              | consent and gainfully employed.   | --- | --- |
| Arkansas             | 5 | 17 must complete school year.   | ---   | --- | X   |
| California           | 6 | 18                              | ---   | --- | X   |
| Colorado             | 7 | 16                              | has current age and school certificate or work permit.  | --- | X   |
| Connecticut          | 5 | 18                              | 16 with parental consent.   | --- | --- |
| Delaware             | 5 | 16                              | ---   | --- | --- |
| District of Columbia | 5 | 18                              | children who are age 5 by September 30 are required to be enrolled in kindergarten.   | --- | --- |
| Florida              | 6 | 17                              | may terminate attended at 16 with parental consent.   | --- | --- |
| Georgia              | 6 | 16                              | ---   | --- | X   |
| Hawaii               | 6 | 18                              | 15  | --- | X   |
| Idaho                | 7 | 16                              | ---   | --- | --- |
| Illinois             | 7 | 17                              | employed and excused by school official.  | --- | --- |
| Indiana              | 7 | 18                              | 16 with consent of parent and principal.<br><br>14 if a parent agrees and State Labor bureau issues a certificate.<br><br>must go back to school within 5 days of termination of employment for which certificate was issued. | --- | X   |
| Iowa                 | 6 | 16                              | ---   | --- | X   |
| Kansas               | 7 | 18                              | 17 or 16 with parental consent.   | --- | --- |
| Kentucky             | 6 | 16                              | ---   | --- | X   |
| Louisiana            | 7 | 18 or 17 with parental consent. | ---   | --- | X   |
| Maine                | 7 | 17                              | 15 or   | 9   | X   |
| Maryland             | 5 | 16                              | ---   | --- | --- |
| Massachusetts        | 6 | 16                              | 14  | --- | --- |
| Michigan             | 6 | 16                              | ---   | --- | --- |
| Minnesota            | 7 | 16                              | ---   | --- | X   |

|                  |   |   |   |          |     |
|------------------|---|---|---|----------|-----|
| Mississippi      | 6   | 17  | 5 years of age if<br>in public<br>kindergarten.   | ---      | --- |
| Missouri         | 7   | 16  | 14  | ---      | --- |
| Montana          | 7   | 16 or<br>completion of 8th<br>grade, whichever<br>is later.   | ---   | ---      | --- |
| Nebraska         | 7   | 18  | 14 and 16 with<br>parental consent;<br>special legislation<br>for home<br>schooling.                        | 8<br>--- | X   |
| Nevada           | 7   | upper age limit<br>has been changed<br>to 18 unless the<br>child has<br>graduated from<br>high school.  | 14 and excused<br>by board of<br>trustees.<br>14 if work is<br>necessary for own<br>or parents'<br>support. | 8<br>--- | X   |
| New<br>Hampshire | 6   | 16 presently;<br>however, effective<br>July 2009, upper<br>age limit will<br>change to 18 or<br>the student must<br>have received<br>diploma or<br>qualifies for<br>exception. With<br>passage of NH<br>House Bill 927, all<br>districts are<br>making plans to<br>offer<br>kindergarten. | ---   | ---      | --- |
| New Jersey       | 6   | 16  | ---   | ---      | --- |
| New Mexico       | 5, or 8<br>if<br>parents<br>and<br>school<br>board<br>agree | effective July 1,<br>2007, neither<br>school districts or<br>state chartered<br>school districts<br>shall excuse a<br>student from<br>attending school<br>except as<br>provided by law<br>or for parent-<br>authorized<br>medical reasons.  | ---   | ---      | X   |
| New York         | 6   | 17 in cities with<br>4,500 or more<br>population and<br>union-free school<br>districts,<br>otherwise 16 if<br>approved by local<br>school board.  | ---   | ---      | X   |
| North Carolina   | 7   | 16  | ---   | ---      | --- |
| North Dakota     | 7   | 16  | necessary to<br>support of family.  | ---      | X   |

|                          |   |   |  |  |     |
|--------------------------|---|---|--|--|-----|
| <b>Ohio</b>              | 6 | 18  | 16 with parents' and superintendents permission.   | ---  | X   |
| <b>Oklahoma</b>          | 5 | 18 or 16 if excused by written joint agreement.   | ---  | ---  | X   |
| <b>Oregon</b>            | 7 | 18 or excused by district school board; 16 with consent of school administration and parent; 21 for a child with a disability.                                  | 16   | ---  | X   |
| <b>Pennsylvania</b>      | 8 | 17  | 16 if regularly engaged in employment with a certificate.<br><br>15 in farm work or domestic service in private home with permit.<br>Or, 14 employed as above if completed elementary school with permit recommended by district superintendent of schools or principal of private school. | ---  | X   |
| <b>Rhode Island</b><br>2 | 6 | 18  | 16 with written parental consent.<br>Dropout Prevention Act of 2007.   | ---  | --- |
| <b>South Carolina</b>    | 5 | 17  | 16 further attendance is determined by court to be disruptive, unproductive or not in best interest of child.  | 8th grade completed and employment is necessary for maintenance of home. | X   |
| <b>South Dakota</b>      | 6 | 16 or completion of 8th grade if member of certain religious organizations.<br><br>effective July 1, 2009, the upper limit of the compulsory age law changes to | ---  | ---  | --- |

|                      |   | 18.  |  |  |              |
|----------------------|---|--|--|--|--------------|
| <b>Tennessee</b>     | 6 | 18th birthday.   | ---  | local exemptions at 17th birthday for discipline problems. | X            |
| <b>Texas</b>         | 6 | 18; person 18 years of age may enroll but failure to attend can result in permanent revocation if 5 or more unexcused absences occur in a semester. Students suspected of violating school attendance laws when apprehended must be taken into custody and delivered to their school campus. | ---  | ---  | ---          |
| <b>Utah</b>          | 6 | 18   | 16 and 8th grade completed.<br>home schooled minors has exempt from attendance.  | 8th for employment purposes.                               | X            |
| <b>Vermont</b>       | 6 | 16   | 15 and completed 6th grade and services needed for support of family.  | ---  | ---          |
| <b>Virginia</b>      | 5 | 18   | exempt any pupil with parent's consent along with that of principal or superintendent or a court which believes the minor cannot benefit from education at school. | ---  | X            |
| <b>Washington</b>    | 8 | 18<br>16 and parent agrees that child should not be required to attend, or child is emancipated, or child has received certificate of competence.  | 16   | ---  | X and age 16 |
| <b>West Virginia</b> | 6 | 16   | ---  | ---  | X            |
| <b>Wisconsin</b>     | 6 | 18   | ---  | ---  | X            |

|         |   |    |     |     |     |
|---------|---|----|-----|-----|-----|
| Wyoming | 7 | 16 | --- | --- | --- |
|---------|---|----|-----|-----|-----|

1 Nearly all States exempt those whose physical or mental condition precludes attendance. Other exemptions not directly related to employment include those because of distance from school or school transportation; expulsion, suspension or determined to be disruptive; marriage; excused by court or judge; and receiving religious education.

2 The Dropout Prevention Act is a comprehensive program to have all the schools within the state make an attempt to keep students in school. There were no changes to the age limits for school attendance, but the establishment of a state-wide program is a major effort to prevent students from leaving school early - for any reason.

Prepared By:

**Office of Performance, Budget, and Departmental Liaison  
Wage and Hour Division  
Employment Standards Administration  
U.S. Department of Labor**

*This document was last revised in December 2008; unless otherwise stated, the information reflects requirements that were in effect, or would take effect, as of January 1, 2009.*

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## Education Program

### Compulsory Education

#### Overview

#### Legislation & Laws

#### News Articles

#### Overview

More than 150 years have passed since Horace Mann helped Massachusetts establish a statewide system of education that eventually led to the requirement that all children attend public school. In 1852, Massachusetts became the first state to pass compulsory school attendance laws, and by 1918, all states required children to receive an education.

#### Compulsory Education Requirements

Today, every state and territory requires children to enroll in public or private education or to be home-schooled. More than half—32 states—require students to begin their education by age 6. Some states set their age requirements as low as age 5 and as high as age 8. All children are required to continue their education into their high school years, with 26 states setting the cutoff age at 16. The remaining states require students to stay in school through age 17 or 18.

Compulsory education laws vary greatly from state to state. While some states use a student's date of birth to determine the beginning and ending dates for compulsory education, other states require a student to begin school if he or she will turn 6 during the school year and require a student to remain in school until completion of the school year in which he or she turns 17. Four states—Arizona, Montana, Vermont and Wyoming—require students to remain in school through a specified grade. Most states allow parents to petition their local school board or principal for a waiver of these requirements under certain circumstances, such as enrollment in a vocational education program or an institution of higher education or early completion of required coursework.

#### Kindergarten Enrollment


States and territories also set a minimum age for children to enroll in kindergarten, which is typically one or two years earlier than the compulsory education age. Every state or territory with a policy on this issue has established age 5 as the minimum age. However, six states—Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania—leave this decision up to local education agencies. In addition to the age requirement, each state also sets a date by which students must have attained the specified age in order to attend kindergarten. The cutoff dates range from August 1 in Indiana and Missouri to Jan. 1 in Connecticut and Vermont.

#### The School Age Debate

School attendance ages are often controversial. Many early childhood experts argue that if policymakers establish early cutoff dates for kindergarten, they should also establish aggressive school readiness programs to ensure students' success. Others argue that because there has been an increased emphasis on early childhood development and school readiness, we should continue to challenge children at a younger age. Some experts assert that age may be an arbitrary indicator or measure of a child's ability to succeed in school and should not be used at all. Others point out that when a state considers legislation, such as Nebraska, allowing younger children to enter kindergarten, policymakers must understand that there is likely to be a large increase in the number of children entering kindergarten during the first year of the new policy, thereby straining already tight school district budgets and increasing the need for teachers.

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The age through which students must attend school can also be controversial. To encourage more students to attend institutions of higher education and to decrease dropout rates, juvenile crime and teen pregnancy, some state legislatures have increased the school attendance requirement to age 17 or 18. Opponents are concerned about forcing students to be in the classroom against their will. They say that these students may become disruptive and may require teachers and principals to spend more time and resources disciplining such students for disruptive or violent behavior and truancy. They also point out that there probably will be a greater need for funding, teachers and classrooms for alternative education.

#### State Action

Many state legislatures continue to debate school attendance policies. During the 2005 legislative session, Indiana changed their kindergarten enrollment date from July 1<sup>st</sup> to August 1<sup>st</sup>. During the 2004 legislative session, at least seven states enacted legislation regarding compulsory education. Alaska extended the required school age for a child who is six years of age on or before Sept. 1 following the beginning of the school year, and who is under the age of 20 and has not completed the 12th grade. Illinois increased the compulsory school age from 16 to 17 years of age, with certain exceptions. Kansas and Kentucky will both, under specific circumstances, grant exemptions from compulsory attendance. Nebraska changed the mandatory ages for compulsory education beginning in the 2005-06 school year to age of 6 by Jan. 1 of the current school year through the age of 17, with certain exceptions. In New York, local school districts will have the power to require minors from 16 to 17 years of age to attend full time day instruction. Finally, Virginia strengthened the mechanisms for enforcement of the compulsory school attendance law.

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## High School Dropouts in America

Over a million of the students who enter ninth grade each fall fail to graduate with their peers four years later. In fact, about seven thousand students drop out every school day. Perhaps this statistic was acceptable fifty years ago, but the era in which a high school dropout could earn a living wage has ended in the United States. Dropouts significantly diminish their chances to secure a good job and a promising future. Moreover, not only do the individuals themselves suffer, but each class of dropouts is responsible for substantial financial and social costs to the communities, states, and country in which they live.

Although graduation rates are a fundamental indicator of how schools are ultimately performing, only recently have those rates been rigorously scrutinized and the extent of the crisis in America's high school been revealed. For decades, schools and districts published misleading or inaccurate graduation rates, and as a result, the American public knew little of the scope and gravity of the problems faced by far too many of the nation's high schools. Reputable, independent research has exposed alarmingly low graduation rates that were previously hidden behind inaccurate calculations and inadequate data.

### Who Is Dropping Out?

Overall, far too many students are not graduating on time with a regular diploma; low-income and minority students fare the worst in the dropout epidemic.

- Each year, approximately 1.2 million students fail to graduate from high school, more than half of whom are from minority groups.<sup>1</sup>
- Nationally, about 71 percent of all students graduate from high school on time with a regular diploma, but barely half of African American and Hispanic students earn diplomas with their peers. In many states the difference between white and minority graduation rates is stunning; in several cases there is a gap of as many as 40 or 50 percentage points.<sup>2</sup>
- A sixteen- to twenty-four-year-old coming from the highest quartile of family income is about seven times as likely to have completed high school as a sixteen- to twenty-four-year-old coming from the lowest quartile.<sup>3</sup>

### Where Are Students Dropping Out?

A relatively small number of chronically underperforming high schools are responsible for more than half of the nation's dropouts.

- Approximately two thousand high schools (about 12 percent of American high schools) produce more than half of the nation's dropouts. In these "dropout factories," the number of seniors enrolled is routinely 60 percent or less than the number of freshmen three years earlier.<sup>4</sup>
- Eighty percent of the high schools that produce the most dropouts can be found in a subset of just fifteen states. The majority of dropout factories are located in northern and western cities and throughout the southern states.<sup>5</sup>

- Dropout factories produce 69 percent of all African American dropouts and 63 percent of all Hispanic dropouts, compared to 30 percent of all white dropouts.<sup>6</sup>

## Why Do Students Drop Out?

While there is no single reason that students drop out, research indicates that difficult transitions to high school, deficient basic skills, and a lack of engagement serve as prominent barriers to graduation.

- Most dropouts are already on the path to failure in the middle grades and engage in behaviors that strongly correlate to dropping out in high school. Various researchers have identified specific risk factors, such as low attendance or a failing grade, which can identify future dropouts—in some cases as early as sixth grade.<sup>7</sup>
- Ninth grade serves as a bottleneck for many students who begin their freshman year only to find that their academic skills are insufficient for high school-level work. Up to 40 percent of ninth grade students in cities with the highest dropout rates repeat ninth grade; only 10 to 15 percent of those repeaters go on to graduate.<sup>8</sup>
- Academic success in ninth grade course work is highly predictive of eventual graduation; it is even more telling than demographic characteristics or prior academic achievement.<sup>9</sup> Unfortunately, many students are not given the extra support they need to successfully make the transition to high school. As a result, over one third of all dropouts are lost in ninth grade.<sup>10</sup>
- The six million secondary students who comprise the lowest 25 percent of achievement are twenty times more likely to drop out of high school than students in the top-performing quartile.<sup>11</sup>
- Both academic and social engagement are integral components of successfully navigating the education pipeline. Research shows that a lack of student engagement is predictive of dropping out, even after controlling for academic achievement and student background.<sup>12</sup>

## What Are the Costs of Dropping Out of High School?

Dropouts suffer from reduced earnings and lost opportunities; there is also a significant social and economic cost to the rest of the nation.

- Over the course of his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate.<sup>13</sup>
- Dropouts from the Class of 2008 alone will cost the nation more than \$319 billion in lost wages over the course of their lifetimes.<sup>14</sup>
- If the United States' likely dropouts from the Class of 2006 had graduated, the nation could have saved more than \$17 billion in Medicaid and expenditures for uninsured health care over the course of those young people's lifetimes.<sup>15</sup>
- If U.S. high schools and colleges raise the graduation rates of Hispanic, African American, and Native American students to the levels of white students by 2020, the potential increase in personal income would add more than \$310 billion to the U.S. economy.<sup>16</sup>
- Increasing the graduation rate and college matriculation of male students in the United States by just 5 percent could lead to combined savings and revenue of almost \$8 billion each year by reducing crime-related costs.<sup>17</sup>



## Endnotes

- <sup>1</sup> Editorial Projects in Education, "Diplomas Count 2008: Diplomas Count 2008. School to College: Can State P-16 Councils Ease the Transition?," special issue, *Education Week* 26, no. 40 (2008).
- <sup>2</sup> Ibid.
- <sup>3</sup> U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 2006* (NCES 2007-017) (Washington, DC: U.S. Government Printing Office, 2007).
- <sup>4</sup> R. Balfanz, "Locating and Transforming the Low Performing High Schools Which Produce the Nation's Dropouts," paper presented at Turning Around Low-Performing High Schools : Lessons for Federal Policy from Research and Practice, August 16, 2007, Washington, DC.
- <sup>5</sup> R. Balfanz and N. Legters, *Locating the Dropout Crisis: Which High Schools Produce the Nation's Dropouts? Where Are They Located? Who Attends Them?* (Baltimore, MD: John Hopkins University Center for Social Organization of Schools, 2004).
- <sup>6</sup> Balfanz, "Locating and Transforming the Low Performing High Schools Which Produce the Nation's Dropouts."
- <sup>7</sup> C. Jerald, "Dropping Out is Hard to Do," (Washington, DC: The Center for Comprehensive School Reform and Improvement, 2006).
- <sup>8</sup> R. Balfanz and N. Legters, "Closing 'Dropout Factories': The Graduation Rate Crisis We Know and What Can Be Done About It," *Education Week* 25, no. 42 (2006): 42-43.
- <sup>9</sup> E. Allensworth and J. Easton, *What Matters for Staying On-Track and Graduating in Chicago Public High Schools: A Close Look at Course Grades, Failures and Attendance in the Freshman Year* (Chicago, IL: Consortium on Chicago School Research at the University of Chicago, University Publications Office, 2007).
- <sup>10</sup> Editorial Projects in Education, "Diplomas Count 2007: Ready for What? Preparing Students for College, Careers, and Life After High School," special issue, *Education Week* 26, no. 40 (2007).
- <sup>11</sup> A. Carnevale, *Help Wanted...College Required. ETS Leadership 2000 Series* (Princeton, NJ: Educational Testing Service, 2001).
- <sup>12</sup> R. Rumberger, "Why Students Drop Out of School," in *Dropouts in America: Confronting the Graduation Rate Crisis* ed. G. Orfield, 131-155 (Cambridge, MA: Harvard Education Press, 2004).
- <sup>13</sup> C. Rouse, "Labor Market Consequences of an Inadequate Education," paper prepared for the symposium on the Social Costs of Inadequate Education," October 24, 2005, New York.
- <sup>14</sup> Alliance for Excellent Education, "The High Cost of High School Dropouts: What the Nation Pays for Inadequate High Schools," (Washington, DC: Author, 2008).
- <sup>15</sup> ———, "Healthier and Wealthier: Decreasing Health Care Costs by Increasing Educational Attainment," (Washington, DC: Author, 2006).
- <sup>16</sup> ———, "Demography as Destiny: How America Can Build a Better Future," (Washington, DC: Author, 2006).
- <sup>17</sup> ———, "Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings," (Washington, DC: Author, 2006).



## Article 1. Compulsory Education

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 expelled under AS 14.03.160 or suspended or denied admittance under 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 paragraph 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 12<sup>th</sup> grade;

(10) is enrolled in

(A) a 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, and 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;

(12) is being educated in the child's home by a parent or legal guardian.

(c) If a parent, legal guardian, or other person having the responsibility for or control of the child elects to enroll a child who is six years of age in the first grade at a public school, after enrollment, the child is subject to the provisions of (a) and (b) of this section. If the parent or guardian of a child who is six years of age and is enrolled in first grade at a public school determines, within 60 days after the child is enrolled, that the best interests of the child are not being served by enrollment in the first grade, the child may be withdrawn from school, and the provisions of (a) and (b) of this section do not apply to the child until the child is seven years of age.

# What are the differences between the dropout rate and the graduation rate?

## Dropout Rate

The dropout rate is a **one-year** calculation.

The dropout rate uses enrollment information from grades **7-12**.

A student can be reported in the dropout rate over **multiple** years. If a student dropped out in 2006-07, they would be reported as a dropout. If they returned in 2007-08 and dropped out again, they would be included in that year as a dropout as well.

If a student comes back as a 5<sup>th</sup> year senior and drops out, **they are counted** in the dropout rate for that year.

The dropout rate includes any student in grades 7-12 who dropped out in that **specific year**.

## Graduation Rate

The graduation rate is an estimated **four-year** cohort calculation.

The graduation rate uses enrollment from grades **9-12**.

In the graduation rate calculation, the numbers are unduplicated so a student who drops out multiple times is only counted **once** in the calculation.

If a student comes back as a 5<sup>th</sup> year senior and does not graduate, it has **no impact** on the graduation rate. The senior is removed from the calculation because they were already counted against the school as a continuing COA student the previous year.

If a student comes back as a 5<sup>th</sup> year senior and does graduate, it **helps** the graduation rate because the student is counted as a graduate in that school year.

The graduation rate includes the **9-12** cumulative unduplicated dropouts over the **4-year cohort**.

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## Office of Senator Bettye Davis

March 16, 2009

Senator Hollis French, Chair  
Senate Judiciary Committee

### RE: Request for Hearing for CSSB 102 - Compulsory School Attendance Age

**"An Act relating to compulsory school attendance; and relating to the crime of contributing to the delinquency of a minor."**


Dear Senator French:

Senator Davis respectfully requests a hearing by the Senate Judiciary Committee on CSSB 102. A committee substitute was required and adopted by EDU because the first version of SB 102, 26-LS0514\A, inadvertently also included a subsection on truancy from a former bill which was not intended in this bill. This bill increases the compulsory school attendance to age 18 and also necessarily amends the Title 11 section relating to the crime of contributing to the delinquency of a minor to the age 18. As explained *infra*, this is but one of many steps recommended by the NEA to reduce dropouts and increase graduation rates in Alaska. The bill is supported by Alaska school districts, superintendents, and the Alaska School Board Association.

Included in this hearing package are:

1. Sponsor Statement
2. Explanation of Committee Substitute
3. Committee Substitute for SB 102
4. Sectional Summary of CSSB 102
5. Original Bill, SB 102, 26-LS0514\A
6. Fiscal notes
7. Additional Documentation
8. Anticipated teleconference testimony from educators, parents, and the department

Sincerely,

  
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