



# LAWS OF ALASKA

1984

**Source**

HCS CSSB 354 (R1s)

**Chapter No.**

11

**AN ACT**

Relating to the regulation of private schools.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: March 8, 1984  
Actual Effective Date: June 6, 1984

AN ACT

Relating to the regulation of private schools.

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\* Section 1. PURPOSE. In conformity with the fundamental right to freedom of religion guaranteed by the constitutions of the United States and the State of Alaska and in recognition of the right of parents to choose to have their children educated in private schools, it is the purpose of this Act

(1) to ensure that in matters of education by religious organizations the state shall not control or interfere with the rights of conscience and religious liberty;

(2) to further the state's legitimate interest in ensuring the quality of all education, including private education; and

(3) to allow diversity in education by encouraging private education.

\* Sec. 2. AS 14.07.020 is amended to read:

Sec. 14.07.020. DUTIES OF THE DEPARTMENT. (a) The department shall

(1) exercise general supervision over the public schools of the state except the University of Alaska;

(2) study the conditions and needs of the public schools of the state and adopt or recommend plans for the improvement of the public schools;

(3) provide advisory and consultative services to all

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1 public school governing bodies and personnel;

2 (4) prescribe by regulation a minimum course of study for  
3 the public schools;

4 (5) establish, in coordination with the Department of  
5 Health and Social Services, a program for the continuing education of  
6 children who are held in detention facilities in the state during the  
7 period of detention;

8 (6) accredit those public schools which meet accreditation  
9 standards prescribed by regulation by the department; these regula-  
10 tions shall be adopted by the department and presented to the legisla-  
11 ture during the first 10 days of any regular session, and become  
12 effective 45 days after presentation or at the end of the session,  
13 whichever is earlier, unless disapproved by a resolution concurred in  
14 by a majority of the members of each house;

15 (7) prescribe by regulation, after consultation with the  
16 state fire marshal and the state sanitarian [DEPARTMENT OF HEALTH AND  
17 SOCIAL SERVICES], standards that will assure healthful and safe con-  
18 ditions in the public and private schools of the state including a  
19 requirement of physical examinations and immunizations in pre-  
20 elementary schools; the standards for private schools may not be more  
21 stringent than those for public schools;

22 (8) [IN COOPERATION WITH THE DEPARTMENT OF HEALTH AND  
23 SOCIAL SERVICES,] exercise general supervision over [PUBLIC AND PRI-  
24 VATE] pre-elementary schools that receive direct state or federal  
25 funding [AND OVER THE EDUCATIONAL COMPONENT OF NURSERIES AS DEFINED IN  
26 AS 47.35.080(4); PRE-ELEMENTARY SCHOOLS IN THIS PARAGRAPH MEANS  
27 SCHOOLS FOR CHILDREN AGES THREE THROUGH FIVE YEARS WHEN THE SCHOOLS'  
28 PRIMARY FUNCTION IS EDUCATIONAL];

29 (9) provide accredited elementary and secondary

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correspondence study programs available to any Alaskan through a centralized office of correspondence study;

(10) accredit private [ELEMENTARY AND SECONDARY] schools which request accreditation and which meet accreditation standards prescribed by regulation by the department; nothing in this paragraph authorizes the department to require religious or other private schools to be licensed;

(11) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction project begun after July 1, 1978; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, and final contract documents;

(12) provide educational opportunities in the areas of vocational education and training, basic education, and fire-service training to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11.020.

(b) In this section "pre-elementary school" means a school for children ages three through five years if the school's primary function is educational.

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

(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;

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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 - 14.45.140 by a religious or other  
5 private school [ATTENDANCE AT A PRIVATE SCHOOL IN WHICH THE  
6 AVERAGE STUDENT PROFICIENCY IS NOT LESS THAN THE AVERAGE PROFI-  
7 CIENCY FOUND IN THE PUBLIC SCHOOLS IN THE AREA AS MEASURED BY  
8 NATIONAL ACHIEVEMENT TESTS; THE DEPARTMENT WITH ASSISTANCE FROM  
9 REPRESENTATIVES OF THE PRIVATE SCHOOLS SHALL PROMULGATE REGU-  
10 LATIONS DEFINING THE SUBJECT AREAS TO BE TESTED AND THE MINIMUM  
11 AVERAGE SCORES TO BE ACHIEVED];

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

13 (3) has a physical or mental condition which a competent  
14 medical authority determines will make attendance impractical;

15 (4) is in the custody of a court or law enforcement author-  
16 ities;

17 (5) is temporarily ill or injured;

18 (6) has been suspended or denied admittance according to  
19 AS 14.30.045;

20 (7) resides more than two miles from either a public school  
21 or a route on which transportation is provided by the school authori-  
22 ties, except that this subsection does not apply if the child resides  
23 within two miles of a federal or private school which the child is  
24 eligible and able to attend;

25 (8) is excused by action of the school board of the dis-  
26 trict at a regular meeting or by the district superintendent subject  
27 to approval by the school board of the district at the next regular  
28 meeting;

29 (9) has completed the 12th grade;

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

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

\* Sec. 4. AS 14.45.030 is amended to read:

Sec. 14.45.030. NON-EXEMPT SCHOOLS [ATTENDANCE AND ANNUAL REPORTS REQUIRED]. Teachers and others in charge of religious or other private [OR DENOMINATIONAL] schools not operated in compliance with AS 14.45.100 - 14.45.140 are not exempt from laws and regulations relating to education. Non-exempt schools shall make regular monthly attendance reports and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools.

\* Sec. 5. AS 14.45 is amended by adding new sections to read:

ARTICLE 2. EXEMPT RELIGIOUS AND OTHER PRIVATE SCHOOLS.

Sec. 14.45.100. EXEMPTION. A religious or other private school that complies with AS 14.45.100 - 14.45.140 is exempt from other provisions of law and regulations relating to education except law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations.

Sec. 14.45.110. REQUIREMENTS OF EXEMPT SCHOOLS. (a) The parent or guardian of a child of compulsory school age enrolled in a religious or other private school that complies with AS 14.45.100 - 14.45.140 shall file an annual notice of enrollment in the school for

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1 the child with the local public school superintendent for the area in  
2 which the child resides on a form provided by the department. The  
3 form shall be signed by the parent or guardian and the chief adminis-  
4 trative officer of the school and returned to the local public school  
5 superintendent by the parent or guardian. The school shall notify the  
6 local public school superintendent within a reasonable time if the  
7 child is no longer enrolled in or attending the school.

8 (b) A religious or other private school that elects to comply  
9 with AS 14.45.100 - 14.45.140 shall maintain monthly attendance re-  
10 cords for each student enrolled in the school, shall operate on a  
11 regular schedule, excluding reasonable holidays and vacations, during  
12 at least 180 days of the year, and shall make an annual report to the  
13 commissioner of the number of students in each grade and the school  
14 calendar.

15 Sec. 14.45.120. STANDARDIZED TESTING REQUIREMENTS. (a) A  
16 religious or other private school that elects to comply with AS 14.-  
17 45.100 - 14.45.140 shall administer a nationally standardized test  
18 selected by the chief administrative officer of the school to all  
19 students enrolled in grades four, six and eight at least once each  
20 school year.

21 (b) The nationally standardized test must measure achievement in  
22 English grammar, reading, spelling, and mathematics.

23 (c) A religious or other private school that elects to comply  
24 with AS 14.45.100 - 14.45.140 shall maintain records of the results of  
25 the nationally standardized tests and the records shall be made avail-  
26 able to the parent or guardian of the student. Each school shall make  
27 composite test results for the school available annually to an autho-  
28 rized representative of the department. The composite test results of  
29 a religious or other private school operated in compliance with

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AS 14.45.100 - 14.45.140 are not public information unless each public school

(1) is also required to administer a nationally standardized test that measures achievement in English grammar, reading, spelling, and mathematics; and

(2) the composite test results for each public school are public information.

Sec. 14.45.130. RECORDS. (a) A religious or other private school that elects to comply with AS 14.45.100 - 14.45.140 shall maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and courses taken at the school.

(b) The chief administrative officer of a school that elects to comply with AS 14.45.100 - 14.45.140 shall certify to the department, under oath or by affirmation, that the records required under (a) of this section are being maintained.

Sec. 14.45.140. DEFINITIONS. In this chapter

(1) "private school" means a school that does not receive direct state or federal funding;

(2) "religious school" means a private school operated by a church or other religious organization that does not receive direct state or federal funding.

\* Sec. 6. AS 14.45.020 is repealed.