

SENSE OF THE HOUSE

by REPRESENTATIVE C. JOHNSON

WHEREAS in the early days of the correspondence program, local public schools would use the post office or float planes to send lessons and tests to students in the rural reaches of the state, and then pick the assignments up to grade them;

WHEREAS in 1997, lawmakers expanded the program to allow parents to receive reimbursement for certain education supplies. In 2014, the law was broadened even further to allow correspondence schools to reimburse parents who choose a variety of alternative education options;

WHEREAS Alaska a sparsely populated state, we face some unique challenges in ensuring all students receive a quality education, and the correspondence school program was created to address these issues. Since its creation, thousands of Alaska students have benefitted from the program;

WHEREAS since the passage of legislation in 2014, roughly 10% of Alaska school enrollment has shifted from school buildings to correspondence programs, with the pace of the shift accelerating over the past four years;

WHEREAS correspondence programs allow students across Alaska to be home-schooled under the authority of local school districts. For the past decade, state law has allowed families to utilize funds for education-related expenses;

WHEREAS on April 12, 2024, Alaska Superior Court Judge Adolf Zeman ruled that the allotment system violates a section of the state constitution that prohibits public money being spent "for the direct benefit of any religious or other private educational institution.";

WHEREAS the 33-page decision if allowed to go into effect could potentially have major implications for the nearly 20,000 correspondence school students in Alaska and the state's public education system more broadly;

WHEREAS the full implications of that decision remains unclear, many believe that if this ruling were to stand, there would be no public correspondence school options in Alaska, and families currently in correspondence school would be forced to pay for what is otherwise public schooling out of their own pockets;

WHEREAS the plaintiffs plan to seek a stay, putting the ruling on hold, until the end of the fiscal year in June in order not to disrupt the school year and allow time for an expedited appeal to the Alaska Supreme Court. The state also plans to appeal, according to the Governor in a social media post;

AND WHEREAS the Alaska Department of Education and Early Development is advising state school districts to continue business as usual after a legal decision struck down the core of the state's correspondence school programs until a final decision from the courts is handed down;

BE IT RESOLVED that it's a Sense of the House that this body file an amicus brief supporting a stay of the decision in Alexander v. Teshner, (3AN-23-04309CI), at the Alaska Supreme Court until June 30, 2025, in order to give the Alaska State Legislature sufficient time following any final court decision to pass appropriate legislation complying with the Supreme Court's decision, if that becomes necessary;

BE IT FURTHER RESOLVED that a stay of the Superior Court's decision provides the most stability to Alaska's public education system and protects the tens of thousands of students, families, and educational vendors that are integral to the public correspondence school option;

BE IT FURTHER RESOLVED that this is clearly recognized by all sides of the litigation, as even the plaintiffs that brought the case believe a stay of some length is warranted;

AND BE IT FURTHER RESOLVED that a stay through June 30, 2025, allows for the Alaska State Legislature to review any decision from the Alaska Supreme Court and take a measured approach to amending the public correspondence school program.