



ALASKA STATE LEGISLATURE

Senate Education Committee

SENATOR Löki Gale Tobin, Chair

State Capital Room 11, Juneau AK 99801, Phone 465-3704

Senate Bill 266 – Correspondence Study Programs

Sponsor Statement

On April 12, 2024, two of the statutes governing Alaska's correspondence schools were ruled unconstitutional by an Alaskan Superior Court Judge. The statutes in question permitted public money being used to subsidize private and religious schools despite the prohibition in the Alaska Constitution (*Article 7, Section II*) against using public funds for the direct benefit of any religious or other private educational institution.

Superior Court Judge Adolph Zeman ruled "there is no workable way to construe the statutes to allow only constitutional spending and AS 14.03.300-.310 must be struck down as unconstitutional in their entirety." Judge Zeman noted that "if the legislature believes these expenditures are necessary – then it is up to them to craft constitutional legislation to serve that purpose – that is not this Court's role."

Senate Bill 266 repeals the unconstitutional statutes and reinstates components of a correspondence study program authorized in 2005 and 2008 by regulations adopted by the State Board of Education and Early Development. Rather than the unconstitutional allotment system, SB 266 authorizes Alaska's vital correspondence programs to provide students with a fund account to pay for academic instruction and materials. SB 266 empowers the State Board of Education and Early Development to adopt regulations detailing how student fund accounts can be used. The bill stipulates that the regulations must comply with existing state law, which prohibits educators or schools from advocating for partisan, sectarian, or denominational doctrines.

SB 266 also increases reporting requirements for correspondence study programs, including demographic information, expenditures by a student fund account, statewide assessment performance, and administrative costs. Additionally, SB 266 removes the blanket opt-out provisions of statewide assessments and ensures parity in statewide assessment participation between Alaska's neighborhood schools and public correspondence programs.