

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 24, 2024

2:04 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 28

Proposing amendments to the Constitution of the State of Alaska relating to using public funds for education.

- HEARD & HELD

HOUSE BILL NO. 324

"An Act relating to insurance data security; amending Rule 26, Alaska Rules of Civil Procedure, and Rules 402 and 501, Alaska Rules of Evidence; and providing for an effective date."

- BILL HEARING CANCELED

HOUSE BILL NO. 163

"An Act creating the FAFSA raffle fund; relating to the definition of 'gambling'; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HJR 28

SHORT TITLE: CONST. AM: EDUCATION FUNDING

SPONSOR(S): JUDICIARY

04/18/24 (H) READ THE FIRST TIME - REFERRALS

04/18/24 (H) JUD, FIN
04/24/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

BOB BALLINGER, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 28, on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance.

ARIANA ANDERSON, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

CALEB SCHANE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 28.

EMILY FERRY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 28.

LON GARRISON, Executive Director
Association of Alaska School Boards
Juneau, Alaska

POSITION STATEMENT: Testified in opposition of HJR 28.

LAURA HECKERT, representing self
Homer, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

MICHAEL PATTERSON
Party for Socialism and Liberation Anchorage
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

ALLEN STRAH, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition of HJR 28.

CYNTHIA GACHUPIN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

MEGHANN LIPSE, representing self
Soldotna, Alaska
POSITION STATEMENT: Testified during the hearing on HJR 28.

DAVID LESLIE, representing self
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

JEFFERY MAYFIELD, representing self
Homer, Alaska
POSITION STATEMENT: Testified opposition to HJR 28.

SCOTT CRASS, representing self
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

SUSAN MCKENZIE, Administrator
Kings Christian School AK
Wasilla, Alaska
POSITION STATEMENT: Testified in support of HJR 28.

MIKE ILLG, representing self
Homer, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

MELISSA GORDAOFF, representing self
Wasilla, Alaska
POSITION STATEMENT: Testified during the hearing on HRJ 28.

ERIN KELLEY, representing self
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HJR 28.

KENT WILLIAMS, representing self
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

DANIELLE SJODEN, representing self
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

KASIE KRAGE, representing self
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 28.

BRIAN PIKE, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

HOLLY DAVIS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

NICCOLE VAN PEURSEM, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

REBECCA BERNARD, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

FAELYN SIMPSON, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

SHAD SCHOPPERT, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

LUANN MCVEY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

CELESTE NOVAK, representing self
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

NICOLE CONNOLLY, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 28.

TOM KLAAMEYER, President
National Education Association Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 28.

AMY SIMS, representing self
Valdez, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 28?

ERIK PALIN, representing self
Big Lake, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

MIKE COONS, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

CANDICE BROWN, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

NATHALIE HUGHES, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

SARAH JONES, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 28.

JOSH BRANSTETTER, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

ANDY HOLLEMAN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

DR. PAMELA CONRAD, representing self
Bethel, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

RACHEL LORD, representing self
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HJR 28.

ACTION NARRATIVE

[2:05:00 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 2:04 p.m. Representatives Carpenter, C. Johnson, Sumner, Groh, and Vance were present at the call to order. Representatives Gray and Allard arrived as the meeting was in progress.

HJR 28-CONST. AM: EDUCATION FUNDING

[2:05:31 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 28, Proposing amendments to the Constitution of the State of Alaska relating to using public funds for education.

[2:05:55 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of the House Judiciary Standing Committee, sponsor by request, chaired by Representative Vance, presented HJR 28. He said the bill [deletes] the language from the recent Alaska Superior Court decision that was used to invalidate the state's correspondence program. The bill would also make clear that education funding is a public purpose.

CHAIR VANCE opened public testimony on HJR 28.

[2:08:27 PM](#)

ARIANA ANDERSON, representing self, testified in support of HJR 28. If the correspondence allotments were eliminated, she said many children may not receive the same educational opportunities and variety that they previously had. She opined that the recent court ruling is a vast overreach that, if applied, would make the current public and private education systems unable to function. She said there is no way for the Alaska school system to absorb an additional 24,000 students, and that HJR would be a simple fix to ensure that correspondence programs are not in conflict with the Alaska Constitution.

[2:10:29 PM](#)

CALEB SCHANE, representing self, testified during the hearing on HJR 28. He urged the legislature not to change the constitution, and shared his belief that there are better ways to control what's happening with the money for homeschooling. He opined that allowing state taxpayer money to be used for religious schools goes against the freedom of religion in the U.S. Constitution.

[2:11:19 PM](#)

EMILY FERRY, representing self, testified in support of HRJ 28. She stated that a quick resolution to the issues brought forth by the superior court would bring certainty to homeschools. However, she opined that a change to the constitution would

raise contention and move the state further away from the certainty that students and families desire.

[2:12:41 PM](#)

LON GARRISON, Executive Director, Association of Alaska School Boards (AASB), testified in opposition of HJR 28. He said AASB is opposed to using public funds to finance private schools, parochial schools, or private homeschool correspondence programs, which can divert from the limited resources of public schools. He stated that public funds used for private or religious institutions cannot ensure the benefits of accountability measures and do not satisfy other state and federal mandates that public schools are required to operate under.

[2:14:31 PM](#)

LAURA HECKERT, representing self, testified in support of HJR 28. She shared her belief that public funds should be available for all children no matter which school they attend.

[2:15:48 PM](#)

MICHAEL PATTERSON, Party for Socialism and Liberation Anchorage, testified in opposition to HJR 28 and characterized the resolution as a clear attempt to erode the separation between church and state. Given the recent court decision, he said HJR 28 is an attempt to constitutionalize a loophole that allows for the unconstitutional allotment of public funds for religious and private institutions. He urged the legislature to fix education, not use a crisis to insert an unpopular ideological position into the constitution.

[2:17:44 PM](#)

ALLEN STRAH, representing self, testified in opposition of HJR 28. He emphasized that public funds should not go towards religious and private schools. He urged the legislature to uphold the constitution, not subvert, nullify, bastardize, amend, or change it.

[2:18:36 PM](#)

CYNTHIA GACHUPIN, representing self, testified in opposition to HJR 28. She said religious school cannot be paid for by private funds, as provided in the U.S. Constitution, which takes

precedent over the Alaska Constitution. She urged the legislature to stop leveraging children's education for political goals and to fix the loophole that is currently affecting correspondence schools.

[2:21:13 PM](#)

MEGHANN LIPSE, representing self, testified during the hearing on HJR 28. She said that lack of funding would not change her decision to homeschool, but it would impact her children's opportunities, as public funding benefits them academically.

[2:22:23 PM](#)

DAVID LESLIE, representing self, testified in opposition to HRJ 28. He said providing opportunities to homeschool students that are not extended to public school students is alarming. He explained that homeschool kids can join any public school program, but public school students do not receive an allotment for extracurricular activities.

[2:24:46 PM](#)

JEFFERY MAYFIELD, representing self, testified in opposition to HJR 28. He said he agrees that the recent ruling by Judge Zeman is damaging to a wide range of families; however, he urged legislators to abandon this current effort to alter the constitution, and instead, find a route forward that allows correspondence schooling without contributing to religious institutions either directly or indirectly.

[2:26:51 PM](#)

SCOTT CRASS, representing self, testified in opposition to HJR 28. He agreed that homeschools should have support and certainty, but it should be done in a constitutionally sound manner, preserving the separation of church and state. He said there are likely to be unintended consequences to the "voucher scheme" and emphasized that public funds come with public oversight.

[2:27:42 PM](#)

SUSAN MCKENZIE, Administrator, Kings Christian School AK, testified in support of HJR 28. She said HJR 28 would allow choice for parents and put them in the middle of their

children's academic life because they know what's best for their kids.

[2:29:28 PM](#)

MIKE ILLG, representing self, testified in opposition to HJR 28. He said the resolution is illegal, and urged the legislature not to waste time, money, and effort in pursuing it. He said he does not want state dollars going towards religious indoctrination in any capacity, which is in the First Amendment of the U.S. Constitution.

[2:31:29 PM](#)

MELISSA GORDAOFF, representing self, testified during the hearing on HJR 28. She recalled an incident in public school that transpired from bullying and describe the personal importance of homeschooling. She opined that to cut off this freedom to taxpaying parents is unfair.

[2:34:08 PM](#)

ERIN KELLEY, representing self, testified in support of HRJ 28. She shared that she and her family pour their money into the local economy for educational resources to meet her daughter's unique needs. She said she also depend on an allotment from the state and respectfully asked that all districts honor this program, at least for the current school year so as not to devastate families like hers and others that depend completely on the allotment program for basic curriculum and books.

[2:36:25 PM](#)

KENT WILLIAMS, representing self, testified in opposition to HJR 28. He said he is against the idea of providing public education funds to private and religious schools given the separation between church and state. He implored the legislature to drop HJR 28 unless the body is willing to tax religious institutions.

[2:37:46 PM](#)

DANIELLE SJODEN, representing self, testified in opposition to HJR 28. She shared her belief that it's possible to support homeschool options without undermining public education at the same time. Although her children are not in public school, she acknowledged the importance of a strong, well-funded, public

school system to society, and said she is opposed to public funds being used for private and religious institutions. She asked the legislature to fix the correspondence school loophole.

[2:39:19 PM](#)

KASIE KRAGE, representing self, testified in opposition to HJR 28. She emphasized the importance of the financial support provided through the allotment program and the opportunity it provides to enhance education beyond the confines of traditional classrooms. However, because public schools are rightly barred from teaching content with religious affiliation, she said it's imperative that private schools refrain from such practices when public funds are involved. She suggested further clarification of the constitutional amendment.

[2:40:50 PM](#)

BRIAN PIKE, representing self, testified in support of HJR 28. He said parents whose children attend private or charter school pay taxes and create public funds. He said when kids are homeschooled, public schools are not burdened with the cost of that student. He pointed out that special needs students benefit greatly from homeschooling.

[2:42:37 PM](#)

HOLLY DAVIS, representing self, testified in support of HJR 28. She shared her personal experience with Family Partnership Correspondence School. She said homeschooling has allowed her to provide a well-rounded customized education for her children. She opined that correspondence schools should have the right to choose their vendor without discrimination.

[2:45:17 PM](#)

NICCOLE VAN PEURSEM, representing self, testified in support of HJR 28. She said she can provide a better education for her daughter for less money, adding that she and her husband pay taxes that go to public schools, of which her daughter is a student through a correspondence program. She shared her belief that choice is what's best for all public school students, including those in correspondence programs.

[2:47:19 PM](#)

REBECCA BERNARD, representing self, testified in opposition to HJR 28. She said this is a separation of church and state issue, and that any public correspondence school that supports homeschoolers could continue to offer support to these students with a simple legislative or regulatory fix, not a constitutional amendment. She pointed out that correspondence programs existed before this unconstitutional statute was passed and suggested that the state could return to that system.

[2:49:20 PM](#)

FAELYN SIMPSON, representing self, testified in support of HJR 28. She said homeschool was a lifesaver for her children and emphasized the importance of the allotment program to her family. She shared her belief that school choice is important and parents should have the flexibility and funding to provide for their children.

[2:51:53 PM](#)

SHAD SCHOPPERT, representing self, testified in support of HJR 28. He contrasted two options to permanently resolve the fallout from the recent superior court ruling: attempt a statutory fix or modify the Alaska Constitution. He shared his belief that HJR 28 takes a broad stance to what correspondence options are and does not unnecessarily limit a child's options.

[2:55:21 PM](#)

LUANN MCVEY, representing self, testified in opposition to HJR 28. She said she opposes the use of public funds for private or religious schools and encouraged the legislature to come up with a solution that allows these schools to continue without amending the constitution.

[2:57:45 PM](#)

CELESTE NOVAK, representing self, testified in opposition to HJR 28. She said it's time to work on the public education crisis, not fund religious schools.

[2:58:31 PM](#)

NICOLE CONNOLLY, representing self, testified during the hearing on HJR 28. She said with the support of allotment money, she had taken her children on educational field trips, provided swimming lessons and art classes, and purchased school-approved

curriculum to teach state standards. By supporting correspondence schools and allotments, she said the legislature would be supporting a truly unique and beautiful learning experience.

[3:01:05 PM](#)

TOM KLAAMEYER, President, National Education Association Alaska (NEA-Alaska), testified during the hearing on HJR 28. He said NEA-Alaska believes and supports simple solutions that preserve constitutional correspondence programs, homeschool options, public charter schools, and traditional neighborhood schools. He posited that simple solutions exist without amending the constitution. The governor and the Department of Education and Early Development (DEED) could easily issue constitutional emergency regulations to address this challenge. Likewise, the legislature could pass a correspondence school law that complies with the Alaska Constitution. He pointed out that there are decades of precedent and shared his belief that reconstituting the pre-2014 correspondence and allotment program would be the simplest fix.

[3:03:30 PM](#)

AMY SIMS, representing self, testified during the hearing on HJR 28. she said correspondence has provided educational, vocational, and extracurricular opportunities, as well as support and stability. It has allowed her to choose excellent curriculums and offer an individualized education for special needs students. She asked that the legislature continue to support Alaska home and correspondence schools.

[3:05:30 PM](#)

ERIK PALIN, representing self, testified in support of HJR 28. He said this issue needs to be fixed and the allotment program maintained to support those families that want to enrich their children's lives outside the public school system.

[3:07:21 PM](#)

MIKE COONS, representing self, testified in support of HJR 28 and provided a historical position on the separation of church and state. He opined that god is needed back in school and that parents should have the ability to put kids in the school of their choice.

[3:09:25 PM](#)

CANDICE BROWN, representing self, testified in support of HJR 28. She said she is educating her child far better than the school system could with a fraction of the funds. She said passing HJR 28 would be the first step towards creating true system reform.

[3:12:11 PM](#)

NATHALIE HUGHES, representing self, testified in support of HJR 28. She opined that parental rights should be respected regardless of religious or secular opinion. She urged a "yes" vote to allow everyone, including those in correspondence programs, freedom of choice.

[3:13:44 PM](#)

SARAH JONES, representing self, testified in support of HJR 28. She shared her understanding that homeschools programs are careful not to allow money towards religious studies. If the allotment was taken away, she said she would never send her son back to public school.

[3:15:00 PM](#)

JOSH BRANSTETTER, representing self, testified in opposition to 28. He said amending the constitution would not fix the education system and instead, make it completely untenable. He reiterated his opposition to the resolution and urged the committee to go back to the drawing board.

[3:17:01 PM](#)

ANDY HOLLEMAN, representing self, testified in opposition to HJR 28. He shared his understanding that correspondence programs have minimal oversight from DEED and urged the legislature to take steps to correct that. In addition, the legislature needs help correspondence families finish out the year with guidelines from DEED to provide assurances and a path forward, he said. He urged the legislature to defend the constitution.

[3:19:39 PM](#)

DR. PAMELA CONRAD, representing self, testified in opposition to HJR 28. She said it's wrong to allow private or religious schools to use public funds for curriculum. She urged the

legislature to fix the existing system or issue legal action against the schools that broke the rules rather than changing the constitution.

[3:20:58 PM](#)

RACHEL LORD, representing self, testified in opposition to HJR 28. She said to think that opening the door to further straining the public education system by constitutionalizing the funding of private and religious schools is appalling. She said she wholeheartedly supports the legislature in creating constitutional side boards and opportunities for accountability throughout the education system; however, she strongly opposes HJR 28 and its proposal to shift public dollars away from public schools, including homeschool and correspondence programs, and into private and religious institutions.

CHAIR VANCE said she would leave public testimony open. She said it's her intent to have a dialogue about case law across the nation in regard to public education. She disclosed that she homeschools her children and uses religious material for the academic portion, which is paid for out of her own family funds. She said she does not want to take funds from one area and insert them into another. Instead, she wants to expand education opportunities for every child in Alaska and shared her belief that HJR 28 is a way to offer success to families. She announced that the bill would be held over.

[3:25:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:25 p.m.