

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

April 8, 2024

3:34 p.m.

MEMBERS PRESENT

Senator Löki Tobin, Chair
Senator Gary Stevens, Vice Chair
Senator Jesse Kiehl
Senator Elvi Gray-Jackson

MEMBERS ABSENT

Senator Jesse Bjorkman

COMMITTEE CALENDAR

PRESENTATION: ALASKA'S 2015 SCHOOL FINANCE STUDY AND RECENT
CHANGES IN OTHER STATES

- HEARD

PRESENTATION: WHAT IS ADEQUACY? HOW DO WE MEASURE IT? WHY DO WE
CARE?

- HEARD

PRESENTATION: LEGISLATORS MUST PERFORM THEIR CONSTITUTIONAL
DUTY FOR EDUCATION

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JUSTIN SILVERSTEIN, CO-CEO
Augenblick, Palaich and Associates
Denver, Colorado

POSITION STATEMENT: Offered the presentation Alaska's 2015
School Finance Study and Recent Changes in Other States.

LAWRENCE PICUS, Principal Partner

Picus, Odden, and Associates
Los Angeles, California

POSITION STATEMENT: Offered the presentation What is Adequacy?
How Do We Measure It? Why Do We Care?

HOWARD TRICKEY, Attorney
Schwabe, Williamson and Wyatt
Denver, Colorado

POSITION STATEMENT: Offered the presentation Legislators Must
Perform Their Constitutional Duty for Education

ACTION NARRATIVE

[3:34:04 PM](#)

CHAIR LÖKI TOBIN called the Senate Education Standing Committee meeting to order at 3:34 p.m. Present at the call to order were Senators Gray-Jackson, Stevens, Kiehl and Chair Tobin

PRESENTATION: ALASKA'S 2015 SCHOOL FINANCE STUDY and RECENT CHANGES IN OTHER STATES

[3:35:34 PM](#)

CHAIR TOBIN announced the presentation Alaska's 2015 School Finance Study and Recent Changes in Other States by Justin Silverstein. She stated he helped support and wrote the 2015 report Review of Alaska's School Funding Program. He is considered a national expert in school finance.

[3:36:21 PM](#)

JUSTIN SILVERSTEIN, Co-CEO, Augenblick, Palaich and Associates, Denver, Colorado, offered the presentation Alaska's 2015 School Finance Study and Recent Changes in Other States. He stated that in addition to discussing the 2015 study he would also dive into changes other states have made and the processes used to change their formulas.

[3:36:45 PM](#)

MR. SILVERSTEIN moved to slide 2 and gave a brief introduction to APA:

[Original punctuation provided.]

Who is APA?

- APA is a Denver-based education policy consulting firm founded in 1983
- The firm has extensive experience working in all 50 states

- APA has examined the structure of many state school funding systems and helped design the systems in states, including recent changes in Nevada and Maryland

[3:37:20 PM](#)

MR. SILVERSTEIN moved to slide 3 and mentioned what he would discuss in his presentation:

[Original punctuation provided.]

Today's Presentation

- Review of Types of School Finance Studies
- Overview of the 2015 Study
- States that have recently changed their formulas

[3:37:47 PM](#)

MR. SILVERSTEIN moved to slide 4, and discussed the three components of finance studies:

Finance Studies

- **Structural Review** focuses on how the state's system works and if it is meeting state needs
- **Equity Study** examines the horizontal, vertical, and fiscal neutrality of a system
- **Adequacy Study** measure the resources needed to meet state standards

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MR. SILVERSTEIN moved to slide 5 and began discussion of the 2015:

2015 Study

Study was mainly a structural review with an equity study included:

1. Reviewed the structure of Alaska's current funding structure;
2. Conducted interviews with district stakeholders to understand how the current school finance structure affects individual districts;
3. Examined other states' approaches to school funding;
4. Examined the equity of the current system, looking at both district and taxpayer equity;

5. Analyzed student performance across Alaska, including the relationship between need, funding, and performance;
6. Examined the state's sources of revenues; and
7. Developed recommendations for the state to consider moving forward.

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SENATOR STEVENS asked for an analysis of the Alaska school funding program, noting that it seems overly complex. He shared that, despite having been involved for 24 years, he regularly needs experts to re-explain the system. He wondered whether Alaska's system is similar to those in other states or if it is unnecessarily complex.

MR. SILVERSTEIN responded that he does not believe Alaska's school funding system is overly complex compared to other states. He explained that there is a baseline complexity in many state funding formulas. However, he emphasized the importance of transparency and predictability in a system and acknowledged that certain elements of Alaska's formula could benefit from improvements in these areas. While Alaska's system has common components found in other states, the way they are combined may differ slightly, and there may be opportunities for simplification. He concluded that complexity is common in state systems and some complexity is expected.

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SENATOR STEVENS commented that he would have to "man up" and accept living with the complexities of the current system.

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CHAIR TOBIN mentioned that the 2015 study is available on BASIS and was the result of a Request for Proposal (RFP) issued by the Legislative Budget and Audit Committee. She noted that APA Consulting successfully bid on the RFP, which is why they were awarded the project.

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MR. SILVERSTEIN moved to slide 6:

[Original punctuation provided.]

Alaska's School Funding Program

Under Alaska's foundation formula, a district's funding (Basic Need) is determined by multiplying the

Base Student Allocation (BSA), as defined by the legislature, by the District Adjusted Average Daily Membership (DAADM). A district's DAADM is determined using the following calculation:

Average Daily x District Cost x Special Needs x Vocational
Membership, Factor Factor and
Adjusted by Technical
School Size Funding

Intensive + Correspondence = District Adjusted
Services Student Student Count Average Daily
Membership

Outside of this funding formula, the state also provides funding for transportation and capital.

MR. SILVERSTEIN provided a high-level overview of Alaska's school funding system. He explained that the state generates a district-adjusted average daily membership (ADM) number, which attempts to account for both student and district characteristic differences by creating a weighted count. While this adds complexity, it's not unusual compared to other states. The main challenge lies in how this is condensed into one number, which can reduce transparency, though the Department of Education does a good job of breaking down the steps in Excel spreadsheets each year.

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MR. SILVERSTEIN walked through the key components, starting with the average daily membership adjusted by school size, where smaller schools receive additional funding. Next, the district cost factor adjusts for the cost of doing business in different districts, with Anchorage as the baseline (1.0) and some districts facing costs that are twice as high due to unique challenges, such as remote access and described an example.

MR. SILVERSTEIN continued with the special needs adjustment, noting that every district receives a 20 percent multiplier for high-cost students, though the same rate is applied universally, regardless of a district's specific needs. He also mentioned an adjustment for vocational/technical education (CTE) and a high weight for students requiring intensive services. Alaska uniquely provides funding for correspondence students as well. Lastly, he clarified that funding for transportation and capital is separate from this formula.

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MR. SILVERSTEIN moved to slide 7 which narrowed down 18 slides of recommendation from the study to three overall recommendations, which he discussed:

[Original punctuation provided.]

Recommendations: General Impressions

- Formula has the right elements
- The funding system does little to differentiate funding based on actual student characteristics
- Equity concerns arise around the difficulty in comparing wealth across districts and a lack of correlation between a district's student needs and spending

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MR. SILVERSTEIN moved to slide 8 and said the remainder of his presentation will focus on formula changes:

[Original punctuation provided.]

Recent State Formula Changes

- A number of states have changed their formulas in recent years including Maryland, Nevada, and Tennessee
- Will look at what type of studies were done and the types of changes to the formulas

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MR. SILVERSTEIN moved to slide 9 and discussed Maryland's changes:

[Original punctuation provided.]

Maryland

- State implemented a large-scale education reform that included a new finance formula
- The formula is built on aspects of adequacy, equity, and structural reviews - Weights are based on adequacy study
- Bulk of changes are related to the new initiatives implemented as part of the Blueprint including career ladders, expanded pre-K, college and career readiness, CTE, and services for concentrated poverty

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MR. SILVERSTEIN moved to slide 10 and spoke to changes in Tennessee:

[Original punctuation provided.]

Tennessee

- Tennessee's Investment in Student Achievement Act (TISA) came about very quickly
- Though equity was talked about as a key focus, there does not appear to be a specific equity study published on the impacts of the new formula
- Parameters are not based on an adequacy study

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MR. SILVERSTEIN moved to slide 11 and provided the funding formula changes made by Nevada, which in terms of the degree of change in between Maryland and Tennessee:

[Original punctuation provided.]

Nevada

- Nevada replaced a formula from 1969 known as the Nevada Plan
- The new Pupil Centered Funding Plan (PCFP) is in part based on a 2018 finance study that included an adequacy study and structural review
- Have continued implementation work being done by NV's Commission on School Finance

[3:59:13 PM](#)

SENATOR KIEHL asked about Tennessee's student-centered or student-focused formula, which accounts for different types of student needs. He wanted more details on how this approach works and noted that Alaska currently uses a block grant for special education, which includes gifted and talented programs, with a 20 percent adjustment. He said Alaska counts the intensive needs and can think of potentially six additional categories to count. He wondered what it would look like to categorize students into more specific groups.

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MR. SILVERSTEIN responded that Alaska uses a census-based approach for special education, assuming similar needs across all districts. He emphasized the importance of determining whether other student characteristics are strong predictors of a district needing more resources to achieve similar outcomes. Historically, factors like poverty, often indicated by eligibility for reduced-price lunch, have been seen as predictors of students needing additional resources, such as after-school tutoring or summer school. He also mentioned English learners (EL) as another group that most states fund differently. He noted that determining funding for these groups is often a matter of philosophy. He added that many states are changing how they count at-risk students due to the federal Community Eligibility Provision for free/reduced-price lunch, which complicates using these counts in school funding formulas. As a result, states are shifting to direct certification or more complex models to calculate need differences between districts.

[4:01:35 PM](#)

CHAIR TOBIN said she found the different types of reviews of a foundation formula interesting. She noted that the committee would soon hear a presentation on an adequacy study and that the state has had recent structural and equity reviews. She asked whether the next step for the Alaska State Legislature is to conduct an adequacy study before making any revisions to the foundation formula. Alternatively, she wondered if the Legislature should redo the previous structural and equity studies using the structure that is in place today.

MR. SILVERSTEIN expressed that conducting an adequacy study could be valuable as it helps close the loop for all stakeholders in the education system. He explained that such a study allows policymakers to ask what resources are required to meet the expectations for students, teachers, schools, and districts. This, in turn, could help guide decisions about the structure of the system. He referenced Senator Kiel's conversation, noting that if an adequacy study reveals that the cost for serving English learners is not significant, there may be no need to adjust the formula for that. However, if substantial differences in costs are found, it could inform potential changes. He added that while the structure of Alaska's system has not changed dramatically, the question remains whether the Base Student Allocation (BSA) provides districts with sufficient resources to meet state standards when all other factors are considered.

[4:03:47 PM](#)

CHAIR TOBIN followed up by referencing a recent national model adequacy study from Florida, conducted by researchers at Rutgers and the University of Miami, which indicated that Alaska has an adequate funding formula. She asked about the differences between reviews conducted by firms like APA Consulting or Picus Odden and that national model study.

[4:04:15 PM](#)

MR. SILVERSTEIN explained that the national model adequacy study, led by Dr. Bruce Baker—formerly at Rutgers and now at the University of Miami—uses a statistical approach with national data to measure adequacy in education systems. He noted that this model tends to show underfunding in urban districts, but its analysis for rural areas can be less precise. He emphasized that the best practice is to use multiple approaches, suggesting that combining Dr. Baker's statistical model with methods like professional judgment or evidence-based models would provide more comprehensive insights. He elaborated that the professional judgment or evidence-based models build up resource requirements from the ground up, working directly with educators in the state to account for contextual differences. While Dr. Baker's model offers an external perspective and additional data points, he pointed out that the input-based approaches tend to better differentiate the needs of various student groups and district characteristics, offering more tailored insights for policymakers.

[4:05:52 PM](#)

CHAIR TOBIN thanked him for his presentation.

PRESENTATION: WHAT IS ADEQUACY? HOW DO WE MEASURE IT? WHY DO WE CARE?

[4:06:25 PM](#)

CHAIR TOBIN announced the presentation What is Adequacy? How Do We Measure It? Why Do We Care? She introduced Mr. Picus as a well-known author on education policy and that completed education studies for many states in the U.S.

[4:07:23 PM](#)

LAWRENCE PICUS, Principal Partner, Picus, Odden and Associates, Los Angeles, California, stated that his association often works closely with APA. The work of both associations is very similar.

[4:08:09 PM](#)

MR. PICUS moved to slide 2 and provided the associations mission statement:

[Original punctuation provided.]

Mission Statement

Picus Odden & Associates is an independent school finance consulting group whose mission is to work collaboratively with states and school districts to improve the way public resources for education are translated into improved student learning.

[4:08:31 PM](#)

MR. PICUS moved to slide 3 and said he would primarily focus on Adequacy during his presentation:

[Original punctuation provided.]

What is Adequacy?

- School Finance Adequacy estimates the resources needed to provide sufficient funding to provide all students an equal opportunity to learn to high performance standards.
- This includes appropriate adjustments for individual characteristics of:
 - Students
 - School districts and Schools

[4:09:02 PM](#)

CHAIR TOBIN said she anticipated that her question might be addressed in the upcoming presentation, but she asked it anyway to prompt discussion. She referenced the national model study from the University of Miami, which focused on "adequate spending for adequate results," and noted that the current presentation mentions "high performance standards." She asked for an explanation of the difference between aiming for adequate versus high expectations and how that distinction might impact funding.

[4:09:35 PM](#)

MR. PICUS explained that the terms "adequacy" and "adequate levels of funding" might be misunderstood. He clarified that adequacy refers to providing enough funding for all children to perform at high levels, rather than just aiming for "adequate standards." He referenced Bill Clune, who introduced the concept of adequacy in school finance in 1975 and acknowledged that while "adequacy" may not be the perfect word, it has been the framework for funding discussions for the past 30 years.

[4:10:26 PM](#)

MR. PICUS moved to slide 3 and discussed each of the four models for measuring school finance adequacy:

[Original punctuation provided.]

Four Models to Measure Adequacy

- Successful district/school
- Cost function
- Professional judgment
- Evidence Based

[4:14:09 PM](#)

MR. PICUS moved to slide 4 and said there are a lot of reasons that might trigger an adequacy, including concern by policymakers that schools need more money:

What Triggers Adequacy Studies?

- Court cases and rulings
- Positive state revenue projections
- Political actions
- All of the above

[4:15:30 PM](#)

MR. PICUS moved to slide 5 and addressed how to go about doing a comprehensive evidence based (EB) study. Noting that every study does not follow the same steps:

[Original punctuation provided.]

Elements of a Comprehensive EB Study

- Review past studies
- Regular meetings with policymakers and stakeholders
- Build initial EB Model including district-by-district estimates
- Review the geographic cost index
- Conduct Professional Judgment Panels
- Case studies of high performing schools
- Develop options for the State's school funding formula

- Revenue options for the state and school districts

[4:19:15 PM](#)

MR. PICUS moved to slide 6 and provided a brief description on the adequacy done for Anchorage 2023:

[Original punctuation provided.]

Anchorage 2023 Adequacy Study

- Used Anchorage School District to estimate a new BSA
- Developed an alternative approach to computing district WADM and allocating funds to school districts
- High level of confidence that our model would require an increase in the BSA.

MR. PICUS explained that Anchorage, being the 1.0 district in the funding formula, asked his team to estimate an adequacy number. To do this, they began with student counts and focused on additional costs related to three key groups: English language (EL) learners, low-income students (typically measured by free and reduced-price lunch eligibility), and special education students which gives an unduplicated count of the EL and low-income children. They calculated the additional services these students require, turning that into a weight—similar to Alaska’s 1.2 block grant, but with different weights for each group.

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MR. PICUS noted that while Alaska’s Base Student Allocation (BSA) is around \$6,000 per student, the weighted average daily membership of school districts often significantly exceeds the raw student enrollment, especially in districts with additional needs. In Anchorage, for example, the weighted average is nearly double the actual enrollment. He explained that their model estimates the cost per pupil for Anchorage, and their report suggests changes to how the formula distributes resources. Specifically, they would move the cost adjustment to the end of the model and apply it based on weighted average daily attendance. Instead of the 1.2 block grant, they would use specific weights from their model applied to the count of students with meet the specific needs.

[4:22:19 PM](#)

MR. PICUS shared that in Anchorage, they conducted professional judgment studies in 2022 and 2023, and a similar study in 2015, focused on Anchorage's unique needs. One specific issue that emerged during these studies was snow removal, which hadn't been considered in previous models but is significant in Alaska. He concluded by stating that their model would result in a higher BSA—around \$13,000 versus the current \$5,900—though the weighted average daily membership would likely decrease under the new system.

[4:23:46 PM](#)

SENATOR KIEHL asked about the value of moving the district cost factor to the end of the formula instead of the beginning. He questioned whether it would make a difference, referencing the associative property of multiplication, where the order of multiplying numbers does not change the outcome. He asked for clarification on the reasoning behind this adjustment.

MR. PICUS responded that moving the district cost factor to the end of the formula likely wouldn't change the overall outcome much, noting that it's typically placed at the end in most other states. He explained that doing so provides a clearer understanding of the effects of various adjustments after establishing the base cost for students, making more conceptual sense.

SENATOR KIEHL acknowledged his reasoning.

[4:24:50 PM](#)

CHAIR TOBIN reflected on the calculation and noted the addition of correspondence students at the end of the formula. She wondered whether parentheses are used to apply the district cost factor only to brick-and-mortar students or if correspondence students are included in the district cost factor multiplier. She suggested she would follow up to learn more about how the formula would look if the district cost factor were moved to the end.

[4:25:20 PM](#)

MR. PICUS suggested that the district cost factor could be applied before considering correspondent students. He raised the question of whether correspondent students also face higher costs due to the conditions in different communities across Alaska, such as the cost of repairing computers they use to participate in remote learning. This would help determine whether the district cost factor should account for those expenses as well.

[4:25:48 PM](#)

MR. PICUS moved to slide 7 and described the varied work of his association for states and districts:

[Original punctuation provided.]

**States and Districts Where Odden, Picus & Associates
Have Conducted Studies**

- Arkansas (3)
- Wyoming (4+)
- Vermont (4)
- Kentucky (4)
- Arizona (1)
- Maine (1)
- Maryland (1 with APA)
- Michigan (1 with APA)
- North Dakota (2)
- Nebraska (1)
- Kansas (1)
- Ohio (2 + state developed Model)
- Pennsylvania (1)
- Texas (1)
- Wisconsin (1)
- Districts
- Little Rock (1)
- Anchorage (2)
- Beaverton (1)
- Picus worked with APA in Washington DC

[4:28:27 PM](#)

MR. PICUS responded to Senator Stevens' earlier question about complexity. He recalled that he had once been asked the same question by a reporter. He explained that, in his view, the arithmetic of school finance is simple, but the complexity arises from the politics, history, and the process of determining how to implement the numbers. The challenge lies in integrating those numbers into 50 different taxation systems across states, each with its own history and regulations. He offered an example from Vermont, where each town votes on its own budget annually, and then must find a way to get whatever tax rate is levied. Everyone gets the same amount of money per dollar of tax rate levy, which is a very complicated process.

[4:29:39 PM](#)

CHAIR TOBIN mentioned that Wyoming uses a hedonic wage index to adjust student funding for inflation. She asked whether an adequacy study typically provides insights or recommendations on how to adjust for inflation to ensure base student allocations retain their purchasing power.

[4:30:04 PM](#)

MR. PICUS explained that the hedonic wage index is one of three components Wyoming uses to estimate cost adjustments, which is equivalent to Alaska's cost adjustment. In addition, Wyoming includes an external cost adjustment to account for inflation, recalculated every five years. He noted that if the adequacy number is, for example, \$15,000 per pupil today, it could increase due to inflation within a year. This way one way Wyoming looked at how to adjust costs across the state.

[4:31:08 PM](#)

MR. PICUS mentioned that another method used to adjust costs is the competitive wage index, which compares wages for similar jobs across different regions. For instance, if hiring an administrative assistant cost more in Fairbanks than in Anchorage, Fairbanks would receive a higher cost adjustment. He recalled that in Wyoming, there was controversy over which model—hedonic or competitive wage index—to use, as some districts would benefit while other would receive a negative adjustment depending on the choice. The final compromise allowed districts to receive the highest adjustment among three options: hedonic, comparable wage index, or no value 1.0. He advised against adopting such a process in Alaska. He suggested that Alaska might leverage expertise from the University of Alaska Anchorage to calculate and adapt these adjustments to the unique aspects of the state.

[4:32:52 PM](#)

SENATOR KIEHL asked for a definition of "hedonic" in the context of the discussion.

[4:33:10 PM](#)

MR. PICUS explained the *hedonic index* by using an example from Wyoming, where living in remote areas incurs higher costs, such as traveling long distances for groceries. The index measures the advantages and disadvantages of living in different locations, factoring in proximity to amenities and major cities. He noted that while the hedonic index once adjusted for these regional costs, it has fallen out of favor in the past 20 years.

He is not aware of any states still using the index method and most states now use a comparative wage index, which focuses on differences in wages across regions, to account for cost variations in school finance systems.

[4:35:49 PM](#)

CHAIR TOBIN asked how long it takes to conduct an adequacy study, noting that the Anchorage report from January 2023 is 116 pages and quite comprehensive. She inquired about the time required to produce such a report from a statewide perspective, especially considering its length and depth.

[4:36:18 PM](#)

MR. PICUS explained that the time to complete an adequacy study varies. For Anchorage, they updated previous research rather than starting from scratch, with the evidence-based model evolving as new research emerges. Estimating adequacy for the entire state would take longer than for a single district, especially if data collection is needed. If the Department of Education has the data, the process is quicker. He mentioned a recent Vermont study completed in a month, but a statewide study for Alaska with case studies or professional panels would take longer depending on the study's scope and available data.

PRESENTATION:
LEGISLATORS MUST PERFORM THEIR
CONSTITUTIONAL DUTY FOR EDUCATION

[4:39:21 PM](#)

CHAIR TOBIN announced the presentation Legislators Must Perform Their Constitutional Duty for Education.

[4:39:57 PM](#)

HOWARD TRICKEY, Attorney, Schwabe, Williamson and Wyatt, Denver, Colorado, gave a brief history of his career and work for Alaska. He said he was a trial attorney in the Moore and Kasayulie cases and discussed the key findings of the Moore case and their relevance to education funding.

[4:41:43 PM](#)

MR. TRICKEY outlined four key obligations the state of Alaska must follow under the education clause in art. VII, sec. 6, Constitution of the State of Alaska, as defined by Judge Sharon Gleason, which should govern how decisions are made by the legislature when it comes to education funding and the sufficiency of education funding.:

1. The state must adopt standards defining what children should learn.
2. The state must establish methods to assess children's progress.
3. The state must provide adequate funding to enable schools to meet those standards.
4. The state must maintain oversight to ensure local districts comply with these standards.

[4:42:56 PM](#)

MR. TRICKEY emphasized that Judge Gleason's ruling set a high standard for proficiency in reading, writing, and math, as well as meaningful access to content standards, such as geography, government and the arts. All of which requires more than just meeting minimum benchmarks. He noted that the legislature has a duty to ensure adequate funding is appropriated to meet these constitutional obligations.

[4:46:19 PM](#)

MR. TRICKEY highlighted the importance of an adequacy study in evaluating whether the state's education funding meets constitutional requirements, pointing out that Alaska has never conducted such a study. He also noted that Judge Gleason, in her ruling, considered all sources of funding, not just state funding, including federal funds during the No Child Left Behind era.

[4:47:06 PM](#)

MR. TRICKEY raised concerns about current issues, such as inflation not being accounted for in funding adjustments, teacher turnover, and unfunded mandates like the Reads Act, which requires significant resources. He stressed that these factors, along with low student test scores and disruptions caused by COVID-19, must be considered when determining funding adequacy.

[4:51:03 PM](#)

MR. TRICKEY urged the legislature to fulfill its constitutional duty by supporting a comprehensive adequacy study and reviewing evidence to adjust the Base Student Allocation (BSA) appropriately. He warned that the state risks being found non-compliant with its constitutional obligations without such actions.

[4:51:54 PM](#)

SENATOR STEVENS expressed appreciation for Mr. Trickey's perspective and then asked, based on his extensive experience with Alaska's education issues, if he believed the state has ever adequately funded education.

MR. TRICKEY responded by stating that there have been brief periods where education funding in Alaska may have been adequate, but this was not due to intentional design or purposeful planning based on a thorough study of school district and student needs. Instead, these periods occurred more by accident when the state had a healthy revenue balance. He noted that while there may have been times of sufficient funding, it was often more a result of luck than a structured approach. He referred to the Moore case, in which Judge Gleason found that there was adequate funding, though this ruling occurred before evidence-based studies were fully developed. At that time, the state also benefited from federal funding through the No Child Left Behind Act. He concluded that Alaska has never consistently or intentionally funded education adequately, aside from brief, fortuitous periods.

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SENATOR STEVENS remarked that it is "very embarrassing" that education funding in Alaska was never intentionally adequate.

[4:54:24 PM](#)

SENATOR KIEHL noted that some colleagues question Judge Gleason's Moore ruling, arguing that the Alaska Supreme Court might have ruled differently to avoid setting constitutional standards on legislative policy matters, such as what constitutes "adequate" education. He pointed out that the Supreme Court typically leaves decisions like resource management to policymakers. He asked Mr. Trickey to address the argument that since "adequate" isn't in the Constitution, the Supreme Court would likely leave this issue to voters through their elected legislators.

[4:55:33 PM](#)

MR. TRICKEY said he has two responses to that argument. First, it is the courts' duty to interpret the Constitution based on the intent of the Constitutional Convention. He noted that the Alaska Supreme Court does not follow the "textualist" approach embraced by some U.S. Supreme Court justices and views it as their role to interpret the Constitution. Second, he referenced a case involving the Matanuska-Susitna Borough regarding state funding for capital projects. Two Alaska Supreme Court justices

commented that while the issue of adequately funding education was not before the court, they would likely follow other states that have embraced adequate funding as a constitutional requirement.

[4:58:09 PM](#)

MR. TRICKEY emphasized that Judge Gleason, a highly respected and independent judge, provided a thorough and comprehensive analysis in her ruling and stated his belief that the Alaska Supreme Court would likely uphold it. He also noted that Judge Gleason's decision has been cited favorably by legal scholars. and concluded that it would be illogical to interpret the Constitution as requiring a system of education without ensuring adequate funding for that system.

[5:00:25 PM](#)

SENATOR STEVENS noted a significant difference between the legislature, particularly the Senate, and the governor regarding charter schools. He pointed out that charter schools are currently under the control of local school districts, with local control being a strong principle in Alaska. However, the governor has pushed for charter schools to come under the control of the State Board of Education. He asked Mr. Trickey for his reflections on this issue.

[5:00:59 PM](#)

MR. TRICKEY responded that he had not yet considered the issue from a constitutional perspective but would be happy to explore it further and potentially submit a supplemental letter. He acknowledged that shifting charter school control from local school districts to the State Board of Education would represent a significant departure from the current structure, which delegates authority to local districts. He emphasized that local districts are closest to the community, have the most knowledge of local needs, and understand their students best.

[5:01:49 PM](#)

SENATOR STEVENS expressed his appreciation and said it would be fascinating to hear his thoughts if he finds the time to explore the issue further.

[5:01:56 PM](#)

SENATOR GRAY-JACKSON expressed her appreciation for Mr. Trickey's comments and opinions regarding charter schools, stating her belief that she did not need to repeat them as committee members had also seen them.

[5:02:13 PM](#)

CHAIR TOBIN said she often thinks about Judge Gleason's requirement that the state set standards and assess students. She noted the challenge of determining whether those standards are being met, especially given the number of students who opt out of statewide assessments. She highlighted the difficulty in assessing whether the state is fulfilling the stipulations outlined in the Moore legal settlement.

[5:03:35 PM](#)

There being no further business to come before the committee, Chair Tobin adjourned the Senate Education Standing Committee meeting at 5:03 p.m.