

**HJR**

**17**

FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HJR 17

Revision Date: \_\_\_\_\_ Department Affected: Office of the Governor  
 Title: Amendment to the Constitution RE: Control and Funding of Public & Private Schools BRU: Division of Elections  
 Component: General and Primary Elections  
 Sponsor: Representative Vezay  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS.	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	2.2*	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING:

1002 Federal	0	0	0	0	0	0
1003 OF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0.2*	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY95) impact: 0

ANALYSIS: (Attach a separate page if necessary.) \*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: David Kolvanemi, Acting Director Phone: 485-4611  
 Division: Division of Elections Date: 12-24-95

Approved by Commissioner: Lt. Governor Fran Ulmer  
 Agency: Office of the Lt. Governor Date: \_\_\_\_\_

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# FISCAL NOTE

STATE OF ALASKA

BILL NO. HJR 17

1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: Proposing an amendment to the Constitution of the State of Alaska relating to education.

BRU: K-12 Support

Component: Foundation Program

Sponsor: Representative Vezev

Requestor: Representative Vezev

COMPONENT SERIAL NO. 141

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0

**ANALYSIS:** (Attach a separate page if necessary.) This House Joint Resolution places a ballot proposition on the next state general election which will ask voters to decide on two prohibitions related to public education, which currently exist in Article VII, Section 1, Constitution of the State of Alaska. The first is that public schools established and maintained by the state shall be free from sectarian control and the second prohibits payment of public funds which provide for direct benefit of any religious or other private educational institution.  
(Please see attached)

Prepared by: Duane Guildy Phone: 465-8679  
 Division: School Finance Date: January 31, 1995  
 Approved by Commissioner: Jerry Covey  
 Agency: Education Date: January 31, 1995

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# FISCAL NOTE

continued

BILL NO. HJR 17

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: Proposing an amendment to the Constitution of the State of Alaska relating to education.

BRU: K-12 Support

Component: Foundation Program

Sponsor: Representative Vezey

Requestor: Representative Vezey

COMPONENT SERIAL NO. 141

There is no direct financial impact to the State Department of Education or the system of public schools, as a result of this resolution, that does not already exist. The department has collected some data related to students who do not attend public schools and can provide some analysis of the potential long range impacts should the amendment receive voter approval. Generally, the state system of public schools exempts private and religious schools from statutory and regulatory control as well as from state aid.

If current statutes or regulations are interpreted or amended to provide funding for private school students similar to that provided to public schools, then the impact can be approximated based on the current reporting of private school students within each existing school district. Utilizing current district average daily membership counts per instructional unit generated by the individual district, it is estimated that additional foundation support of \$21,001,629 may be required (Schedule Attached). Additional costs may be incurred related to support services such as, pupil transportation and school construction.

	A	B	C	D	E	F	G	H	I	J	K	L
1	ALASKA DEPARTMENT OF EDUCATION											2/15/94 FILE: PRIV.XLS
2	FY94 FOUNDATION PROGRAM											
3												
4												
5	DISTRICT	AVERAGE	ACTUAL	K-12	AREA				K-12	K-6	7-12	
6		ADM/Unil	FY94 ADM	UNITS	DIFF.	K-12	K-6	7-12	Total	Total	Total	Adjusted Total
7												
8	ADAK	10.51	495.20	47.10	1.27	9.00			\$66,490	\$0	\$0	\$73,139
9	ALASKA GATEWAY	8.21	525.55	63.99	1.19	5.00			43,920	0	0	48,312
10	ALEUTIAN REGION	2.94	16.00	5.44	1.31	5.00			136,030	0	0	149,633
11	ALEUTIANS EAST	8.07	369.00	45.73	1.31	2.00			19,520	0	0	21,472
12	ANCHORAGE	14.97	45,645.36	3,049.52	1.00		1,001.00	325.00	0	4,079,070	1,324,310	5,943,718
13	ANNETTE ISLANDS	12.28	407.00	33.13	1.03	19.00			\$5,990	0	0	106,689
14	BERING STRAIT	8.41	1,539.15	183.07	1.39	1.00			10,370	0	0	11,407
15	BRISTOL BAY	10.35	271.60	26.24	1.27	3.00			22,570	0	0	24,827
16	CHATHAM	7.46	326.55	43.79	1.03	2.00			17,080	0	0	18,788
17	COPPER RIVER	9.01	596.75	66.24	1.14	27.00			208,620	0	0	229,482
18	CORDOVA	12.92	511.15	39.56	1.11	7.00			36,600	0	0	40,260
19	CRAIG	12.04	367.00	30.47	1.03	2.00			10,370	0	0	11,407
20	DELTA/GREELY	13.40	989.70	73.87	1.16		50.00	55.00	0	264,130	290,360	609,939
21	DENALI	9.37	375.15	40.02	1.23		0.00	2.00	0	0	15,860	17,446
22	DILLINGHAM	12.65	485.50	38.37	1.27	3.00			18,300	0	0	20,130
23	FAIRBANKS	14.63	15,408.00	1,053.26	1.04		836.00	634.00	0	3,625,230	2,749,270	7,011,950
24	GALENA	8.95	133.10	14.87	1.30	2.00			17,690	0	0	19,459
25	HAINES	11.60	409.05	35.27	1.05	52.00			287,310	0	0	316,041
26	HOONAH	11.22	267.00	23.80	1.08	21.00			123,220	0	0	135,542
27	JUNEAU	14.68	5,394.45	367.35	1.00		96.00	18.00	0	398,940	75,030	521,367
28	KENAI	12.57	9,846.05	783.49	1.00		139.00	60.00	0	674,660	290,970	1,062,193
29	KETCHIKAN	14.34	2,735.38	190.74	1.00		128.00	9.00	0	544,730	38,430	641,476
30	KODIAK	12.49	2,747.82	220.06	1.09		214.00	36.00	0	1,139,480	191,540	1,464,122
31	LAKE AND PENN.	6.08	497.40	81.82	1.31	3.00			39,650	0	0	43,615
32	LOWER YUKON	9.53	1,585.25	166.41	1.35	1.00			8,540	0	0	9,394
33	MATSU	13.48	11,336.70	841.18	1.00		262.00	124.00	0	1,185,840	561,200	1,921,744
34	NENANA	10.09	184.95	18.33	1.20	2.00			14,640	0	0	16,104
35	NORTH SLOPE	10.97	1,623.05	147.97	1.45		1.00	0.00	0	7,930	0	8,723
36	SITKA	13.80	1,873.38	135.71	1.00		36.00	6.00	0	159,210	26,230	203,984
37	SKAGWAY	9.21	143.00	15.53	1.05	1.00			6,710	0	0	7,381
38	SOUTHEAST	5.71	413.75	72.41	1.04	4.00			44,530	0	0	48,983
39	UNALASKA	11.99	358.60	29.91	1.27	4.00			25,620	0	0	28,182
40	VALDEZ	13.71	896.90	65.41	1.11	4.00			19,520	0	0	21,472
41	YAKUTAT	9.38	150.00	16.00	1.08	8.00			56,120	0	0	61,732
42	YUKON FLATS	6.72	398.90	59.40	1.46	9.00			119,560	0	0	131,516
43												
44	TOTALS		109,323.39	8,125.46		196.00	2,763.00	1,269.00	1,449,970	\$12,079,220	\$5,563,200	\$21,001,629

# Alaska State Legislature



While in Session:  
State Capitol Building  
Juneau, Alaska 99801-1182  
907-465-3719

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119 N. Cushman  
Suite 211  
Fairbanks, Alaska 99701  
907-456-5081

Representative Al Vezey

## ***SPONSOR STATEMENT***

Some private schools have received funds from their respective public school districts for pupil transportation.

Two years ago the Kenai Peninsula Borough requested a route extension, to serve a non public school. The Department of Education would not allow this extension. DOE cited two court cases; Matthews vs. Quinton, (1961), Sheldon Jackson vs. the State of Alaska (1972) and two Attorney General's opinions; Ron Lawrencson (1978) and Avrum Gross (1979), which stated that public money cannot be spent for the purposes of benefiting private or religious schools or those schools which are under sectarian control. The Supreme Court cited Article VII, sec. 1. Constitution of the State of Alaska, in these rulings and the Attorney General opinions reaffirmed the courts decision.

Attorney Charlie Cole issued a verbal ruling which agreed with the DOE, previous Attorney General rulings and court cases.

The action precipitated transportation funding being withdrawn from Monroe Catholic High School in Fairbanks.

Monroe Catholic High School then sued the Fairbanks North Star Borough School District. Judge Richard Savell has issued an opinion in the case upholding the pupil transportation cost coming from the school district budget.

The Attorney General's office has stated that the Alaska Supreme Court verbally stated that if this issue were to be brought to their attention again, they may rule differently than the ruling that was given in the ruling for Matthews vs. Quinton. So far, all we have is this verbal statement, the court has not acted.

We have a statewide problem that needs to be addressed. If the Attorney General opinions and past court decisions are allowed to stand upon appeal, many students now attending private or religious schools may have to leave these private schools and return to the public school system. This influx of children will only exacerbate the funding problems that already exist in a time of decreasing state revenues.

Private schools in the State of Alaska make a significant contribution to quality education. This allows the limited financial resources available for public education to be spread among fewer students. We cannot afford to lose this valuable resource.

The essence of this subject is whether we, as a legislature, are going to allow the courts to determine how we allocate limited educational resources or if the people would prefer that elected officials determine how education is funded. I have submitted HJR-17 in an attempt to solve this problem. This bill seems to me, to be a reasonable solution to a constantly occurring problem.

SPONSOR STATEMENT