

HJR

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<TARGET><BILL>HJR 1</BILL><SUBJECT>HJR
1</SUBJECT><COMM>HEDC28</COMM></TARGET>

ALASKA STATE LEGISLATURE

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REPRESENTATIVE WES KELLER DISTRICT 7

MEMO

To: Representative Lynn Gratis, Chair
House Education Committee

Fm: Representative Wes Keller

A handwritten signature in black ink that reads "Wes Keller".

Date: January 16, 2013

Re: Request for hearing on HJR 1 (28-LS0057\A)

Please consider this as a request for you to schedule HJR 1- "CONST. AM: EDUCATION FUNDING" before the House Education Committee. I have included a packet of information for the Committee's review and several Supreme Court decisions

HJR 1 removes language in Alaska's Constitution that conforms to the Blaine Amendment. It put before the Voters the question of education funding for Alaska Students. It moves Alaska's education future in the right direction.

Please schedule HJR 1 at your earliest convenience. If you have any questions please feel free to contact my office.

Thank you

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Thank you

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Mike Dunleavy
Senator

SPONSOR STATEMENT

Senate Joint Resolution 9 Constitutional Amendment: Education Funding

Senate Joint Resolution 9, if passed by both bodies of the legislature, places a constitutional amendment before the voters in the general election in the fall of 2014. This ballot proposal provides voters a chance to amend the Alaska Constitution to allow the use of public money for the benefit of all Alaskans seeking educational/training aid, regardless of whether individuals enroll in public or private institutions.

Currently the Alaska Constitution prohibits the use of public funds for the direct benefit of any private educational institution. The courts have determined that this ban extends to state funds being allotted to individual Alaskans who choose to attend a private school. Meanwhile an increasing number of Alaskans are questioning the constitutionality of the long-standing practice of giving educational scholarships/grants to adults for educational and training purposes while denying children the same funding opportunities.

Passage of SJR 9 clarifies the question on the constitutionality of current educational practices. More than that, the ballot question allows the voters to decide whether restrictions on the use of public dollars for the education of children are to be maintained or abolished. SJR 9 gives the voters the power to decide what is right for them, their families and the State of Alaska.

It is important to note that even with the adoption of this constitutional amendment by a majority of voters, the Legislature still needs to have a robust discussion on how to go forward. These deliberations will occur before any Alaskan child receives state funds to attend a private educational institution. The passage of SJR 9 allows these discussions to begin.

I strongly favor giving Alaskan voters, the very voters who elected each and every one of us, an opportunity to vote on this issue. Please join me in support of SJR 9.

Published on Monday, September 13, 2010 by Rethinking Schools
The Proving Grounds: School “Reform” in Washington, D.C.
by Leigh Dingerson

Washington, D.C., is leading the transformation of urban public education across the country—at least according to Time magazine, which featured D.C. Schools Chancellor Michelle Rhee on its cover, wearing black and holding a broom. Or perhaps you read it in Newsweek or heard it from Oprah, who named Rhee to her “power list” of “remarkable visionaries.”



The model of school reform that’s being implemented here is popping up around the country, heavily promoted by the same network of conservative think tanks and philanthropists like Bill Gates, Eli Broad, and the Walton Family Foundation that has been driving the school reform debate for the past decade. It is reform based on the corporate practices of Wall Street, not on education research or theory. (photo by Flickr user Avolore)
But there’s nothing remarkably visionary going on in Washington. The model of school reform that’s being implemented here is popping up around the country, heavily promoted by the same network of conservative think tanks and philanthropists like Bill Gates, Eli Broad, and the Walton Family Foundation that has been driving the school reform debate for the past decade. It is reform based on the corporate practices of Wall Street, not on education research or theory. Indications so far are that, on top of the upheaval and distress Rhee leaves in her wake, the persistent racial gaps that plague D.C. student outcomes are only increasing.

Chancellor Rhee helicoptered into Washington in 2007 promising to change the culture of the District of Columbia Public Schools (DCPS). Everyone cheered. But we weren’t counting on the new culture coming straight out of Goldman Sachs. Suddenly, decisions were being made at the top and carried out with atomic force. Parents have been treated like consumers—informed about options and outcomes but denied a seat at the table. The district’s teachers have been insulted in the national media, fired or laid off in record numbers, and replaced by less credentialed and less experienced newcomers. The model views teachers as a delivery system, not as professionals. High turnover is not just the result—it’s the goal. Principals, too, are isolated and expendable. The district lauds the educational mavericks—principals whose “crusades” are described as “relentless” and “methodical”—those who see themselves as an army of one. We are becoming a district where the frontline workers are demoralized, people are looking out for themselves, and trust is all but gone.

Chancellor Rhee is the army of one at the top of the district’s lurching reform. An articulate and supremely confident 39-year-old, Rhee is, for now, the movement’s national poster child. Pundits debate her occasionally tactless comments in the media, but there has been little analysis of the reform model itself and how its “my way or the highway” culture affects students, parents,

and teachers. Adopting the rhetoric for just one moment, in a cost-benefit analysis, are D.C. students gaining the benefits, or are we all paying the price?

The Proving Grounds

DCPS has a reputation as one of the worst school systems in the nation. But it has not always been so troubled.

Washington, with its gleaming white facades and manicured parks, is home to a complicated mix of people and politics. Long a majority African American city, D.C. has only been self-governing since 1973, when a 100-year-long fight for home rule forced Congress to hold elections for the city's mayor and city council. Congress still reviews all legislation passed by the council before it becomes law and retains authority over the District budget.

The vast public sector employment created by the federal government helped establish a significant black middle class that supported its public schools. Many African American parents and grandparents remember *their* schools as neighborhood institutions and gateways to success. But many of D.C.'s middle-class blacks have left for suburban counties in Maryland and Virginia. What remains is a city with stark divisions—some of the most affluent neighborhoods in the nation, and some of the poorest.

Most of D.C.'s public schools are intensely segregated—like the city's neighborhoods. Though DCPS uses a traditional neighborhood boundary system, students from anywhere in the city may enter a lottery for available seats in any school after neighborhood enrollment is complete. At the elementary level, most schools reflect the demographics of their communities. But in the city's more affluent western wards, white parents begin pulling their children out of DCPS before middle school, sending them to one of the city's boutique charters or elite private schools. The availability of "out-of-boundary" slots increases, making middle and high schools in these neighborhoods the most integrated in the city. Every D.C. high school is majority students of color.

Many of the District's African American and Latino children are from economically isolated and badly neglected communities. For decades, there have been too few resources and too much infighting to support those communities and help their children succeed. Rather than digging deep to address the social, economic, and educational issues involved, however, District leadership has focused on attracting young white professionals back to the urban core. In the late '90s and early 2000s, construction cranes towered over the skyline as block after city block became home to yet another luxury condominium complex. These "urban pioneers"—mostly young, white professionals—have begun to staunch the city's declining population numbers. As they've settled in, they've also become players in school politics.

The current wave of education reform began with Adrian Fenty, a young and energetic city council member, born and raised in D.C. Elected in 2000 at the age of 30, Fenty proved to be a charismatic and effective politician, and was reelected without opposition in 2004. In September 2006 he easily won the Democratic primary for mayor. In hugely Democratic D.C., the primary

is, for all intents and purposes, the general election. It was only *after* his September victory that Fenty announced his plan to take over the District's schools.

Day One: Teachers Feel the Heat

The day after he took office in January 2007, Fenty introduced legislation to eliminate the city's elected school board and consolidate control of the schools in the mayor's office. The council passed the bill in April, and submitted it for congressional approval. Both the House and Senate approved the bill in May, and it was signed into law by then-President Bush on June 1. Twelve days later, Fenty held a press conference to introduce his new chancellor, Michelle Rhee.

Rhee had just three years of teaching experience, through Teach for America, and no experience running a school, let alone a school system. After dipping her toes in teaching, Rhee had gone on to found and lead the New Teacher Project, an organization that collaborates with school districts to recruit, train, and develop teachers for high-needs schools.

Rhee lost no time proclaiming what was wrong in D.C.: "I know what the obstacles are in these systems that are not conducive to effecting change," Rhee said at the press conference.

The implications of her pronouncement were not lost on those who had been following the national education debate. Over the past decade, research funded by conservative foundations has systematically built a case for transforming teaching as a profession. It began with research connecting "high-quality" teachers to student academic gains. Therefore, pundits began to surmise, low-performing students must just have lazy or incompetent teachers. Once teachers were to blame, it was a hop, skip, and a jump to find the culprit—teachers' unions and collectively bargained contracts that guarantee teachers due process before dismissal. The rhetorical attack on teachers has been shrill enough to stifle what the *rest* of the decade's research has shown: that teachers generally get *better* with experience and support; that meaningful parent engagement, strong school leadership, and student-centered learning climates must also be present for schools to succeed; and that no single component by itself can carry a school and its students to their full potential.

Amidst the clamor of teacher bashing, some D.C. teachers experienced Rhee's comments as a bull's-eye drawn on their backs. "We were troubled by her remarks," recalls Kerry Sylvia, a veteran teacher at the city's Cardozo High School. It seemed clear that the "obstacles" that Rhee was referring to were district teachers.

Sweeping Change

In her first months, Rhee demonstrated the frenetic pace of activity that has become her trademark. In the southern heat and humidity of a D.C. summer, Rhee crisscrossed the city, meeting with principals and cutting through the district's legendary red tape. Warehouses full of textbooks were emancipated, classrooms stocked. Checks were cut, paint was slapped on, and creaky gears started turning. Many—including principals and parents—were impressed. By the time school started, there was a palpable feeling of forward motion.

At the same time, Rhee was meeting privately with officials from the Gates and Broad foundations, the California-based NewSchools Venture Fund, the American Enterprise Institute, and other key players in the school reform movement. Adrian Fenty and Chancellor Rhee were their new darlings.

That spring, Rhee began firing principals. Sixty-one principals and assistant principals were fired at the end of the school year. Next came the teachers. By July of 2008, according to some reports (neither DCPS nor the Washington Teachers' Union will release actual numbers), Rhee had fired 250 teachers and 500 teachers aides, avoiding union due-process rules by utilizing the "highly qualified" certification requirements of the federal No Child Left Behind Act.

In October, stymied by her inability to negotiate a contract with the union (she wanted, among other things, new provisions in the contract to make it easier for her to fire teachers), Rhee announced that she would implement a little-used procedure allowing principals to place teachers on a 90-day "improvement plan," with the ability to fire them immediately after that.

All the Blame, Not Enough Support

It is worth noting that, as a so-called "education reformer," Rhee has not focused on content or pedagogy. There have been no initiatives to improve teacher induction or strengthen instructional practice. The focus has remained on management and staffing, and the tone has been judgmental rather than supportive.

One of Rhee's early priorities was to establish a new teacher evaluation system that would, in part, make it easier to fire teachers based on their students' performance on standardized tests. It's the latest Wall Street concept embraced by the reformers. Indeed, U.S. Secretary of Education Arne Duncan has proposed that federal funding be contingent upon states developing teacher evaluations directly linked to student test scores. Rhee hoped to set the standard.

Her "director of human capital strategy" took the lead in designing the new system, called IMPACT. It was launched in the 2009–10 school year and again put Rhee into the national spotlight.

IMPACT is a complicated web of more than 20 separate evaluation processes. For teachers unlucky enough to teach subjects and grade levels with test data, 50 percent of their evaluation is based on a patently preposterous calculation of their effect on student scores. Teachers also undergo five short observations by their principal or a "master teacher," based on an extensive "teaching and learning framework" with dozens of indicators. One of the biggest concerns has been that IMPACT will snare some of the district's best teachers in its web—those who refuse to teach to the tests or conform to a checklist of specific practices. The Washington Teachers' Union was worried enough to demand a working group to monitor IMPACT's implementation and results.

Meanwhile, after three years of contentious negotiation, the union and the chancellor announced agreement on a new contract in the spring of 2010. The contract attached bonus money to teacher evaluations and included a significant increase in salaries (ratification of the new contract was

stalled briefly when it was revealed that the salary increases were being funded with \$64.5 million in one-time grants from the Broad and Walton foundations, among others, and that the grants were predicated on Rhee continuing as chancellor).

Throughout contract negotiations and the roll out of the IMPACT system, Rhee continued to target career teachers, in action and words. In the spring and summer of 2009 the district hired more than 900 new teachers—three times the usual number of summer hires. Then, in October, Rhee announced that a newly discovered budget shortfall required that 266 teachers be laid off. Because the layoffs were budget related, principals were free to ignore the “last hired-first fired” rules in the union contract. According to the union, a substantial number of the laid-off teachers were older, more senior teachers, rather than those who had been hired the previous spring and summer. Students and parents protested as beloved teachers and counselors were yanked out of buildings.

The layoffs created a firestorm of protest as classes were disrupted just weeks into the school year. The crisis got hotter when Rhee’s budget shortfall could not be verified and to some appeared contrived. But the final straw for many teachers was when the chancellor, in an interview with *Fast Company* magazine, justified the layoffs by saying, “I got rid of teachers who had hit children, who had had sex with children, who had missed 78 days of school.” Rhee was excoriated for the remark, which proved to be a gross overstatement, but the ousted teachers remained on the curb.

It was just one more in a series of what veteran teachers saw not only as personal attacks, but also as an indication that Rhee had no understanding of the challenges that they and their students face each day.

“It creates a very individualized and isolating feeling in the school,” says Sylvia, whose school population includes almost 100 homeless teens. “Our kids come in with a host of real problems. . . Teachers in the community need to be part of the process, not the object of it. . . . Feeling under attack all the time isn’t conducive to collaboration.”

Chris Bergfalk, a teacher at H.D. Cooke Elementary School, is convinced that the attacks on teachers spill over into the consciousness of parents as well. “You can feel it,” he says. “Parents come into the classroom thinking that teachers are the enemy. . . . It takes more than one meeting, sometimes, before the parents decide that you’re OK and basically competent. . . . I’ve never felt this level of suspicion and mistrust from my students’ parents.”

Crystal Sylvia, Kerry’s sister and a social worker at a struggling but improving elementary school, has a different way of putting it. “We get the message: If we were here, working in the schools before the chancellor arrived, we are part of the problem.”

In a fall 2009 survey of teachers conducted by DC VOICE, an education advocacy group, 80 percent of teachers, when asked whether they liked the way the school system was run, said “no.” Many of those said their chief complaint was the lack of respect and the blame cast upon teachers. It is difficult to imagine any CEO who has so severely alienated her own workforce being dubbed a “remarkable visionary” in the national press.

But Rhee wasn't done. On July 23, 2010, she announced 165 additional teacher firings. Of those, 76 were dismissed as a result of poor evaluations under IMPACT. And, as feared, some of the fired teachers were among the most experienced, dynamic, and beloved educators in the system. Rhee boasted that more than 700 *additional* teachers had been judged "minimally effective" through IMPACT, and that a significant number of *them* would no doubt be fired after the next school year. The union's working group had not even met.

Even before the most recent dismissals, Rhee's transformation of the D.C. teacher workforce has been significant. Almost 40 percent of the teachers now working in DCPS entered the workforce since the chancellor arrived. In the recently completed school year, 120 of those teachers were placed through Teach for America—virtually guaranteeing continued high teacher turnover in district classrooms.

The Living Room Approach to Community Engagement

Chancellor Rhee's approach to parents and communities has been nearly as tone deaf as her dealings with teachers. "She creates lots of opportunities for people to learn what's going on," reflects Jill Weiler, a DCPS parent and community organizer. "I think she really does listen. But it doesn't seem to influence her." For example, in December 2007, Rhee announced the closing or consolidation of two dozen schools. Parents, teachers, and students were frustrated at Rhee's failure to *inform*, much less involve the impacted communities before the announcement. As required by district rules, Rhee subsequently held a series of community hearings at the affected schools, but made few changes to the plan.

Then, in April 2008, Rhee announced that as many as 10 high schools would undergo federally mandated "restructuring," and that several would be placed under external management. Rhee promised school communities a voice in selecting from among six "partner" organizations she had chosen. But at Anacostia High School, the parents' choice of outside partner was rejected. Instead, Rhee chose Friendship Public Charter School—a charter management organization with five D.C. charter schools—to take over operations at Anacostia. Marvin Tucker, a DCPS parent and assistant football coach at Anacostia, was frustrated by the process: "DCPS doesn't want parent participation. Neither does Friendship." The new management group fired 85 percent of Anacostia's teachers and disbanded the school's Local School Restructuring Team (LSRT)—a DCPS advisory council of teachers and parents at each school.

Rhee isn't deaf to all voices. Her inconsistency exploded into the media in December 2009 when she announced the replacement of the principal at Hardy Middle School—one of the top performing schools in the city, and also one of the most racially mixed. Hardy's art-centered curriculum draws students from across the city to fill seats not taken by students from the surrounding affluent Georgetown community. When a \$48 million renovation at the school was completed in 2009, it became at least a more physically attractive option for neighborhood parents. But apparently there was still concern. After the chancellor abruptly announced that she was removing the popular (and by all measures, successful) principal, it was revealed that she had met in a private living room with a dozen Georgetown parents. The group had complained that they didn't feel "welcome" at Hardy.

The announcement set off a firestorm at Hardy, where teachers and parents—even the school’s LSRT—had not been consulted or informed of the chancellor’s decision. At a subsequent community meeting at the school, emotions were raw. The racial implications of the move were unavoidable, as Rhee tried to explain why she had met privately with a small group of white parents but failed to discuss the move with the school’s mostly African American parent leadership. Jeffrey Watson, a parent of two Hardy students, charged that Georgetown neighborhood parents stayed away because they were not comfortable with the racial composition of the school, reported the *Washington Post*. “Don’t play games with people in here. We’re not stupid,” Watson said at the school hearing. “Rather than having private meetings with them, tell them to walk on over.” Despite impassioned pleas from teachers, parents, and students to reinstate the principal, Rhee refused to budge.

Her decisions at Hardy and elsewhere are clear nods to the District’s changing demographics. Since 2000—with the proliferation of luxury condominiums and the boom in the housing market—the District has gained 16,000 residents. The city’s white population has increased from 30 percent to 40 percent of the total, and the African American population has decreased from 60 percent to 54 percent. Per capita income (adjusted for inflation) has increased from \$28,659 to more than \$41,000.

The effort to bring middle-class whites back to the city’s public schools may be a laudable one, Rhee’s process notwithstanding. But for the district’s high-profile reform efforts, there is another advantage, whether the chancellor intends it or not.

D.C.’s Education Miracle a Chimera?

Despite glowing reports from the adoring media, D.C.’s education miracle is a chimera at best. There have been dramatic drops in standardized assessment scores, and, on closer analysis, the highly touted increases in D.C. National Assessment of Educational Progress (NAEP) scores are a reflection of the changing demographics of the schools, not the result of any real improvement in the quality of education provided to D.C.’s poorest and neediest students.

Bergfalk has taught in the district for seven years, and was a finalist for D.C. Teacher of the Year in 2010. As a teacher, he is focused and energetic. He is also deeply skeptical. In March 2009, the district announced that the new NAEP scores showed dramatic student increases and progress in closing D.C.’s persistent achievement gap. Bergfalk decided to check it out for himself. Using NAEP’s own interactive website, Bergfalk deconstructed the data.

“These test scores are not the result of an increase in student achievement. Instead, they are a result of a change in who was tested,” says Bergfalk. He found that for the 4th-grade test, the percentage of African American kids in DCPS (the lowest scoring racial/ethnic group in D.C.) taking the test dropped from 67 percent of test takers to 53 percent of test takers between 2007 and 2009, while the percentage of Hispanic students (with average test scores 12 points higher) rose from 6 percent to 9 percent of test takers, and white students rose from 6 percent to 7 percent of test takers. Where aggregate scores appear to show improvement among DCPS students, the disaggregated data tell a different story. The district continues to have one of the highest achievement gaps among major U.S. cities.

Bergfalk found the same pattern on the 8th-grade NAEP reading test. The percentage of African American kids in DCPS taking the test dropped from 59 percent of test takers to 43 percent of test takers, which is why there was a statistically significant four-point increase overall from 2007 to 2009, but no statistically significant increase for any racial/ethnic subgroup. The overall increase, like that on the 4th-grade test, was again the result of a change in demographics rather than an increase in student achievement.

When DCPS released the results of local assessments in July 2010, the district touted what it called “unparalleled progress” in secondary school results. But at the elementary level, scores took a hit—in some schools dropping by more than 30 percent the past two years. Students in half of all D.C. public schools performed worse in the 2010 assessments than they did in 2009.

The Price of Autocratic Reform

In a Feb. 1, 2010, article, the *Washington Post* reported that approval ratings for Mayor Fenty and his schools chief had dropped precipitously. The poll showed Chancellor Rhee’s approval rating had sunk from 59 percent of residents in January 2008 to 43 percent in early 2010.

The numbers are crucial for Fenty: The mayor is up for reelection this fall, and the race is being cast as hinging on public support for his school reform agenda. Fenty’s challenger, Vincent Gray, the current chair of the city council, has been a critic of Rhee’s leadership: “We need a mayor who understands that the best way to achieve real and lasting school reform is to involve the community. The best way to help every community in the district is to engage teachers, engage parents, engage principals, and engage students in the decision-making.”

Mary Filardo, director of the 21st Century School Fund, agrees. “School change should be about students, families, and communities taking ownership of their schools. “Although there is the *illusion* that parents may have more access—that Michelle Rhee will answer their emails—there is meager civic life around the public schools.”

Cathy Reilly, who leads the Senior High School Alliance of Parents, Principals, and Educators, notes: “It’s not an empowering model. . . . The players in the system—parents, teachers, and principals—are supposed to understand that things are being ‘fixed’ and to get with the program, or get out.”

For many parents and teachers, the problem with Rhee’s approach was best summed up by Diane Ravitch, former undersecretary at the Department of Education under President George H.W. Bush. Ravitch, speaking at a reception in D.C. last spring, was asked what she thought of D.C. school reform. Ravitch responded with the timeless adage, “It’s difficult to win a war when you’re firing on your own troops.”

Michelle Rhee on D.C. Kids' 'Crappy Education'

Firebrand Schools Chancellor Michelle Rhee, the National Face for Education Reform, Could Lose Her Job



By Z. BYRON WOLF and LEE FERRAN

Sept. 16, 2010

"They are getting a crappy education," Rhee said while discussing the district's schoolchildren in an interview with ABC News. "I mean, you could try to sugar coat it all you want. Subpar, or whatever. But what it is in terms that everyone can understand -- they are getting a crappy education."

It could be comments like that, not to mention aggressive and controversial education policies, landed Rhee in the spotlight of a new documentary "Waiting for Superman," and could also cost her her job.

Rhee, who has become the national face of education reform, could end up jobless after D.C. voters ousted Mayor Adrian Fenty.

Under Rhee's three-year watch, more than 200 teachers have been fired, nearly 20 schools closed and pay has been tied to merit evaluations. But test scores have shot up for elementary and secondary school students, and teachers' salaries were raised.

"The situation we inherited three years ago in Washington, D.C., was absolutely deplorable," Rhee said. "People need to understand that and if that makes people uncomfortable, then so be it."

The victor in Tuesday's Democratic primary -- and therefore almost a sure winner come November in this overwhelmingly Democratic city -- is City Council Chairman Vincent Gray, a chief Rhee antagonist at oversight hearings.

Gray has not said he would fire Rhee, but he hasn't said he would keep her on either.

"I have said on many occasions that after this election is over, I'd like to sit down with Michelle Rhee and let us walk and talk through it, you know, how we might work together," Gray said on CNN Tuesday.

Rhee had campaigned for Fenty. The Washington Teacher's Union campaigned for Gray.

"This has been a significant change in direction and it's going to require me sitting down with Mayor Fenty, the chairman and other people to see what's in the best interests of our kids," Rhee said Wednesday in an interview with MSNBC.

Rhee Feels Guilty About Fenty Loss

"I do feel sort of bad and guilty," she said. "This man, Adrian Fenty, is truly the best leader I've ever worked for. We need more leaders like him who are willing to stake everything to make sure our kids are getting a good education."

Obviously, D.C. voters disagree. And so do the leaders of local and national teachers unions.

An op-ed Wednesday morning by George Parker, president of the Washington Teacher's Union, and Randi Weingarten, president of the American Federation of Teachers, made no mention of Rhee. The article was titled "No Turning Back for D.C. Kids." and it suggested that the teachers would be happier and work more collaboratively with Gray.

"Public education is a marathon, not a sprint. Yes, there's urgency to fixing our schools, but we have to set ourselves on a long-term path toward constant and sustainable progress," wrote the union leaders.

President Obama stayed out of the race, but Secretary of Education Arne Duncan appeared at an event with Fenty and Rhee in the closing days of the election. It was not a campaign event, but Duncan announced the award of \$75 million in new federal funding for D.C. schools. He was noticeably absent from any event with Gray.

Wednesday, Nov. 26, 2008

Rhee Tackles Classroom Challenge

By Amanda Ripley / Washington

In 11th grade, Allante Rhodes spent 50 minutes a day in a Microsoft Word class at Anacostia Senior High School in Washington. He was determined to go to college, and he figured that knowing Word was a prerequisite. But on a good day, only six of the school's 14 computers worked. He never knew which ones until he sat down and searched for a flicker of life on the screen. "It was like Russian roulette," says Rhodes, a tall young man with an older man's steady gaze. If he picked the wrong computer, the teacher would give him a handout. He would spend the rest of the period learning to use Microsoft Word with a pencil and paper.

One day last fall, tired of this absurdity, Rhodes e-mailed Michelle Rhee, the new, bold-talking chancellor running the District of Columbia Public Schools system. His teacher had given him the address, which was on the chancellor's home page. He was nervous when he hit SEND, but the words were reasonable. "Computers are slowly becoming something that we use every day," he wrote. "And learning how to use them is a major factor in our lives. So I'm just bringing this to your attention." He didn't expect to hear back. Rhee answered the same day. It was the beginning of an unusual relationship.

The U.S. spends more per pupil on elementary and high school education than most developed nations. Yet it is behind most of them in the math and science abilities of its children. Young Americans today are less likely than their parents were to finish high school. This is an issue that is warping the nation's economy and security, and the causes are not as mysterious as they seem. The biggest problem with U.S. public schools is ineffective teaching, according to decades of research. And Washington, which spends more money per pupil than the vast majority of large districts, is the problem writ extreme, a laboratory that failure made. ([See pictures of a diverse group of American teens.](#))

Rhee took over Anacostia High and the district's 143 other schools in June 2007, when Mayor Adrian Fenty named her chancellor. Her appointment stunned the city. Rhee, then 37, had no experience running a school, let alone a district with 46,000 students that ranks last in math among 11 urban school systems. When Fenty called her, she was running a nonprofit called the New Teacher Project, which helps schools recruit good teachers. Most problematic of all, Rhee is not from Washington. She is from Ohio, and she is Korean American in a majority-African-American city. "I was," she says now, "the worst pick on the face of the earth."

But Rhee came highly recommended by another prominent school reformer: Joel Klein, chancellor of New York City's schools. And Rhee was once a teacher--in a Baltimore elementary school with Teach for America--and the experience convinced her that good teachers could alter the lives of kids like Rhodes.

Anacostia High has a 24% graduation rate, and only 21% of its students read at grade level. Rhodes is well aware of the miserable statistics, and when he first saw his new chancellor from afar, he thought she looked petite, foreign and underqualified. "I was like, She doesn't look ready for urban kids." But after they exchanged e-mails, he agreed to meet her downtown. He realized almost at once that he had underestimated her. "She actually sat

with me," he says, "and talked eye to eye, like I was one of her co-workers." They decided to meet again, this time at Anacostia High. Rhodes began to talk about Rhee to his classmates, and they started writing an agenda for the meeting, detailing all the things that were wrong with the D.C. school system. They had much to tell.

Rhee has promised to make Washington the highest-performing urban school district in the nation, a prospect that, if realized, could transform the way schools across the country are run. She is attempting to do this through a relentless focus on finding--and rewarding--strong teachers, purging incompetent ones and weakening the tenure system that keeps bad teachers in the classroom. This fall, Rhee was asked to meet with both presidential campaigns to discuss school reform. In the last debate, each candidate tried to claim her as his own, with Barack Obama calling her a "wonderful new superintendent."

Hard as it is to imagine Washington schools ranking among the best in the country, the city does have some things working in its favor. The system is relatively small, making it easier to redirect. As in New York City, the board of education was recently dissolved, which means changes can be made without waiting for the blessing of a fractious body of overseers. And now that a third of Washington's kids are in charter schools, there is intense pressure on the public system to keep the students it still has. If they keep fleeing the system at the current rate, enrollment will drop 50% every 10 years.

Each week, Rhee gets e-mails from superintendents in other cities. They understand that if she succeeds, Rhee could do something no one has done before: she could prove that low-income urban kids can catch up with kids in the suburbs. The radicalism of this idea cannot be overstated. Now, without proof that cities can revolutionize their worst schools, there is always a fine excuse. Superintendents, parents and teachers in urban school districts lament systemic problems they cannot control: poverty, hunger, violence and negligent parents. They bicker over small improvements such as class size and curriculum, like diplomats touring a refugee camp and talking about the need for nicer curtains. To the extent they intervene at all, politicians respond by either throwing more money at the problem (if they're on the left) or making it easier for some parents to send their kids to private schools (if they're on the right).

Meanwhile, millions of students left behind in confused classrooms spend another day learning nothing.

[See pictures of eighth-graders being recruited for college basketball.](#)

See TIME's special report on paving for college.

A Teacher from Toledo

ONE DAY IN AUGUST, I SPENT THE MORNING with Rhee as she made surprise visits to Washington public schools. She emerged from her chauffeured black SUV with two BlackBerrys and a cell phone and began walking--fast--toward the front door of the first school. She wore a black pencil skirt, a delicate cream blouse and strappy high heels. When we got inside, she walked into the first classroom she could find and stood to the side, frowning like a specter. When a teacher stopped lecturing to greet her, she motioned for the teacher to continue. Rhee smiled only when students smiled at her first. Within two minutes, she had seen enough, and she stalked out to the next classroom.

In the hallway, she muttered about teachers who spend too much time cutting out elaborate bulletin-board decorations or chitchatting at "morning meetings" with their third-graders before the real work begins. "We're in Washington, D.C., in the nation's capital," she said later. "And yet the children of this city receive an education that every single citizen in this country should be embarrassed by." (See pictures of teens and how they would vote.)

In the year and a half she's been on the job, Rhee has made more changes than most school leaders--even reform-minded ones--make in five years. She has shut 21 schools--15% of the city's total--and fired more than 100 workers from the district's famously bloated 900-person central bureaucracy. She has dismissed 270 teachers. And last spring she removed 36 principals, including the head of the elementary school her two daughters attend in an affluent northwest-D.C. neighborhood.

Rhee is convinced that the answer to the U.S.'s education catastrophe is talent, in the form of outstanding teachers and principals. She wants to make Washington teachers the highest paid in the country, and in exchange she wants to get rid of the weakest teachers. Where she and the teachers' union disagree most is on her ability to measure the quality of teachers. Like about half the states, Washington is now tracking whether students' test scores improve over time under a given teacher. Rhee wants to use that data to decide who gets paid more--and, in combination with classroom evaluation, who keeps the job. But many teachers do not trust her to do this fairly, and the union bristles at the idea of giving up tenure, the exceptional job security that teachers enjoy.

Rhee grew up in a nice neighborhood in Toledo, Ohio, a middle child, between two brothers. Her parents immigrated from South Korea several years before she was born so that her father could study medicine at the University of Michigan. He became a specialist in rehabilitation and pain medicine, and her mother owned a women's clothing store. Education was highly valued in the family, as was independence. After Rhee finished sixth grade, her parents sent her to South Korea to live with an aunt and attend a Korean school, a harrowing experience for a child in a strange land with limited skills in its language. When she returned a year later, her parents sent her to a private school because they found the public schools lacking.

After Rhee graduated from Cornell University in 1992, she joined Teach for America. She spent three years teaching at Harlem Park Elementary, one of the lowest-performing schools in Baltimore. Her parents visited and were stunned by the conditions of the neighborhood. "The area where the kids lived reminded me of a scene after the Korean War," says her father Shang Rhee.

Rhee suffered during that first year, and so did her students. She could not control the class. Her father remembers her returning home to visit and telling him she didn't want to go back. She had hives on her face from the stress.

The second year, Rhee got better. She and another teacher started out with second-graders who were scoring in the bottom percentile on standardized tests. They held on to those kids for two years, and by the end of third grade, the majority were at or above grade level, she says. (Baltimore does not have good test data going back that far, a problem that plagues many districts, so this assertion cannot be checked. But Rhee's principal at the time has confirmed the claim.) The experience gave Rhee faith in the power of good teaching. Yet what happened afterward broke her heart. "What was most disappointing was to watch these kids go off into the fourth grade and just lose everything," Rhee says, "because they were in classrooms with teachers who weren't engaging them."

The summer after her second year of teaching, Rhee met Kevin Huffman, a fellow Teach for America member. They married two years later and had two daughters, Starr and Olivia, now 9 and 6. They moved to Colorado to be closer to Rhee's parents, but the marriage faltered. Huffman and Rhee separated, agreeing to joint custody of the kids. And then Rhee got the offer to run Washington's schools. Huffman, now head of public affairs for Teach for America, had no illusions about the challenges Rhee would face. But when he heard about

the job offer, he decided to follow her to D.C. "Even though moving didn't sound like a whole lot of fun," he says, "the reality is that I genuinely believed that she had the potential to be the best superintendent in the country. Most people think about their own longevity, about political considerations." He adds, "Very few people genuinely don't care about anything other than the end result for kids. Michelle will compromise with no one when it comes to making sure kids get what they deserve."

Scorched Earth

WHEN THEY ARRIVED IN WASHINGTON, Huffman and Rhee anted up. They enrolled Starr and Olivia in Oyster-Adams, a public elementary school. Although the school is considered among the best in the city, Rhee quickly concluded that it was inferior to the Colorado public school her daughters had been attending. Among other things, the homework was sporadic and unchallenging, she says. Rhee dismissed the principal before the school year was out, a move that sparked outrage across the city and in her own home. "That," she says, "was probably the decision I got the most grief about."

Rhee is, as a rule, far nicer to students than to most adults. In many private encounters with officials, bureaucrats and even fundraisers--who have committed millions of dollars to help her reform the schools--she doesn't smile or nod or do any of the things most people do to put others at ease. She reads her BlackBerry when people talk to her. I have seen her walk out of small meetings held for her benefit without a word of explanation. She says things most superintendents would not. "The thing that kills me about education is that it's so touchy-feely," she tells me one afternoon in her office. Then she raises her chin and does what I come to recognize as her standard imitation of people she doesn't respect. Sometimes she uses this voice to imitate teachers; other times, politicians or parents. Never students. "People say, 'Well, you know, test scores don't take into account creativity and the love of learning,'" she says with a drippy, grating voice, lowering her eyelids halfway. Then she snaps back to herself. "I'm like, 'You know what? I don't give a crap.' Don't get me wrong. Creativity is good and whatever. But if the children don't know how to read, I don't care how creative you are. You're not doing your job."

[See pictures of a diverse group of American teens.](#)

[See pictures of the college dorm's evolution.](#)

Rhee's ferocity has alienated many people--even those who support her ideas and could be helpful to her. This summer the chair of the Washington city council called dealing with Rhee a "nightmare." There has been talk of passing legislation to rein her in. "Michelle Rhee believes in scorched earth," says Randi Weingarten, president of the American Federation of Teachers, a national union that has become unusually involved in local matters in Washington. "I am not saying that D.C.'s school system doesn't need a lot of help. But I have been part of a lot of reforms, and the one thing I have never seen work is a hierarchical, top-down model."

Rhee is aware of the criticism, but she suggests that a certain ruthlessness is required. "Have I rubbed some people the wrong way? Definitely. If I changed my style, I might make people a little more comfortable," she says. "But I think there's real danger in acting in a way that makes adults feel better. Because where does that stop?"

The Data

ON RHEE'S TOUR OF SCHOOLS DURING the first week of classes this year, a parent stopped her to praise her accomplishments so far. Rhee listened with a small smile while systematically cracking each of her knuckles with the thumb of the same hand. Then she got back into her SUV and began furiously e-mailing. When she calls her staff, she does not say hello; she just starts talking. She answered 95,000 e-mails last year, according to her office.

She frequently sounds exasperated. "People come to me all the time and say, 'Why did you fire this person?'" she says. The whiny voice is back. "'She's a good person. She's a nice person.' I'm like, 'O.K., go tell her to work at the post office.' Just because you're a nice person and you mean well does not mean you have a right to a job in this district."

The data back up Rhee's obsession with teaching. If two average 8-year-olds are assigned to different teachers, one who is strong and one who is weak, the children's lives can diverge in just a few years, according to research pioneered by Eric Hanushek at Stanford. The child with the effective teacher, the kind who ranks among the top 15% of all teachers, will be scoring well above grade level on standardized tests by the time she is 11. The other child will be a year and a half below grade level--and by then it will take a teacher who works with the child after school and on weekends to undo the compounded damage. In other words, the child will probably never catch up.

The ability to improve test scores is clearly not the only sign of a good teacher. But it is a relatively objective measure in an industry with precious few. And in schools where kids are struggling to read and subtract, it is a prerequisite for getting anything else done. In their defense, Washington teachers and principals, like educators in many of the country's worst school districts, talk about trying to teach a seventh-grader who is eight months pregnant; about being assaulted by students; about holding meetings for parents, replete with free food, and no one showing up. Washington Teachers' Union leader George Parker worries that test-score data cannot take all this into account: "I don't think our teachers are afraid of demonstrating student growth, but you have to look at the dynamics of the children you're dealing with. If I'm teaching children who have computers at home, who have educated parents, those students can move a lot faster than kids whose parents can't read."

Rhee says she does not expect all kids to move up the charts at the same rate; the important thing is to demand that most do move up. "This is a cultural shift," says Kaya Henderson, Rhee's deputy. "For years, there were no data, and you were a good teacher because the parents or your principal told you so. And so this is a scary thing."

The most glaring example of the backward logic of schools is the way most teachers receive lifetime job security after one or two years of work. As Larry Rosenstock, CEO of eight California charter schools, noted at an education panel last spring, we don't give that kind of job security to pilots or doctors--or any others who hold our children's fate in their hands: "What is it that is so exceptional about teachers that they should have this unique right?"

Teachers got tenure rights in the early 20th century to protect them against meddling politicians and school-board members who treated their jobs as patronage pawns. But the rationale is plainly antiquated. Today dozens of federal and state laws protect teachers (and other people) from arbitrary firing. But most teachers still receive tenure almost automatically. In fact, even before they get tenure, they are rarely let go. Schools spend millions of dollars evaluating teachers, but principals have little incentive to shake up their staffs, and so most teachers end up scoring near the top. "What I'm finding is that our principals are ridiculously--like ridiculously--conflict-averse," Rhee says. "They know someone is not so good, and they want to give him a 'Meets expectations' anyway because they don't want to deal with the person coming into the office and yelling and getting the parents riled up."

Right now, schools assess teachers before they teach--filtering for candidates who are certified, who have a master's degree, who have other pieces of paper that do not predict good teaching. And we pay them the same regardless of their effectiveness.

By comparison, if we wanted to have truly great teachers in our schools, we would assess them after their second year of teaching, when we could identify very strong and very weak performers, according to years of research. Great teachers are in total control. They have clear expectations and rules, and they are consistent with rewards and punishments. Most of all, they are in a hurry. They never feel that there is enough time in the day. They quiz kids on their multiplication tables while they walk to lunch. And they don't give up on their worst students, even when any normal person would.

[See pictures of teens and how they would vote.](#)

[See pictures of college mascots.](#)

Students know this instinctively. Acquirra Carter, 14, attends Washington's Cardozo High School, where, she complains, kids walk out of classes when they get bored and certain teachers talk on their cell phones when they are supposed to be teaching. But there are exceptions, and Carter knows them when she sees them. "Some teachers find a way. Mrs. Brown, they would not dare walk out of her class. She has total control. Mrs. Lawton, nobody leaves her class. This boy whispered, and she knew it!"

Minefields in the Schoolyard

IN THE VIEW OF RHEE AND REFORMERS like her, the struggle to fix America's failing school system comes down to a simple question: How do you get the best teachers and principals to work in the worst schools? In her quest to figure this out, Rhee has already suffered a major setback. Earlier this year, she proposed a revolutionary new model to let teachers choose between two pay scales. They could make up to \$130,000 in merit pay on the basis of their effectiveness--in exchange for giving up tenure for one year. Or they could keep tenure and accept a smaller raise. (Currently, the average teacher's salary in Washington is \$65,902.) The proposal divided the city's teachers into raging, blogging factions. This fall, the union declined to put Rhee's proposal to a vote, and its relationship with her has become increasingly hostile.

In October, Rhee vowed to purge incompetent teachers through any means necessary. She has brought on extra staff to help principals navigate the byzantine termination process and says an unprecedented number of teachers have already been put on notice. But she cannot give teachers the huge raises she proposed unless the union agrees to a new contract. So this approach will be slower, more litigious and less inspiring. In other words, it will be all stick and no carrot. It's hard to say if anyone else would have been able to persuade the union to trade away tenure for cash bonuses, but Rhee's sometimes dismissive attitude made it harder for some teachers to trust her.

For now, Mayor Fenty says he still has full confidence in Rhee, and he claims that Washington residents share his enthusiasm. "Regular people love the fact that for once someone is making tough decisions for D.C. schools," says Fenty, who attended the district's public schools. But the disconnect between Rhee's confident, sweeping rhetoric and the tortured reality is sizable, and it is most apparent at ground level, in the schools she is trying to save.

Rhee likes to tell the story of how Rhodes got in touch with her. She recounted it on TV on The Charlie Rose Show in July: "A student sent me this e-mail and said, basically, If you really want to know what's wrong with our schools, you should come and talk to the kids because I'm afraid that by talking to the adults, you might not be getting the real story."

Rhodes has a more nuanced version of the story. After their initial meeting, they met for a second time at Anacostia High, in a room off the library. Rhodes had invited eight fellow students, and they gave Rhee their typed agenda. They talked about the need for better teachers, as Rhee emphasizes when she tells the story. But Rhodes says he also told her about the holes in the floors, the lack of supplies and the fact that most classes did not have enough books for the students to take home. Rhee listened but did not offer many specific solutions. "She was vague," Rhodes says. "I got the sense she didn't want to make promises she couldn't keep."

Then one day last May, Rhee dismissed Anacostia's principal. Rhodes was devastated. He sent Rhee a furious e-mail. "My principal is a mother, mentor and a teacher to us all," he wrote. "I refuse, NO! we refuse the students of Anacostia to let her go." Rhee wrote him back. "She told me not to worry about it," Rhodes says quietly.

One of the things that make school reform so wrenching and slow is that schools become embedded in people's hearts. This is true in rich neighborhoods and poor ones, with good

schools and bad. Rhodes talks about his school as if it were an extension of himself. He talks about "my teachers" and "my staff," and he refers to other students as "my colleagues." "I love Anacostia High School," he says. At the same time, he is dismayed by his school. He walks through his halls, pointing out the litter on the floor and the broken lockers. Rhodes is 6 ft. 8 in. (2 m) tall, so he has to look down to talk to almost everyone. He wears white tube socks under his black Nike flip-flops and carries his large frame deliberately, like a gentle overseer. "You see all these lockers? None of them work," he says. "This classroom over here is supposed to be for home economics, but it's never been fixed up."

Rhodes did not contact Rhee again. This year Anacostia has a new principal, and Rhodes admits that the school is functioning better. "All the children are wearing their uniforms," he says. "No kids are in the hallways." If you come to school without your uniform on, a security guard or an assistant principal will "snatch you up and just send you home." All the computers in his Microsoft Word classroom now work.

But on Nov. 19, Rhodes had to evacuate his school when fights broke out in the hallways and three students were stabbed. And he still doesn't use the school bathrooms, which are filthy and sometimes unsafe. He waits until he returns to his grandmother's house, where he lives.

Now that he is a senior, Rhodes spends much of his time worrying about getting into college. As we stand on the front steps of the school one autumn evening after class, I ask him what he wants to study. He answers quickly: "Public administration, with a minor in English." I ask him how he can be so sure. "Because someone told me that's what I have to do to take Chancellor Rhee's job," he says matter-of-factly, watching his drum corps practice and his baton twirlers twirl in the twilight.

American Federation for Children Executive Counsel Kevin P. Chavous Responds to President Obama's Decatur, Georgia Speech

Posted on Tuesday February 19, 2013

Last week, President Obama delivered a speech in Georgia in which he said the following:

“The size of your paycheck shouldn't determine your child's future.”

-President Obama, February 14, 2013

Mr. President, we couldn't agree more.

For the past four years, supporters of educational choice have wondered why the Obama Administration has so vigorously opposed providing children in low-income families with access to more educational options. Right here in Washington, D.C., the highly successful D.C. Opportunity Scholarship Program (OSP) has given thousands of children hope for a better future and yet the Obama Administration has consistently opposed it. In fact, despite signing the FY 2011 budget agreement which included a five-year reauthorization of the program, the President's subsequent budget proposals zeroed out funding for the program.

According to the last federal study of the D.C. OSP, children who used their opportunity scholarships had a 91 percent graduation rate – 21 percent higher than those who sought, but did not receive a scholarship. Subsequent research by the program administrator showed that 94 percent of participating students graduated in 2010 and 2011, with 89 percent of those students going on to enroll in a two- or four-year college or university. My friends, the OSP is education program that works for kids.

It's not just Washington, D.C., however, where putting all educational options on the table helps disadvantaged children. There are now 32 publicly-funded private school choice programs in 16 states, plus D.C. which are currently educating more than 245,000 children – most of whom are children from low-income families. And, like D.C., we know these programs are helping kids. In Milwaukee, home of the nation's longest running voucher program, the graduation rate of students receiving a voucher is 7.2 points higher than students in Milwaukee Public Schools. In Florida, tax credit scholarship program students tended to be the lowest-performing students at low-performing public schools, yet they achieved gains in reading and math on par with all students nationally, not just students from low-income families. In Louisiana, three years of surveys show that parents are overwhelmingly satisfied with the New Orleans scholarship program, which is a big reason more than 10,000 families applied for participation in the statewide program this year.

I support many of the Obama Administration's education policies, but when it comes to opposing putting every option on the table to help kids, they're just dead wrong. Education Secretary Arne Duncan says we don't support vouchers because we're trying to help all the kids, not just some of the kids. Imagine if you're the parent of “some of the kids” and the U.S. Secretary of Education says something like that. You would be outraged, and appropriately so!

I urge the Obama Administration to heed the words of the President: “The size of your paycheck shouldn't determine your child's future.”

The Administration will have a chance to put those words into action by calling for full funding of the D.C. Opportunity Scholarship Program in their FY 2014 budget.

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
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Session:

State Capitol Building
Juneau, Alaska 99801-1182
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REPRESENTATIVE WES KELLER

DISTRICT 7

MEMO

To: Members of the Alaska Legislature

Date: January 23, 2013

Re: Sectional for House Joint Resolution 1 (28-LS0057\A)

Section 1: Deletes language from the Alaska Constitution known as Blaine Amendment wording that prevents public funds from being used for the direct benefit of private education.

Section 2: Adds language that permits public fund to be used for the direct benefit of educating students.

Section 3: Places the issue before the voters for their approval or disapproval under the election laws of the state.

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

E-Mail: Representative_Wes_Keller@legis.state.ak.us

Call Juneau Toll free: (800) 468-2186

Website: www.akrepublicans.org/keller/

Background for HJR 1

They're named for James G. Blaine, who proposed such an amendment to the U.S. Constitution while he was Speaker of the U.S. House of Representatives in 1875. The amendment passed overwhelmingly (180-7) in the House, but failed (by 4 votes) in the Senate. Although the amendment failed narrowly, state-level versions were wildly successful. And in several states, adoption of Blaine Amendments was made an explicit condition for entering the Union.

Thirty-Seven states have provisions placing some form of restriction on government aid to "sectarian" schools and their equivalents that go far beyond any limits in the U.S. Constitution.

"No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect; nor shall any money so raised or lands so devoted be divided between religious sects or denominations."

Sheldon Jackson v. State 599 P. 2d 127, 1979

In May of 1976 the attorney general issued an opinion declaring tuition grants to be invalid as a direct benefit to private schools in violation of article VII, section 1. The Department of Administration then stopped paying tuition grants. Appellant Sheldon Jackson College, a private educational institution, filed suit to enjoin the department's termination order, but agreed to dismiss the suit without prejudice when a proposition to amend article VII, section 1, to permit tuition grants was placed on the ballot to be voted on in the general election of November, 1976. *fn2

The ballot proposition was rejected by the voters 64,211 to 54,636. Sheldon Jackson then renewed its lawsuit and another private university, Inupiat University of the Arctic, filed a complaint in intervention. The superior court concluded that the tuition grant program provides direct benefits to private educational institutions and thus violates article VII, section 1. Summary judgment was thereupon granted in favor of the state. We affirm.

Alaska Financial Aid to Students Amendment (1976)

The **Alaska Direct Financial Aid to Students Amendment** ballot question was on the November 2, 1976 statewide general election ballot in Alaska as a proposed legislatively-referred constitutional amendment to the Alaska Constitution, where it was **defeated**.

The ballot summary said, "This is a proposal to amend Article VII, Section 1 of the Constitution of the State of Alaska to allow public funds to be used to provide direct aid such as scholarships and tuition equalization grants to students attending private educational institutions. The Attorney General of the State of Alaska has interpreted Article VII, Section 1 of the Constitution, as it now reads, to prohibit the State from giving tuition equalization grants to students attending private colleges or universities in the State."

A WIN-WIN SOLUTION

The Empirical Evidence on School Choice

“A Win-Win Solution: The Empirical Evidence on School Choice” provides a thorough overview of what empirical research has found on five key topics listed in the table below. The evidence points clearly in one direction: School choice improves academic outcomes for participants and public schools, saves taxpayer money, moves students into more integrated classrooms, and strengthens civic values and practices.

Empirical Studies on School Choice

| | Positive Effect | No Visible Effect | Negative Effect |
|--|-----------------|-------------------|-----------------|
| Academic Outcomes of Choice Participants | 11 | 1 | 0 |
| Academic Outcomes of Public Schools | 22 | 1 | 0 |
| Fiscal Impact on Taxpayers | 6 | 0 | 0 |
| Racial Segregation in Schools | 7 | 1 | 0 |
| Civic Values and Practices | 5 | 2 | 0 |

Note: Shows the number of empirical studies with each type of finding. The first row includes all studies using random-assignment methods. Other rows include all studies using all methods.

The size of the benefit provided by existing school choice programs is sometimes large, but is usually more modest. This is not surprising because the programs themselves are modest—curtailed by strict limits on the students they can serve, the resources they provide, and the freedom to innovate. “A Win-Win Solution” examines studies on school choice conducted by scholars at research institutions including the University of Arkansas, Harvard University, the Federal Reserve Bank, Stanford University, and Cornell University.

Key findings:

- **Twelve empirical studies have examined academic outcomes for school choice participants using random assignment, the “gold standard” of social science.** Of these, 11 find that choice improves student outcomes—six that all students benefit and five that some benefit and some are not affected. One study finds no visible impact. No empirical study has found a negative impact.
- **Twenty-three empirical studies have examined school choice’s impact on academic outcomes in public schools.** Of these, 22 find that choice improves public schools and one finds no visible impact. No empirical study has found that choice harms public schools.
- **Six empirical studies have examined school choice’s fiscal impact on taxpayers.** All six find that school choice saves money for taxpayers. No empirical study has found a negative fiscal impact.
- **Eight empirical studies have examined school choice and racial segregation in schools.** Of these, seven find that school choice moves students from more segregated schools into less segregated schools. One finds no net effect on segregation from school choice. No empirical study has found that choice increases racial segregation.
- **Seven empirical studies have examined school choice’s impact on civic values and practices such as respect for the rights of others and civic knowledge.** Of these, five find that school choice improves civic values and practices. Two find no visible impact from school choice. No empirical study has found that school choice has a negative impact on civic values and practices.

Full report available at edchoice.org/WinWin

MEMORANDUM

STATE OF ALASKA DEPARTMENT OF LAW

TO: The Honorable Fred Dyson
Chair, Senate Health, Education, and
Social Services Committee
Alaska State Senate

DATE: September 20, 2005

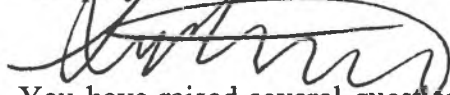
TEL. NO.: (907) 269-5187

FILE NO.: 663-05-0233

The Honorable Lyda Green
Co-Chair, Finance Committee
Alaska State Senate

FROM: Scott J. Nordstrand
Deputy Attorney General

SUBJECT: Statewide Correspondence
Programs and Religion



You have raised several questions regarding statewide correspondence programs, the associated instructional materials, and the permissibility of religious content. This memorandum responds to your questions and offers guidelines that will be useful in drafting legislation. Finally, we suggest a possible alternative educational approach for public support of home schooling.

I. EXECUTIVE SUMMARY

The Department of Education and Early Development ("DEED") conducted an audit of school districts operating statewide correspondence study programs. Following the audit, DEED informed the districts that they must require parents to use primary curriculum materials that are secular in nature, approved in advance by the school district.

The audit raised several questions among policymakers and those affected by the action related to selection of textbooks and materials, academic credit, and state funding under current law. This memorandum addresses those questions. In general, we conclude that the enforcement action and the current regulations do not infringe upon the rights of parents and are consistent with the underlying statutes. It also describes a set of legal guidelines to define the boundaries of religious involvement in public school curricula.

This memorandum goes on to suggest an alternative educational system to address parents' desire for greater freedom to use religious textbooks and materials in statewide correspondence programs. This new system would provide that freedom, while focusing state and school district involvement on secular student assessments independent of the religious content. Because this system would provide fewer educational services, it may be appropriate to fund it at a lower level than other educational programs that provide more services.

II. BACKGROUND ON STATEWIDE CORRESPONDENCE PROGRAMS AND STATE LAW

District-provided statewide correspondence programs were developed in Alaska during the 1990's. AS 14.07.020(9) provides for state supervision of correspondence programs.¹ The administrative details pertaining to the programs appear in 4 AAC 33.405 – 33.490. The programs allow children to receive their state education in a home environment. Currently, eleven school districts offer statewide correspondence programs and approximately 9,000 students participate. Generally, parents of a child enrolled in a correspondence program select textbooks and other educational materials from a list approved by the school district. Parents teach the material. A certificated teacher approves individual learning plans. Additionally, the teacher must have contact with either the parent or child at least monthly and review the student's work or progress at least quarterly. In most statewide correspondence programs the parents have a great deal of flexibility in educating their child. For instance, in addition to teaching the approved material, parents generally test and often grade their child's work or offer a suggested grade to the reviewing teacher.

In general, these statewide correspondence programs are distinct from traditional correspondence programs, where a student completes work at home and then mails it to a teacher for grading. They also differ from in-district correspondence programs, which are closely controlled by local school boards and subject to less state oversight.

The State of Alaska funds the statewide correspondence programs. For each program student, a district receives 80 percent of the funding normally allotted to a public school student.² The districts generally regulate the funds by establishing an account for each participating family. Families do not have direct access to the accounts. Parents typically submit their requests for specific textbooks and materials to the district. If the materials are on the list of approved materials, the district orders them for the parents and remits payment directly to the vendor. Occasionally, parents purchase texts and materials on their own, and receive reimbursement from the district as long as the items are approved by the reviewing teacher. 4 AAC 33.421(k) prohibits payment for religious textbooks or curriculum materials.

¹ Other statutes addressing correspondence programs include AS 14.07.050 (selection of textbooks), AS 14.08.111(9) (duties of regional school boards), AS 14.14.090(7) (duties of school boards), AS 14.17.430 (funding), and AS 14.30.010(10)(B) (attendance).

² AS 14.17.430.

In the 2004 legislative session, the Alaska Legislature appropriated funds to allow DEED to monitor statewide correspondence programs for compliance with regulations. To conduct the monitoring, auditor John Tongen examined the records of a representative sample of students from 10 districts operating statewide correspondence programs. Where the auditor found violations of statutes or regulations, DEED put the district on a plan of correction.

DEED found that four of the monitored districts had determined certain course materials that parents had selected were religious in nature and not appropriate for state funding. In each case, the district informed the parents of its decision. None of the parents appealed. The districts then allowed students to be instructed primarily with those materials, despite the districts' determinations that they were "religious" in nature.³ DEED informed the districts that they would not receive state funding in the future for students primarily instructed with religious materials in violation of AS 14.03.090. State funding was not denied for the current year. DEED's audits did not instruct the districts as to whether they could count such courses toward graduation requirements.

III. ISSUES AND ANALYSIS

A. **State Law Does Not Permit Correspondence School Parents To Purchase And Use Religious Materials Instead of A School District's Approved Textbooks And Materials.**

You have questioned whether correspondence students may use religious materials in place of district-approved textbooks and materials. Current state statutes do not permit this.

In order to receive state funding for a student enrolled in a statewide correspondence program, a district must comply with state law. AS 14.07.070 provides that "[s]tate funds may not be paid to a school district or teacher that fails to comply with the school laws of the state or with the regulations adopted by the department." AS 14.07.050 requires that public schools, including statewide correspondence programs, use textbooks "selected by district boards." AS 14.08.111(9) and AS 14.14.090(7) make it clear that the requirement for board review and approval is not limited to textbooks but extends to all types of instructional materials. Hence it would appear that a correspondence program using materials not selected by the district board would be ineligible for state funds.

³ Generally, this memorandum refers to textbooks and materials from religious vendors as "religious materials." The religious content of these textbooks and materials varies substantially.

Because the second sentence of AS 14.07.050 also recognizes a parent's right to use privately purchased materials "not provided by the school district,"⁴ however, there has been some suggestion that correspondence school students may use religious materials in lieu of district approved textbooks and materials. The legislative history does not support this interpretation.

The legislative history of AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7), which were enacted together in 2002, reveals an intent to allow parents to purchase religious materials to supplement, but not replace, district-approved textbooks and materials. During committee hearings on these statutes, Representative Bunde, Chair of the House Special Committee on Education, explained:

there is an approved menu [of textbooks and materials] from which correspondence parents can choose materials. If they wish to *augment* that with privately purchased materials, that would be acceptable just as it is for the parents of students in public school.⁵

Representative Dyson, Chair of the House Health, Education, and Social Services Committee, expressed the same understanding:

Any program receiving [state] money is not precluded from purchasing materials from any publisher; the only restriction is that state law prohibits the use of state money for promulgating or advocating a particular religious perspective [A parent] is free to purchase materials *in addition* to state-funded material.⁶

⁴ The full text of AS 14.07.050 reads: "Textbooks for use in the public schools of the state, including a district offered statewide correspondence study program, shall be selected by district boards for district schools. Nothing in this section precludes a correspondence study student, or the parent or guardian of a correspondence study student, from privately obtaining or using textbooks or curriculum material not provided by the school district."

⁵ Minutes, House Education Committee Hearing on HB 464 (April 24, 2002) (emphasis added). House Bill 464 was later incorporated into SB 345, the vehicle for the three statutes cited.

⁶ Minutes, House Health, Education, and Social Services Committee (March 14, 2002) (emphasis added).

Based on this legislative history, we conclude AS 14.07.050, AS 14.08.111(9), and AS 14.14.090(7) do not allow replacement of district approved texts. Rather, correspondence program parents may privately supplement their child's educational material with religious materials.

B. AS 14.03.090 Restricts The Advocacy Of Religion By School Districts And Public School Teachers, But Not By Parents Who Homeschool.

Some of your questions concern application of AS 14.03.090 to the statewide correspondence programs. This statute provides that:

[p]artisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money.

The statute is consistent with constitutional prohibitions against government establishment of religion.⁷

On its face, the statute applies to public schools. This raises the question of whether a correspondence program is a "public school." The formal statutory definition of "public school," AS 14.60.010(6), includes "elementary schools, high schools, citizenship night schools for adults, and other public educational institutions which may be established"; it is not sufficiently specific to resolve the question. Nonetheless, although the actual education generally occurs in the home and parents provide most of the instruction, we conclude that statewide correspondence programs are public schools. This conclusion is based on the existence of public funding, the state's regulatory oversight, and the statutory requirement for students to meet state educational standards.⁸ Moreover, AS 14.07.050 refers to "public schools of the state, including a district offered statewide correspondence study program."

Since correspondence schools are public schools, AS 14.03.090 requires that religious doctrines not be advocated while the school is in session. Advocacy of religious doctrines through the public schools is also proscribed by the federal and state constitutions, as interpreted in the cases cited below.

⁷ See Alaska Const. art. I, § 4; U.S. Const. amend. I.

⁸ See AS 14.07.020(a)(9) (mandatory departmental supervision); 4 AAC 33.421(b) (requiring programs to conform with statewide goals and performance standards).

To advocate is “[t]o speak, plead, or argue in favor of.”⁹ When publicly employed teachers are educating a child within a correspondence program, they should not use religious texts, materials, or courses of study *in favor of* a religious belief. However, a writing of historical, literary, or scientific value may be taught in the school, even if the writing also contains a religious point of view. The teacher must be careful to avoid religious advocacy, however, and must present the material for its non-religious value. Thus, a teacher could teach a child about various religions, the role of religion in history, or the Bible as literature only as objective study.¹⁰

It is clear that because the correspondence programs are public schools, a public school teacher overseeing such a program is subject to AS 14.03.090. The teacher must therefore strive to avoid religious advocacy “during the hours the school is in session.” As a practical matter, a correspondence school is certainly “in session” whenever the teacher is interacting with the correspondence student.

A different issue is presented by the role of parents in the correspondence school program. As seen from DEED’s 2004 monitoring, some correspondence school parents discuss religion and include religious materials in teaching their child within the context of correspondence study courses. This practice might seem to raise questions under the “establishment” clauses of the state and federal constitutions and under AS 14.03.090. However, a parent’s interest in providing a religious education to his or her children at home is protected under the free exercise clauses of the Alaska and United States constitutions.¹¹ Accordingly, the issue of using religious materials in teaching public school courses at home involves a sensitive balancing of the right to practice religion freely¹² and the prohibition against the state’s establishment of religion.¹³ Moreover, when a parent is presenting material not provided or approved by the school district, it is problematic to contend that the public school program is “in session.”

⁹ *The American Heritage College Dictionary* 20 (3rd ed. 1993).

¹⁰ *Epperson v. Arkansas*, 393 U.S. 97, 106 (1968); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203, 225 (1963) (the “objective study” of religion may occur in public schools); *see also* 1988 Inf. Op. Att’y Gen. (Sept. 15; 663-88-0573) (analyzing AS 14.03.090 and concluding that public school teachers may teach about various religions as part of the public school curriculum, but may not advocate a particular religious view or teach that a particular religious view is true or false).

¹¹ Alaska Const. art. I, § 4; U.S. Const. amend. I.

¹² Alaska Const. art. I, § 4; U.S. Const. amend. I.

¹³ Alaska Const. art. I, § 4; U.S. Const. amend. I.

Because (1) there is a tension between the constitutional provisions, (2) correspondence programs do not have regular school hours and (3) the education occurs in the home, we conclude AS 14.03.090 applies to school districts and publicly employed teachers, but not to parents. Parents who include religious instruction, including the use of privately obtained religious materials,¹⁴ in their home during their child's correspondence course studies, may do so without violating the law.

C. Instructional Materials May Not Advocate Religion.

Senator Dyson's undated memorandum to Attorney General David Márquez asked whether the prohibition against religious advocacy in AS 14.03.090 applies only to the actions of teachers, as opposed to the content textbooks and other education materials itself. In short, can textbooks advocate? Senator Dyson posed the question this way:

It is my understanding that it is unjustified and problematic to interpret AS 14.03.090 as a standard by which textbooks, instructional aids, and curriculum materials are selected and purchased. The law prohibits public schools advocating doctrine which is not necessarily violated by teachers making use of materials that may advocate or reveal the world view of the author, publisher, or a person studied. While it is possible for a teacher to violate 14.03.090, it is not lawful to try to determine whether instructional materials violate 14.03.090.

Please comment on, or correct, my perception of the application of AS 14.03.090.

The application of AS 14.03.090 to educational material selection has not been previously addressed by this office or the Alaska courts. The prohibition against religious advocacy by district teachers and the school districts in AS 14.03.090 (or under the establishment clauses) is not limited to oral advocacy. A book may not be approved for use in publicly provided education if it advocates a partisan, sectarian, or denominational doctrine.¹⁵ To allow otherwise would permit a school board to advocate partisan, sectarian, and denominational doctrines in a public classroom through textbooks. Clearly, the school districts have the authority—in fact, the obligation—to

¹⁴ See AS 14.07.050.

¹⁵ Textbooks for use in public schools must be approved by the local school district boards. AS 14.07.050.

determine whether its textbooks advocate religion in violation of the statute, the Alaska Constitution, or the United States Constitution.¹⁶

Furthermore, exercising the authority to determine whether a textbook advocates religion is not unconstitutional censorship.¹⁷ State statutes and regulations allowing local school boards to review and approve textbooks do not, on their face, violate the right of parents or students to freely exercise their religion.¹⁸ As discussed above, parents are free to augment their children's education with religious materials.

A local school board decision regarding textbook selection would not violate the constitution unless it was based on improper, non-educational reasons, such as the intention to establish a religion by including or excluding certain materials from a curriculum.¹⁹ Since state laws allowing school boards to approve textbooks are constitutionally permissible, it follows that enforcing those laws for the purpose of ensuring children receive an adequate education would not violate the constitution.

D. Local School Districts Are Responsible For Determining Which Homeschool Courses May Be Used To Meet Graduation Requirements.

Senator Green asked whether DEED's audit instructed that districts could not allow academic credit toward graduation for religious correspondence courses. As noted above, DEED did not give any instructions regarding whether these courses could be considered in meeting graduation requirements. DEED refrained from instructing districts in this regard because school districts have discretion in deciding whether to award academic credit.

¹⁶ DEED retains general oversight authority, but does not set any standard to determine whether a textbook advocates religion. *See* AS 14.07.020(a)(9).

¹⁷ *See* Alaska State Legislature, News from the House & Senate Majority, "Legislators Work Together to Improve School Curriculum" (May 23, 2005) (raising question of unconstitutional censorship).

¹⁸ *Epperson*, 393 U.S. at 107 (referring to "State's undoubted right to prescribe the curriculum for its public schools" but noting that their choice may not violate the Establishment Clause); *see also* *Fraser v. Bethel Sch. Dist.*, No. 403, 478 U.S. 675, 683 (1986) (holding right to free speech did not prevent school district from disciplining student for lewd speech at an assembly); *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 271 (1988) (students do not have a free speech right in the choice of curricular materials).

¹⁹ *Epperson*, 393 U.S. at 107-09.

DEED is required to prescribe by regulation "a minimum course of study for the public schools."²⁰ Accordingly, DEED regulations require a high school student to have earned at least 21 units of credit before being eligible for graduation.²¹ DEED also requires that these credits include courses in language arts, social studies, mathematics, science, and health/physical education.²² However, local school boards have the authority to establish the district's high school graduation requirements beyond the minimum established by DEED.²³ Further, the local school board sets the standards that each course must meet in order to qualify for academic credit.²⁴ The teachers within the local school districts determine when these course requirements are fulfilled.

Therefore, while DEED informed school districts that state funding would not be available in the future for students within the correspondence program using primarily religious materials, its audits did not discuss whether such correspondence courses could be considered in meeting graduation requirements. Districts have discretion with regard to academic credit. A district must follow its own rules and procedures in determining when, for example, a student enrolled in the district who has taken high school courses outside of the district has met a local requirement for a course of study.

E. DEED's Role Is Not Restricted By AS 14.07.050.

Senator Dyson also asked whether AS 14.07.050 is a restriction on the powers and duties of DEED, such that DEED would not have authority to set standards for selection and review of texts.

²⁰ AS 14.07.020(a)(4).

²¹ See 4 AAC 06.075(a).

²² See 4 AAC 06.075(b).

²³ See 4 AAC 06.075(b) (12 credits in required subject areas); 4 AAC 06.075(a) (21 credits for graduation).

²⁴ See 4 AAC 06.075(f) (defining "unit of credit" as credit awarded by achieving a passing grade in a course of study that meets "the performance standards for a course of study as prescribed by a local school board"); see also 4 AAC 06.075(d) (districts have discretion in determining whether transfer student meets district subject area credit requirements).

Under AS 14.07.050, district school boards are responsible for selecting textbooks for public schools, including correspondence study programs.²⁵ However, nothing in the statute excuses DEED from its general oversight responsibility and authority.²⁶ DEED's authority reasonably includes ensuring that public schools comply with state law, including the requirement that texts do not advocate a religious doctrine. Further, DEED has the responsibility to determine the amount of state aid due each school district.²⁷ A school board violating the prohibition against textbooks advocating a religious doctrine may not receive public money.²⁸ Accordingly, DEED has the statutory authority to ensure that school districts do not select textbooks for public schools (including correspondence schools) that advocate partisan, sectarian or denominational doctrines.

We conclude that AS 14.07.050 does not restrict the powers and duties of DEED, but rather only clarifies the school board's responsibilities with respect to textbook selection.

F. Restrictions On Religious Advocacy Apply To All Public Schools.

You also asked whether the standards for selection and review of texts set by AS 14.03.090 must be applied equally to all public school instruction materials and public school programs. We believe that this question arises from the fact that 4 AAC 33.421(c), which requires textbooks to comply with AS 14.03.090, applies to statewide correspondence programs but not to in-district correspondence programs.

DEED relies on the local school districts to regulate the in-district correspondence programs. This reliance is consistent with the concept of local control of education, which is deeply embedded in our educational system.²⁹ However, a district's education

²⁵ AS 14.07.050 ("Textbooks for use in the public schools of the state, including a district offered statewide correspondence study program, shall be selected by district boards for district schools.").

²⁶ AS 14.07.020(a)(1) (establishing mandatory supervision over public schools).

²⁷ AS 14.17.610; AS 14.17.400; AS 14.17.410.

²⁸ AS 14.03.090; *see also* Alaska Const. art. I, § 4 ("No law shall be made respecting an establishment of religion . . ."); *cf.* Alaska Const. art VII, § 1 ("schools and institutions so established shall be free from sectarian control").

²⁹ *See Tunley v. Municipality of Anchorage Sch. Dist.*, 631 P.2d 67, 75 n.17 (Alaska 1980) ("although state legislatures possess plenary power over the educational system, local initiative with respect to education is so highly regarded that most states

of an out-of-district student through a statewide correspondence program is not local control of education. Accordingly, DEED exercises its statewide regulatory authority over the statewide correspondence programs to ensure that the education offered to out-of-district students (over which the local school districts have less of a vested interest) is of equally high quality as the in-district programs. To further this purpose, 4 AAC 33.421(c) interprets and makes specific the underlying statutory and constitutional provisions, AS 14.03.090 and the establishment clauses, as they apply to the statewide correspondence programs. However, the statute and constitutions apply with equal force to in-district correspondence programs.

We conclude that DEED's decision to apply 4 AAC 33.421 only to statewide programs is a valid policy choice. Additionally, the analysis of AS 14.03.090 above applies with equal force to prohibit the advocacy of religion through textbooks used in in-district schools and programs and in statewide correspondence programs.

IV. EIGHT LEGISLATIVE GUIDELINES

In addition to these questions, we understand that you would like some legal guidelines regarding the use of religious materials in correspondence programs. Religion and public education is a problematic and confusing area of the law. From 1947 through 2004, the United States Supreme Court issued 17 decisions analyzing public school aid and religion. These cases show that the Court has shifted from a stance close to pure separation of church and state to one allowing some state aid to private religious schools.

None of these cases are analogous to the current situation.³⁰ We have also reviewed the handful of Alaska Supreme Court decisions concerning these matters.³¹

have delegated extensive authority over the actual administration of the schools to local institutions") (quoting Project, Education and the Law: State Interests and Individual Rights, 74 Mich. L. Rev. 1373, 1380 (1976)): *Milliken v. Bradley*, 418 U.S. 717, 741-42 (1974) ("No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process.").

³⁰ The Court's Establishment Clause school aid decisions discuss public funding of private religious education. Our situation involves public funding of public education in a private home. The Court's other Establishment Clause decisions focus primarily on prayer in public schools. In those cases, the Court has held that state sponsored prayer is not appropriate in public education. See *Abington Township*, 374 U.S. at 205, 223; *Engel v. Vitale*, 370 U.S. 421, 424-25 (1962).

None is dispositive of the issue presented here: the constitutionality of parents using religious textbooks, either to supplement or supplant an approved text, in a home-school environment under a statewide correspondence public education program.³²

However, a number of general guidelines can be gleaned from cases concerning the prohibition on state-established religion:

1. The law should be facially neutral.³³ In other words, the language of the statute should not favor or disfavor religion.

2. The law should have a secular purpose.³⁴ For example, educating poor children is a secular purpose, as is the state's desire to have a well-educated populace.³⁵ Instructing a child regarding the positive benefits of religion is not a secular purpose.

3. The law should extend to a broad spectrum of people and be defined by an appropriate state objective such as to assist parents in meeting the rising cost of education,³⁶ or to tailor education to individual student's needs.

4. The educational aid provided by the law (including textbooks and educational materials) should not provide financial benefits to religious schools or institutions.³⁷

³¹ *Swanner v. Anchorage Equal Rights Comm'n*, 874 P.2d 274 (Alaska 1994); *Seward Chapel, Inc. v. City of Seward*, 655 P.2d 1293 (Alaska 1982); *Bonjour v. Bonjour*, 592 P.2d 1233 (Alaska 1979); *State v. Frank*, 604 P.2d 1068 (Alaska 1979).

³² Also, of some relevance to this question, the Alaska Constitution has language that prohibits public funds from being paid "for the direct benefit of any religious or other private educational institution." Alaska Const. art. VII, § 1; *see also Sheldon Jackson Coll. v. State*, 599 P.2d 127 (Alaska 1979) (holding that state's tuition grant program, which awarded state residents attending private colleges the difference between the tuition costs of private and public colleges, violated the constitutional prohibition against direct benefits to private schools).

³³ *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 18 (1947); *Zelman v. Simmons-Harris*, 536 U.S. 639, 649-55, 661-63 (2002).

³⁴ *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971).

³⁵ *Agostini v. Felton*, 521 U.S. 203, 209 (1997); *Mueller v. Allen*, 463 U.S. 388, 394-95 (1983).

³⁶ *Mueller*, 463 U.S. at 395, 397-99.

5. The law should be structured so that any involvement of religion in the government program is the result of the parents' independent and genuine choices. For example, the U.S. Supreme Court found acceptable a federal program allowing sign-language interpreters to assist deaf children at a private, religious school since any benefit to the religious school was the result of the parents' independent choice of that school as the best learning environment for their handicapped child.³⁸ Similarly, the Court found acceptable a state tax deduction for educational expenses, including private school tuition costs, since public funds end up with religious schools only as a result of numerous private choices of the parent.³⁹

6. The law should permit guidelines to ensure compliance with the constitutional limitations on educational aid.⁴⁰

7. The law may not be motivated by a goal to promote religion, and this fact should be clear from the legislative history. Courts will closely scrutinize the legislative history for statements or actions indicating a religious intent. If a religious purpose is apparent from the legislative record--for example in statements by members of the enacting body or by the public supporting the action--a court may conclude that the law violates the establishment clauses and is unconstitutional.⁴¹

8. The law should not permit money to be paid from public funds for the direct benefit of any religious or other private educational institution.⁴²

Again, this area of the law is complex and evolving. We recommend that you consider each of these guidelines in any legislation pertaining to the correspondence programs and religious materials.

³⁷ *Zelman*, 536 U.S. at 653-54; *see also* Alaska Const. art VII, § 1 ("No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.").

³⁸ *Zobrest v. Catalina Foothills Dist.*, 509 U.S. 1, 10, 13-14 (1993).

³⁹ *Mueller*, 463 U.S. at 399.

⁴⁰ *Mitchell v. Helms*, 530 U.S. 793, 861-67 (2000) (O'Connor, J., concurring).

⁴¹ *McCreary County, Kentucky v. American Civil Liberties Union of Kentucky*, ___ U.S. ___, 125 S. Ct. 2722, 2733-36 (2005); *Edwards v. Aguillard*, 482 U.S. 578, 592-97 (1987).

⁴² Alaska Const. art. VII, § 1.

V. A POSSIBLE ALTERNATIVE APPROACH TO STATEWIDE CORRESPONDENCE PROGRAMS

One aspect of the statewide correspondence programs that makes them attractive to many parents is that the programs increase parental autonomy in their children's education. Some parents prefer to control the values, principles, skills, and knowledge that their children learn. The state and the school districts, however, have an interest in ensuring that any child who receives a public education has an opportunity to participate in an education on a par with that received by other children in the district. The issues that we have addressed here are largely a result of the tension between a parent's desire for autonomy and the state's desire to assure that each student has an opportunity for a quality, secular education. In broad summary, we have concluded that the current regulations governing statewide correspondence programs do not infringe parents' constitutional rights. In addition, we conclude that the current regulations are consistent with the underlying statutes.

We now turn to a different question: How would the State design a system of public education that maximizes parental autonomy, maintains high quality, and is consistent with constitutional requirements? To put this another way, can the State design a publicly-funded program that would allow parents to select and deliver their own choice of curriculum—without regard to religious content—and still be consistent with the State's goal of providing a quality secular public education? Although a complete answer to this question would involve educational policy matters beyond our expertise, we can offer the following guidelines.

We believe that three legal principles govern any public education program directly funded by the state:

- *The program must be a public school.*⁴³
- *The program must have a public purpose.*⁴⁴
- *The program must be secular.*⁴⁵

To put these legal principles into practice:

⁴³ Alaska Const. art. VII, § 1.

⁴⁴ Alaska Const. art. IX, § 6.

⁴⁵ Alaska Const. art. I, § 4; Alaska Const. art. VII, § 1.

- *The state or school district must be meaningfully involved in the education.*
- *The funding of the program should not be diverted to private purposes.*
- *State or local government personnel should not review, approve, or deliver educational materials or programs that have the purpose of religious advocacy.*

Therefore, we conclude that if a school district wishes to increase parental autonomy, it could decrease the involvement of school personnel in the selection and delivery of the education. In order to do this, however, the school district would have to take other measures to ensure that the education met the standards for a public education.⁴⁶ However, at a minimum, we believe that when the school district does not significantly participate in the selection and delivery of the curriculum, qualified school district personnel must thoroughly assess and evaluate the achievement of the student in each class in which the student enrolls in a public school.

A district would have to assess a student in a manner that does not advocate religion. The assessment would have to reflect district and state standards for the content and grade level of the course. If no secular assessment is readily available, the state, district, or publisher may have to prepare a standards-based secular assessment for the course. The most likely "instrument" would be a comprehensive written test administered and graded by a certificated teacher employed by the school district. Other forms of assessment may be possible.

We recognize that having the state require a comprehensive assessment for each class would be a novel approach. Although teachers frequently use tests in the classroom, the state does not *require* them in other programs. Yet, the alternative system we are suggesting is unique. Here, the parents would select and deliver the curriculum without input from the school district. This program could not be considered a public school unless the school district meaningfully participates in the education. Therefore, a

⁴⁶ In weighing whether the new education system described above qualifies as a "public school," note that the system requires substantially more involvement by school districts and the state than currently required under Alaska statutes for "private schools." Under AS 14.45.100 - 120, private schools need only account for student attendance, certify that they operate 180 days a year, and administer nationally standardized tests in grades four, six, and eight at least once each school year.

district that offers an outcome-based program must assess and evaluate the achievement of the students in that program.

In addition to the requirement that the school district evaluate achievement, even a minimal public school program should likely include additional involvement by the school district to ensure its status as a public education. We defer to the policymakers on the precise mix of requirements, but to maintain the quality of education while only minimally intruding into parental autonomy, we suggest that a district should:

1. define the level of knowledge required for each offered course, based, where appropriate, on state standards and grade-level expectations;
2. approve a secular course outline or content requirement for each offered course;
3. provide academic and technical support for the home education;
4. meet with parents and students regarding the content that must be covered in a course before the student will be provided credit; and
5. assist parents in learning teaching skills.⁴⁷

Turning to the question of funding, a program based solely on outcomes may be significantly less expensive than a program in which the district participates in the selection and delivery of the curriculum. In designing this program, policymakers must ensure that the money for the program does not serve a private benefit instead of a public purpose. Moreover, to avoid providing a windfall to districts or parents, good public policy would dictate that funding should be commensurate with the program design: A program that provides fewer services should receive less funding than a program that provides more services.⁴⁸

In sum, an outcome-based program could be designed to maximize parental autonomy while still providing a public education. In our view, a court would not consider an outcome-based program to be a public school unless qualified personnel were directly involved in assessment of achievement for each course. Additional involvement

⁴⁷ In addition, a school district must continue to perform all statutory and regulatory requirements for a public school program. These include setting graduation requirements, participating in statewide assessments, and providing special education.

⁴⁸ We are not implying that foundation funding for a district should be dedicated to a particular program or spent on a per-pupil basis.

by the district should be included even in a minimal program. All involvement by the district should be secular. Funding of a minimal program should not be diverted to a private purpose and should be commensurate with the services provided by the district.

VI. CONCLUSION

We hope we have answered your questions and provided you with helpful guidance. Because this is an unsettled area of the law, you may want to consider consulting your legislative legal staff. We also recommend that you consult the administration regarding standards-based education. If you have additional concerns, please do not hesitate to contact this office.

cc: Roger Sampson, Commissioner, Department of Education and Early Development
David Márquez, Attorney General, Department of Law



February 5, 2014

The Honorable Lynn Gattis
Chair, House Education Committee
State Capitol
Juneau, AK 99811-1182

Dear Rep Gattis,

Blessings to you for your public service to the people of Alaska. As you continue your work this session we are writing to ask for your support on a piece of legislation—SJR 9 and or its companion bill HJR 1, which would allow the Blaine amendment to be removed from Alaska's Constitution. Removal of this amendment would then allow further statewide action to potentially allow for parental school choice here in Alaska.

As you know, the Blaine amendment prohibits the use of public funds for the benefit of any private educational institution. SJR 9/HJR 1 would remove this prohibition and add language to clarify that public funds would be allowed to follow the student. Public polling done several years ago indicated Alaskans support a constitutional amendment that would allow school vouchers to be set in place. 54% in favor with 37% opposed. There is a strong desire for educational choice of some sort here in Alaska.

Included for your review is a recently produced brochure from the United States Catholic Bishops Conference entitled, *Our Greatest and Best Inheritance: Catholic Schools and Parental Choice*. In Alaska, we only have Catholic schools in five locations statewide—Ketchikan, Kodiak, Fairbanks, Wasilla and Anchorage. The majority of our Catholic students are in public schools and we certainly do not want to weaken them. While our schools could benefit from legislation such as this, we view the parent's right to choose, be it a public school, a charter school another private school, a Catholic school or homeschool as the fundamental issue at stake. However, with our impending state fiscal crisis, we would like to call to your attention page seven of the brochure where the benefits and the fiscal savings from other states, where parental choice has been implemented, are highlighted.

We recognize that passing the resolution is only the first step. A vote of the people would then be required to amend our Constitution. Only then could further legislation be introduced to outline the mechanics of how SHR9/HJR1 would be implemented. We ask for your support and your vote to ultimately allow the people of Alaska to decide this critical issue.

If we can be of any assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Roger L. Schwietz".

Most Reverend Roger L. Schwietz, OMI
Archbishop of Anchorage
Apostolic Administrator, Diocese of Fairbanks

A handwritten signature in black ink that reads "Edward J. Burns".

Most Reverend Edward J. Burns
Bishop of Juneau

Archdiocese of Anchorage * Diocese of Fairbanks * Diocese of Juneau
225 Cordova Street * Anchorage, AK * 99501
907-297-7744 phone * 907-279-3885 fax

Feb. 8, 2014

To the members of the House of Representatives and the Senate of Alaska:

I observed the invited testimony of the Senate Finance Committee on Monday, February 3 would like to share some observations and concerns regarding that meeting and the Senate Joint Resolution 9 which was under discussion.

My first concern was that no one with alternative points of view was invited. I sincerely hope that as you acquire information you explore both sides of the issues to be sure you are making an informed decision rather than a preformed decision.

Another concern was that prior to spending public monies you have a workable end goal and a protocol for exit effectiveness. If you are offering money to an entity to educate children, how are you breaking down your goals and measuring effectiveness?

It is difficult to consider what is expected without common standards that involve thoughtful planning backed up with appropriate data. It is not clear what Senator Donleavy meant when he said (paraphrased) everyone should have their own standards in utilizing the public monies for education. We use goal setting and evaluation processes with every other aspect of our planning for state activities, roads, construction, etc.. Why should State standards for the education of our children not be planned with goals and exit criteria for all those who utilize public allotments, (i.e. vouchers) that affect our most precious assets, our children.

Following this thought it has been my observation that the plan to draw public allotments (vouchers) been carefully developed and choreographed with backup plans of various types. (Changing the State Constitution, bringing the issue to the voters, etc) The actual plan to spend the funds extracted from the educational budget of the public schools is amorphous: no goals, no criteria, no evaluation.

In addition the Governor mentioned the use of white boards as a wonderful opportunity for many of our children. With the cuts in personnel, who are the

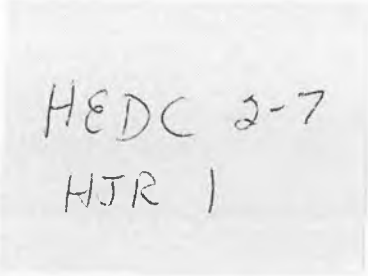
people who will form the goals and objectives to make these experiences a truly educational one?

It is clear that the individuals in our legislature have carefully planned their goals for this session. They are clearly choreographed to produce certain outcomes. Since this is a body that has sworn to provide for the common good of the people in the State of Alaska, why are the State's children offered such a poorly planned and implemented education?

As a mother, grandmother, educator and speech language pathologist, I would certainly hope for a better planned educational program for the children of the State of Alaska.

Mary J. Toutonghi

Soldotna



HEDC 2-7
HJR 1

To the House Education Committee:

2/7/14

I'm Celia Rozen, a PTA mom & avid believer in free public education at the K-12 level. I would like to express my opposition to HJR1. I have my last senior at West High this year, and will no longer be needing the services of the Anchorage schools, but I still want the upcoming generations to have the excellent education my children received. I believe the public schools have a huge role to play in creating a civil society, and have a lot to teach about getting along with and respecting diverse cultures, overcoming hardships, and finding your place in the world. HJR1 is a first step in eroding our public schools and can only lead to decline in their quality by diverting funds to the private sector and religious organizations.

Secondary schools in Anchorage are already reeling from last year's cuts due to flat budgets. The dismissal of the graduation and career counsels are hurting our high school kids, especially those that need this assistance the most. Next year's cuts will hit in the classrooms and all grades will be affected. Allowing this measure to get on the ballot will make broad policies subject to the whims of the electorate, who frankly are easily swayed by expensive TV ads often paid by outside money which always offer partial truths and biased perspectives. The support for this bill is already being influenced by an outside attorney, Mr. Komer and his special interest group: Institute for Justice in Arlington, Virginia, and the language change in the statute comes directly from this outside legal advice..

I prefer to stick with the language in the Constitution which has stood the test of time. I believe our Constitutional framers were some of Alaska's greatest thinkers and very carefully and prudently selected the words that 'no direct benefit' of public funds should go to private schools. They left out the word 'indirect' after much debate, because they believed this wording adequately protected the separation of church and state. However, today's HRJ1 advocates have now pounced on the omission of 'indirect' as a mistaken argument in their favor.

If this measure gets on the ballot and passes, we will be faced with the potential loss of a sane and neutral structure, and will be rewriting laws to accommodate who knows what special interest group. If the constitution truly needs to be revised, don't do so by ballot. Assemble today's greatest thinkers, who were likely educated in the public schools, and rethink the constitution wholesale. Please don't leave it to the whim of the voters. Thank you.

Celia Rozen
District 21K
Anchorage

**Resolution from West High School PTSA:
Requesting the 28th Alaska Legislature
Do Not Pass SJR9 and HJR1**

At a well-attended regular meeting of the West High School Parent Teacher Student Association (PTSA), an association organized and existing under the laws of the State of Alaska, held on February 6, 2014 at West High School, a quorum being present, the Board unanimously adopted the following Resolution.

WHEREAS two bills SJR9 and HJR1 are currently under consideration by the Alaska Legislature;

And WHEREAS these bills, amend, revoke, and revise wording that had been enacted since statehood in Article VII, sec. 1 and Article IX, sec. 6 of the Constitution of the State of Alaska regarding the prohibition of public funding for private and religious schools;

And WHEREAS if passed, would place these amendments before the voters in the next general election;

And WHEREAS these bills are progressing rapidly through the various committees of the Senate and House;

And WHEREAS the Alaska Legislature has considered these bills with little regard to the impact their passage would cause to public education funding;

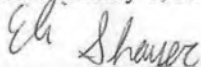
And WHEREAS the West High School PTSA membership highly values public education and recognizes the need for adequate funding for public education;

And WHEREAS those assembled at the West High PTSA unanimously agreed that public money should not fund private or religious schools or their students directly;

NOW THEREFORE BE IT RESOLVED that the West High School PTSA respectfully requests that the Legislature of the State of Alaska does not pass SJR9 or HJR1.

I, Eli Shayer, the undersigned Secretary of the said West High School PTSA, certify that I am the Secretary of the West High School PTSA, that the foregoing is a full, true, and correct representation of the Resolution passed by the Board on the day specified, and that the Board has never revoked, rescinded, or set aside the Resolution, and that it is now in full force and effect.

Dated February 6, 2014



Eli Shayer, Secretary
West High School PTSA

cc: all members of the Alaska Legislature; all members of the Anchorage School Board

From: Bethany <morganbethany@hotmail.com>

Date: February 4, 2014 at 4:07:51 PM AKST

To: "rep.lynn.gattis@akleg.gov" <rep.lynn.gattis@akleg.gov>

Subject: YES on HJR 1

Rep. Gattis,

Governor Parnell declared the 2014 legislative term "The Education Session." The most important legislation to this end is a resolution which is before you, HJR1. Passage of HJR 1 is about giving us as Alaskans the opportunity to vote on a very personal issue. Don't deny us this. It's also about giving you as legislators many more options in trying to ensure that Alaskan kids get the best education possible. Let's expand the possibilities. Let's pass HJR 1.

Very Respectfully,

--Bethany Marcum

Crystal Kennedy

From: denise carter <lv2rest@yahoo.com>
Sent: Wednesday, February 05, 2014 11:13 PM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond
Subject: HJR1

Dear Representatives,

My name is Denise Carter. I am a mother, a grandmother, and a concerned Alaskan. I would encourage you to pass the school choice bill in order to allow the parents of this state to choose what school their children attend. So many of our parental rights have been taken away over the course of my lifetime. Please pass this bill in order to ensure this one stays intact.

Thank you for your time.

Joe Banta

6820 Teresa Circle

Anchorage, AK 995116

House Education Committee

State Capitol

Juneau AK, 99801

Dear Representatives:

I am writing to you to convey my concern about a critically important issue that I think is very important to the future of our state. It is the proposal to change the Alaska Constitution to provide public funding for private schools.

While there are clearly differences of opinion in our state about educational choices, i.e. public versus private schools, it is truly difficult to find a significant, compelling reason to change our constitution in order to divert public monies to private education. This is a very divisive issue being brought to the fore at a time when we need to be coming together to find the best path to our future on so many issues, with the greatest priority being adequate funding for our public schools. Alaska's Constitution has served us well for many years and should be left alone. Furthermore, our federal Constitution requires the separation of church and state. Why would we risk the likelihood of years of expensive litigation to promote public payments to private schools?

We hear a lot of anecdotal evidence cited in support of the proposal to change the Alaska Constitution to provide public funding for private schools, but there are really no studies, scientific research or substantiated facts that support such a drastic change. In fact, the only research and data available show the opposite - that our schools are improving (especially here in Anchorage) and that our district and our state provide many valued alternatives to standard public schools. In fact, our three sons have been served well by Anchorage public alternative schools.

Our primary need at this time is to properly address the issue of poverty facing our school-aged children in both rural and urban settings. Please see Julia O'Malley's February 2, 2014 article in the Anchorage Daily News, which thoroughly examines this issue. While ASD schools in general are making good academic progress, the achievement gap between schools that serve children in poverty and those that serve families with higher incomes is deeply troubling. Diverting education funds to support private schools, when children in poverty are struggling would be a supreme injustice.

We are one of the richest states in the union and we are not adequately supporting public education. When we do prioritize public education, we are looking toward a more successful future for Alaska – creating a community where families want to settle and preparing our young people to serve us as well-educated citizens in the careers of their choice. There is nothing in my mind that is more fundamental to our future than educating children to the best of our ability.

Please let me know if there is anything else that I can do to address this key issue - the divisive proposal to change our Alaska Constitution in order to allow for the provision of public funds for private schools.

Thank you very much.

Sincerely,

Joe Banta

I am testifying in opposition to HJR1. I am representing myself, however I am a proud member of NEA-retired, a retired Anchorage School District teacher, former Statewide Mentor, and a mother whose two daughters attended Alaska's public schools. Currently I do some substitute teaching in Anchorage, primarily in the Title 1 schools. Public education for my daughters was not all a bowl of cherries, fortunately for my daughters both their father and I were highly involved in their education and we were able to access an optional educational program and later in high school both daughters found profound delight in learning with courses through the King Career Center. So school choice is very essential WITHIN our public schools. From my travels into remote, rural education as a Statewide Mentor, I do believe much more needs to be done to empower local residents to have greater control over the education of their children. But this control needs to be allowed through the public school system and could be locally designed, public school, charter schools.

This resolution is bound to take public \$\$ and divert it from our public schools to pay for unaccountable private and for profit religious and secular schools. Public schools welcome all comers! \$\$ given to private schools will undermine a civil right of Alaskan children to receive a quality public education. If the governor and legislators behind HJR1 have not read *The Death and Life of the Great American School System* by Diane Ravitch...I'd say it's recommended reading so that you are informed with what our public schools really need in the way of state funding and initiatives. In addition let's address the real issues...poverty among Alaskan children is the main deterrent to a successful learning experience. Thank you for letting my voice be heard...sincerely Bev Lewanski

Here's what I wanted to say and I would really appreciate it getting consideration. I was also told I would be able to submit written testimony this evening but apparently that is not the case as the bill has already moved out of committee. But I must say it anyway. While I agree with many of the things I have heard in opposition to this bill I have not heard anyone, really, speak about the impact on small remote communities, their public schools, and the children in them. I know these children and families and I must speak up.

I have been hearing that the State is saying that this bill would have no financial impact. I couldn't disagree more. Two examples of not only fiscal harm but probably real educational harm are easily identifiable. The Copper River School District has had three of seven schools close in the last few years. The State built a brand new elementary and Jr/Sr High School in Glennallen in the past few years. This is a very religious community. Should students be drawn out of the school by a new religious school option in Glennallen the per student cost of education in Glennallen would invariably go up. You still need teachers, heat, maintenance and everything that goes with a school whether you have 200 students or 100 but the cost per student is quite different and the quality of education offered decreases with decreasing resources. The second example I think is even more potent, probable, and harmful. In Port Alsworth 52 of the 54 students in the school attend the Non-denominational Christian Church supported by Franklin Graham and Samaritan's Purse. The State is building a brand new school in Port Alsworth in the summer of 2014 (breaking ground in just a few months). This community would have no problem organizing and adding religious money to the state vouchers brought in by those 52 students. They even have a large building in town that could strategically house a school for long enough for the public school population to drop to two, the district to close the school, and for the new school to negotiate a lease or purchase of the brand new but now closed school. Where would those last two students go? Their school would be gone. Their ability to engage in the community would be gone. This truly would be the State of Alaska building a religious school a building, funding the school, and eliminating a school option for the non-church members. This may sound far fetched to someone from outside but it really isn't. I've lived in this community for years, sent my kids to the school and have fully engaged with my neighbors. These are nice people but this is the reality of small community. There simply isn't enough for "choice." There's only enough for ONE when the numbers are low. We need to all stay in it together and make it the absolute best we can.

To say that studies that have looked at public money funding private schools in the lower-48 don't cause harm: 1 I don't think that's true. I think it has caused harm. But 2. more importantly Alaska ISN'T the lower-48. There are some real and significant differences. One of them is tiny fly in only communities with low populations, differential financial ability, and a dicotomy of beliefs. There isn't room for choice in these situations. Only one school is going to survive. Public schools can provide great educations to *all* leaving parents in charge of religion. Religious schools do not provide for all. So in these situations 1. students will be left w/o any option. and 2. public schools will be left w/o sufficient funds (or will COST THE STATE MORE). So don't pretend there's no impact. We know better than that.

I spent 8 years living in Gakona on the Copper River, the past four years in Port Alsworth and now split my time between the Turnagain neighborhood in Anchorage (School Year) and Port Alsworth (Summer). We moved for the great public schools in Anchorage because we felt that

the school in Port Alsworth was not going to be able to educate our kids in the way they (and we) needed. I now have one child in the Highly Gifted Program at Roger's Park Elementary and one in preschool.

Thanks,
Megan Richotte
Parent

Crystal Kennedy

From: Ashley Rhodes <arhodes@acsedu.org>
Sent: Thursday, February 06, 2014 7:30 AM
To: Rep. Lynn Gattis
Subject: HJR1

I'm for a --yes vote on HJR1. – Anchorage, Alaska Resident – Ashley Rhodes

Crystal Kennedy

From: Joseph Butcher <jabutcher@alaska.edu>
Sent: Wednesday, February 05, 2014 10:34 PM
To: Rep. Lynn Gattis
Subject: From the Butcher's on HJR1

From the Butcher's on HJR1

My name is Joseph Butcher and I support HJR1 going on the ballot so that Alaskans can have choices, Let Us Vote!

Thank you for your help and support in this for our kids.

Crystal Kennedy

From: Don Barnhart <dbarnhart@ancbt.org>
Sent: Thursday, February 06, 2014 6:26 AM
To: Rep. Lynn Gattis
Subject: HJR1

Dear Representative Gattis

Please vote yes on HJR1

Thank you
Don Barnhart
Anchorage
907-338-1154

Crystal Kennedy

From: Jason Daniels <jdaniels@gci.net>
Sent: Wednesday, February 05, 2014 10:17 PM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Paul Seaton
Subject: Please vote NO on HJR1

I am a teacher of 16 years in the Kenai District. I have a masters in education, received awards for my teaching, and I am a national board certified teacher as well as a Master certified teacher in the state of Alaska. Please take extra time to consider the consequences of this very important decision. I have never written to my legislators before, but I feel this is that important. Voting to approved the parent choice amendment would set in motion a cascade of ill effects on our already fragile education system. A few of the ill effects:

- Private/religious schools are not subject to state mandates including teacher certification requirements, special ed requirements
- Private/religious schools get to select who will attend and who they will not serve
- Private school students are not currently a part of the BSA, but will be with this proposed change. This will cost much more to the state.

Thank you for your consideration,

Jason Daniels

Crystal Kennedy

From: Tonya Szepanski <szepanski@gci.net>
Sent: Thursday, February 06, 2014 6:58 AM
To: Rep. Lynn Gattis
Subject: HJR1

I am in favor of HJR1 going on the ballot so that Alaskans can have a healthy vigorous discussion this year and vote on it in November. School Choice FOR PARENTS needs a statewide discussion because it is so important in allowing parents to have a say in their child's education.

Thank You

Matt and Tonya Szepanski

Crystal Kennedy

From: Shyla Wells <wellss54@gmail.com>
Sent: Thursday, February 06, 2014 3:31 PM
To: Rep. Lynn Gattis
Subject: HJR1

As a long-time Alaskans, my family and I support HJR1. Please vote yes to allow this resolution to come to a vote. All Alaskans need the opportunity to vote on this issue. I see all families and children benefitting from more education options. Thank you, Shyla Wells

Crystal Kennedy

From: Ann Gifford <agifford@faulknerbanfield.com>
Sent: Thursday, February 06, 2014 10:44 AM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond
Subject: opposition to HJR1/SJR9

Dear Members of the House Education Committee,

This is to express my opposition to HJR1/SJR 9. I testified at the Senate Finance hearing on SJR9 this past Monday evening. Here are my expanded thoughts. As I noted at the hearing, I am an attorney who has worked with public school districts for many years. I am also the parent of three children who graduated from public schools in Juneau. The comments below reflect my personal opinions as a citizen of our state. I am not writing to you on behalf of any client.

I oppose HJR1/SJR9 because it is not good for kids. Here are a few reasons why:

The amendments open the door to vouchers and other forms of direct public assistance to private schools. Public money should not be used to pay for private school. We have taken on the societal obligation to provide a free public K-12 education for all children in the state because as a society we all benefit from an educated, productive populace and we all pay the price in things like higher crime rates and expensive incarceration when kids grow up without a good education. We expect even residents who have no children to pay taxes to support public schools. No parent or child has a right to a "share" of the state's education money. They are entitled to access the public educational program that we collectively provide. If they want something different, that is their choice, but it should also be their responsibility to pay for it.

One big concern is that vouchers don't generally help the kids who need help the most. The students who use vouchers to attend a private school are those whose parents are able to navigate the admissions process, transport their kids to the schools and provide all the other types of support that are needed to help kids succeed in a private school. Many students who live in poverty don't have parents or other family who can do all those things. This is a particularly big problem in Alaska, where many of our neediest students live in remote bush communities where there aren't any private schools to begin with.

Another concern is that vouchers haven't been shown to produce significant benefits even for the students who are able to use them. Most studies on the voucher programs that have been tried in other states show little or no improvement in educational outcomes. Meanwhile, there have been numerous scandals associated with misuse of public funds by private schools who aren't held to the same standards as the public schools. When we spend public money for education, we're entitled to expect safe schools that don't discriminate, that provide due

process before excluding students, that use certified teachers and that teach a curriculum that meets state standards. How would we assure that private schools meet these standards?

I am also puzzled by those who say that “competition will lead to better public schools.” That idea imports business concepts into the public arena where they don’t fit very well. Competition can lead to better results for consumers of something like auto insurance because the businesses that are competing are driven by a profit motive. What is the motivation that would spur a school to improve in the presence of private competition that isn’t there otherwise? School teachers and principals don’t get paid any more when more children attend their schools. If personal pride is supposed to be the motivating factor, why do people think it would only be triggered by beating out private competition, or that the State needs to fund that private competition to make that happen? School officials obviously take a lot of pride in their successful programs now. Supt. Paramo of Mat-Su clearly is very proud of the successful choice programs Mat-Su offers its students. If pride is the key, recognizing successful programs seems more likely to get results than bashing the less-successful programs and spending public dollars to increase the amount of private competition on what is already an uneven playing field.

Finally, I disagree with those who say that the proposed amendments to our constitution are necessary to assure that school districts can continue to purchase goods or services from private educational vendors like Sylvan Learning Systems. Our constitution prohibits only direct support to private educational institutions. Even though the Alaska Supreme Court has interpreted our constitution to prohibit some types of support to private institutions that other courts have found to be “indirect”, I see nothing in our court’s decisions that suggests it would invalidate the purchase of secular services or materials for public school students simply because the vendor of them is a private educational organization.

Thank you very much for taking the time to read this. I hope that you and our other legislators will turn your attention and effort to ideas for strengthening our public schools, for the benefit of all our children and the future of our state. Sincerely, Ann Gifford

Ann Gifford ▪ Faulkner Banfield, P.C. ▪ 8420 Airport Blvd., Suite 101 ▪ Juneau, AK 99801

(907) 523-6133

Dear Representative Gaddis,

I am writing to ask you to oppose HJR1. I believe that we have an excellent constitution and do not support changing it at this time. I served four terms on the Fairbanks North Star Borough School Board and supported the development of 4 public charter schools and one magnet school. I recognize the importance of private schools to many families, but do not believe that public funds should be used for private schools, which set their own curricula, standards, and salaries for teachers, with no public process or review.

I support public school choice, despite the fact that often only children whose parents are able to provide transportation are able to attend those schools. The same is true for most private schools. The Alaska Constitution states that "all government.....is instituted solely for the good of the people as a whole", and Article 7 clearly defines appropriate use of public funds for public education. I do not support a change that would potentially siphon funds needed for public education to educational "businesses" or religious institutions. I also do not support a public vote on the complicated issue of school funding. Please let me know if you have any questions. Thank you.

Jennifer Schmidt

PO Box 10624

Fairbanks, Alaska, 99710

907-322-0387

From: Alison Arians

Sometimes when I've listened to the debate over this constitutional amendment over the past few days, I've wondered whether it's really worth arguing about.

"So what?" I think. If people want to risk sending their kids to unaccredited schools that might spring up to take advantage of their state-sourced funds, well, that's not my problem. Lots of people have had bad experiences in the Lower 48, with unscrupulous school owners taking off with their money, or just not educating their children properly.

But MY child will be safe in our public school system, with the many choices available in charter schools and alternative schools. Why should I bother weighing in?

The reason is that I have listened to what teachers have to say about this bill. I am not a teacher. I am not now, nor never have been a member of the National Education Association. But I have great respect for the teachers in our schools, who are doing a wonderful job educating our children.

Some legislators seem to think that teachers' and former teachers' testimony on this bill is worthless. Perhaps they think that teachers are just worried about losing their jobs, or losing money. But teachers

are the very people we SHOULD be asking about this bill. How will it affect our children? How will it affect ? The teachers in the classrooms know.

Let me remind you that for the last 30 years, teachers' salaries have remained somewhat the same. Yes, their health care costs have risen (though their current negotiated health care plan is quite modest), just as everyone else's has. But they are NOT in this job for the big bucks.

Instead, let's acknowledge their expertise, and be respectful of what teachers say. If we were instituting a change in oil policy, of course we would ask the oil companies their opinions.

When I listen to what the teachers are saying, I hear a resounding NO on this bill. Will have a negative impact on the kids with plenty of parental involvement and economic resources? That's not clear. What IS clear is the negative impact on the kids without it. Lots of kids don't have the option of having mom or dad driving them around town to a school other than their neighborhood school. And if resources are bled from those very neighborhood schools educating our poorest students, they are shortchanged even more.

Please be responsive to what our teachers have to say.

Thank you.

Dear Representatives Gattis and Drummond:

I am a working mother, married to a public school teacher, super voter, educated in the Anchorage School District, and a concerned citizen. I make my home in Spenard (Anchorage) and have one son attending kindergarten at Aquarian Charter School (my daughter is 2 and attends pre-school at Puffin Heights Montessori School.)

While I have a child attending a charter school program, I would like to express my support for funding ALL public schools in our State. I am concerned by proposals being put forward that would possibly reallocate funding to charter schools and away from neighborhood schools. I think all schools need a bigger "piece of the pie" and not just charter schools (I also think we need a bigger pie). I am very happy with Aquarian Charter School, but feel that we should look for solutions that benefit the entirety of our educational system. Much of the data shows, that specialty schools draw a population of families that are more affluent, have the luxury to be more engaged in their children's educational experience, and whose children will have better educational outcomes because of this. I worry that charter schools and other specialty schools become reservoirs of privilege. In fact, if we really support school choice we

would offer transportation to students to go to whichever school they want within their school district. I see this as a major barrier to some families who would perhaps like their children to attend a charter school or specialty school (but this is another issue for another time.)

An issue you could tackle with HR 278 is to, at a minimum, raise the BSA to keep up with inflation. If you are interested in being truly visionary and investing in our future leaders, workforce, Alaskans - I would suggest you raise the BSA beyond inflation proofing and really make an investment in Alaska's kids.

I strongly believe that every child in Alaska deserves the opportunity to attend a great, well-funded public school. You can make certain this is a reality by inflation-proofing the BSA!

Thank you in advance for your hard work on this issue. I appreciate your consideration of my views. I would like this e-mail recorded as testimony on HR278.

Kind Regards,
Tanya Iden
2303 McRae Rd. Unit #1
Anchorage, AK 99517
907-382-8555

Feb. 7, 2014

Dear Representative Gattis:

I am submitting this written testimony to the House Education Committee in opposition to HJR 1. The Alaskans who wrote our state Constitution and the Alaskans who voted for it got it right: public funds should be devoted to public schools. Changing the Alaska Constitution now to allow public money to be spent on private and religious schools is a radical idea being pushed by Outside interests. If this Legislature makes the mistake of passing these resolutions, Outside money will pour into the state to persuade Alaskans to vote against their proud heritage of public education. The campaign will be huge and divisive and we will all regret it. Why would we put our state through this when there is as yet no plan for how a voucher program would be developed or implemented? It makes no sense, and this Committee should reject this path and reject HJR 1.

Proponents of this resolution who tout the need for "school choice" are misleading Alaskans. We already have school choice within our high quality public schools. Alaska has one of the best public charter school statutes in the nation, and at least in the major towns there are right now rich and diverse school choices available to families within the public schools. I have an 8-year-old son in one of the Anchorage School District's public charter schools. He loves going to school every day, and my family is happy with his school.

HJR 1 would actually take us down a path in which the school choices we have now are diminished. If a voucher system were established, public money would be siphoned away from the public school districts to private and religious schools. With less money, it seems unlikely the school districts would be able to maintain the variety of schools that are available now, and so our public school choices would likely be reduced.

Private charter schools are not accountable to the public in the same way that public charter schools are, and there is something fundamentally wrong about giving away public money to schools that do not have to answer to the public through the public schools districts. Conversely, if a voucher system were established that imposed some controls on private schools receiving public money, then this would require another bureaucracy in addition to the existing public school system, requiring more money that would be siphoned out of the public schools.

The public schools are already hurting for funds. The solution to this is not to bleed away more money by opening the door for public money to flow to private schools. The solution, instead, is to preserve the existing diversity of school choice within the public schools by raising the base student allocation by a meaningful amount and inflation-proofing it so that school budgets are not constantly falling behind inflation.

Please say no to HJR 1.

Thank you for considering my views,

Rebecca Bernard

1210 N St.
Anchorage, AK 99501
907-244-3988

From: Katherine Hicks [<mailto:akhix49@gmail.com>]
Sent: Friday, February 07, 2014 10:02 AM
To: Rep. Lynn Gattis
Subject: HJR 1

Thank you for supporting HJR 1 and giving parents a choice in their children's future.

Katherine Hicks

Dear Representative,

Hello, I am a parent of a public school student. I follow issues that are near and dear to my family as well as to other families I know. This bill is one of those issues that I think is worth a discussion. It used to be part of American culture to be involved in "political" issues. I am grateful and excited to know it is still a part of Alaska's tradition to be involved in discussions with such importance as this! Don't just keep this discussion to the "political" leaders, let all Alaskans have a discussion and decide on the issues. All of Alaska's children are going to be affected by this, so every Alaskan should have the opportunity to vote on it.

Sincerely,

Stephanie Moore

Dear Representative Gaddis,

I do think there is a fiscal impact of this resolution in that it will decrease funding from current as well as optional types of schools which currently exist in the public schools. I have 2 grandchildren in kindergarten in Anchorage but live in Fairbanks. Both areas have received many new residents as a result of high energy costs especially in the bush. There are huge impacts, financial and cultural, for both urban and rural areas. In addition, please consider the following :

Please do not put SJR9 on the ballot for the following reasons:

1. The voters have already rejected holding another constitutional convention.
2. The constitution already upholds the separation of church and state and to privatize delivery of the educational mission will disrupt a currently existing public school system that focuses on the unique nature of the Alaskan culture in each region of far-flung Alaska. Students will be relegated to commercial curriculums which ignore the culture in which students most readily learn. Distance delivery does not allow for face to face interaction. Cognitive and affective objectives are hard to reach with such a system.
3. There are very complicated consequences to rural schools K-12 as well as 9-12 that would endanger the lower grade levels. By law the schools have to close without minimum numbers.
4. Residential schools would end up being set up in urban locations so that students would be able to attend colleges and other accredited post secondary facilities instead of being located along a more regional location which would provide easier access to student's families. Many families would move to accompany their students leading to the disappearance of villages.
5. Access to vouchers would decrease the amount of money for teaching materials, maintenance for current schools both urban and rural.
6. Transportation costs will add to the total cost of the program and from previous experience with the statewide boarding home program many will not be able to return to their families in their

villages during the winter and spring breaks. Many students were unhappy with this aspect of their experience.

7. Private corporations and companies are already allowed to facilitate partnerships with existing public schools and can deduct their contributions.
8. HB 278 and SB 139 need to consider the above to evaluate the impact of such a decision.

Thank you,

M. Carolyn Gray

399 Hillside Dr.

Fairbanks, AK 99712

From: Denita Higman [<mailto:DHigman@KPBSD.k12.ak.us>]

Sent: Friday, February 07, 2014 8:45 AM

To: Rep. Lynn Gattis

Subject: Public funding for privat schools

I stand in firm opposition to the use of public funds to support private schools. Our public education system needs you undivided support. Thank you. Denita Higman

-----Original Message-----

From: Robert Jim [<mailto:ranmaxon@gci.net>]

Sent: Friday, February 07, 2014 7:31 AM

To: Rep. Lynn Gattis

Subject: HJR-1

Please vote Yes on this, thank you

From: Barbara J Struble [<mailto:barbist@gci.net>]

Sent: Thursday, February 06, 2014 7:57 AM

To: Barbara J Struble

Subject: House Bill JHR1

Please support House Bill JHR1

If passed, this bill would allow the citizens of Alaska the opportunity to amend the constitution so that the

legislature can consider allowing educational funds for "Parental Choice" in education instead of the monopoly of public education.

Also, get education out of the "public" arena and privatize education in Alaska. Two great benefits to privatizing education:

1. This would stop federal the encroachment of common core into our educational system and
2. No more taxpayer support for obamatax. Teachers' unions could pay for their benefits.

Educational excellence through diversity and free enterprise and financial responsibility is the goal.

Thank you,

Peace,

Barbara J Struble

From: Elly Ray [<mailto:elly@goseward.com>]

Sent: Thursday, February 06, 2014 6:50 AM

To: Rep. Lynn Gattis; Rep. Lora Reinbold

Cc: Rep. Paul Seaton

Subject: tired of the attacks

Greetings,

I am a 2nd grade teacher at Seward Elementary. I joined the profession when I was nearly 50 years old after raising 7 children of my own. I love public school education, and I love my job. I cannot understand the attacks on this profession. Two items really upset me, and I hope you will vote no.

One is the is HJR1. I've no doubt you've seen these same points, but they are my thoughts as well. They are the reasons you should vote no.

- Public funds will be diverted from public schools to private/religious schools
- This will drain money from public schools
- These private/religious schools are not subject to state mandates including teacher certification requirements, special ed requirements
- Private/religious schools get to select who will attend and who they will not serve

The other is the tenure bill. Moving tenure further away from teachers is not necessary. It seems everyone is so focused on fixing the wrong end of broken. What's broken is the families and their children – not the teachers.

Respectfully submitted,

Leigh Ellen Ray

2nd Grade Teacher

I am not in favor of state education funds going to private schools, nor an amendment to the state constitution to allow such.

I am also not in favor of the state spending billions to subsidize building of the gas pipeline. We shouldn't own an equity stake. If there is truly money to be made, the oil companies wouldn't want to share it with us. Taking our tax royalties in gas doesn't seem to be a good idea, either. I doubt there is the market for LNG that is being bantered about. This is another boondoggle that will benefit private enterprise at the expense of the taxpayers.

Jim White

1509 Toyon Way

Kenai, AK 99611

Seward, Alaska

Dear Legislator,

I am writing to testify against SRJ9 Amending the Constitution

I attended a seminar on innovation in schools in Denver. They had a private school presenting on their innovation in education. They made a statement that all of these students graduated from high school and most went on to college. During the question portion of their presentation I asked how they picked the students that attended the school. The answer surprised me, they only accepted students that were already high achievers and they had high standards. They stated that rejected students remained in public school.

A Voucher system could drain public school funding from all ready underfunded districts. We know that districts having students leave or move away are struggling to provide a quality education for the students remaining. I think that we would see that many more districts would suffer this fate as well. Private schools would not be held to the same standards as public ones, or required to take all students and that they would discriminate against students with special needs.

There is only so much money to go around in education funds. The funds need to remain where they can effectively serve the majority of students.

What we do with SRJ9 will dramatically change the balance in education of Alaska students, not for the better but regardless SRJ9 Amending the Constitution could have long term negative devastating for generation to come, with no hope to reverse SRJ9, I hope that SRJ9 goes no further than being currently reviewed.

I am testifying for myself and not for any association that I may belong to.

Respectively submitted

Charlene Arneson, Whittier

POB 778 Whittier, Alaska 99693

907-472-2441

HJR 1 is a resolution to change the State Constitution to end the separation of church and state and give money to religious school. I believe this violates the U.S. Constitution. If you are going to give the religious schools state money then start to tax their income.

Gary Miller

20135 Cohen Dr

Juneau, AK 99801-8211

(907) 789-3757

gmliller_juneauak@hotmail.com

TITLE: Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

I agree wholeheartedly with a gentleman from Fairbanks who offered that the issue before the committee is whether this resolution should be presented to the public for their vote and I would assume the educational considerations of that addition to the ballot, Considering that the option of choice has not proven to be a detriment to public school; but has shown to benefit public schools statistically, now is the time to change the wording of the Alaska State Constitution and expand the options The issue of whether choice is a good idea and what the benefits are, if any, is a discussion for another day after the public has had a chance to express their opinion in that vote.

I know some historical details on how this phraseology about funds to alternative education came to be in the State Constitution; and it is time to change that wording. These days the interests of the public are becoming more and more critical to good government. There are no certainties of how the voters will decide when presented with the option of having a choice in education for their children. After the legislature has passed this resolution and committed to bringing it to the public will be the time for a serious and loud debate driven by the media and the NEA; and hopefully voters interested in choice for parents.

Please PASS this resolution and offer this discussion to the parents of children to be in those classrooms. Thank you for your time to vote for PASSING this resolution on for addition to the Fall 2014 ballot.

Thanks, Christine
Christine Hutchison

281 Juliussen Street

Kenai, AK 99611

907 252-7442

From: Maria Rensel [<mailto:shapeitup2013@gmail.com>]
Sent: Monday, February 10, 2014 2:05 PM
To: Rep. Pete Higgins
Subject: Strong Support For HJR 1

"...the first step the legislature could take to give up control. Give parents and the people of Alaska the chance to make decisions about what's best for our children, our Constitution and our State."

HJR 1 would put repealing the Blaine Amendment from the Alaska Constitution on the ballot in November.

The reason to repeal it is that the 1979 Sheldon Jackson decision interprets our State Constitution's Blaine language to mean that no public money, direct or indirect, could be paid to private institutions. When initiatives promoting school choice have come up some law makers have hidden behind the Blaine Amendment. At present there are numerous examples of funding being paid to private vendors, but only when school districts or the state get to choose.

In Fairbanks public money is used to bus kids to Monroe Catholic. From what I understand, the Mat-su school district has many examples of indirectly funding private vendors. The Governor's scholarship can be used for tuition at private colleges and universities.

Because the teachers union has a monopoly on education, costs are high and innovation and competition are not present in the education marketplace. For me it boils down to free market economics. I believe in individual liberty, voluntary exchange and free enterprise. Our state government is supporting a system of collectivism, central planning and cronyism which does not ultimately benefit students or the future economic outlook of Alaska. By 2024 ninety-nine percent of available revenue will be spent in just three areas, K-12 Education, Medicaid and retirement assistance.

Repeal of the Blaine Amendment would simply add one more option to education choice in Alaska, a choice that would foster innovation and competition which would in turn bring the costs of education down. It would break up the monopolistic teacher's union and allow funds to flow to private, free market schools.

Central Planning, like we have now, gives us programs like No Child Left Behind and entraps us (through promises of waiving NCLB) into programs like The Common Core. The SBAC sets up a wealth redistributing regional taxing authority. One state could be held liable for the budgetary shortfall of another state within the consortium.

Many teachers and professional public educators testified over the last few days that School Choice would draw dollars away from public schools. They testified against vouchers and said that parental involvement was a key indicator of the success of a child. But because parents are not professional teachers they were not going to be able to provide their children with an adequate education.

Some even went as far as to say that School Choice has been tried and that it doesn't work. We know from the experiences of many other states that this is simply not true. See: <http://akchoice.org/> and www.edchoice.org <<http://www.edchoice.org>>

Many independent home school parents believe that the Blaine amendment protects them from government intrusion. I don't think this is true and my belief is supported by the closing comments of Sen. Mike Dunleavy in last week's Senate Finance Committee hearing for public testimony. Listen to the committee meeting here <<http://www.360north.org/gavel-archives/>> .

Alaska has the most strict interpretation of the Blaine Amendment largely due to activist judges on its Supreme Court. HJR 1 doesn't ask the legislature to repeal the Blaine Amendment, it simply asks the legislature to allow the people to vote whether or not we want to amend the Constitution.

In my testimony last week I said that voting for SJR 9 was the first step the legislature could take to give up control. Give the parents and the people of Alaska the chance to make decisions about what's best for our children, our Constitution and our State.

I hope you'll help me support the two resolutions SJR 9 and HJR 1 and vote to repeal the Blaine Amendment.

Maria Rensel

1676 Taroka Drive

Fairbanks, Alaska 99709

From: Donna Matthews [<mailto:dwmattthews@gci.net>]

Sent: Friday, February 07, 2014 8:01 AM

To: Rep. Lynn Gattis

Subject: HJR 1

Dear Representative Gattis,

You are the steward of our constitution. You vowed to "support and defend the Constitution of the State of Alaska." The authors wrote a constitution that would not invite or require the frequent tampering that has made monsters of many state constitutions. You should not recommend changing it without dire need or grave injustice needing remedy. Constitutional matters are of a fundamental importance.

Does the issue of funding private schools meet either of those standards?

Is the need dire?

Public schools are doing amazing work in Alaska. Schools of choice exist wherever the population permits. Mat Su Superintendent Dr Deena Paramo testified to the Senate Finance Committee on Feb 3 about the extensive options available in her district. Other districts also give choices that that meet diverse student needs.

Is there a grave injustice that needs remedy through constitutional change?

Are public schools perfect? Do they have all the tools they need to educate our Alaska children? No! A major path to good education is appropriate funding. If this were not true, then why would supporters of SJR 9 want a funding route for private education?

And I ask you to consider what is popularly known as the "law of unintended consequences." If the constitution is amended as proposed:

- * Will all that follows this amendment be to the benefit of the education of the children of Alaska?
- * How will you know giving public money to a private school has improved an Alaska child's education?
- * Will you establish and fund standards the schools must meet with oversight of operations?
- * How will you guarantee that public funds do not also become support for private school construction and transportation?

* Will changing the constitution lead to abuses or scandals as other states have experienced when profit-making private education companies divert public funds to themselves or their stock-holders?

Is our State Constitution now inadequate for the task of supporting education?

Consider the minutes of its founders.

The minutes of the Alaska Constitutional Convention show that an unsuccessful motion was made to delete entirely the direct benefit prohibition of article VII, section 1. By rejecting this proposal the convention made it clear that it wished the constitution to support and protect a strong system of public schools. Other authorities have also suggested that a constitutional provision barring aid to all private schools serves to enforce the separation of church and state without requiring executive or judicial inquiry into the sectarian affiliation of particular schools, and furthermore disengages the state from the undesirable task of withholding benefits solely on the basis of religious affiliation.

Delegate John B Coghill, supporter of article VII, Section 1, specifically expressed the thought that the amount of tax dollars available for the support of public schools might be lessened if public funds were used to support private schools.

Please reject HJR 1. The need for this drastic change does not exist except in the hyperbole of its sponsors. The reasons to make this drastic change lack substance and assurances. Please support public education.

Donna Matthews
8916 Gloralee St.
Anchorage AK 99502

-----Original Message-----

From: Dave Atcheson [mailto:daveatcheson@hotmail.com]

Sent: Thursday, February 06, 2014 8:25 PM

To: Rep. Lynn Gattis; Rep. Gabrielle LeDoux; Rep. Lora Reinbold; Rep. Peggy Wilson; Rep. Paul Seaton

Subject: No public funds for private education

I am writing to ask you not to support public funds being used for private education, and certainly not to support a constitutional amendment allowing it.

Thank you,

Dave Atcheson
P.O. Box 145
Sterling, AK 99672
907-398-4216

-----Original Message-----

From: Michele Vasquez [mailto:michele.s.simmons@gmail.com]

Sent: Thursday, February 06, 2014 7:25 PM

To: Rep. Lynn Gattis

Cc: Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson;
Rep. Harriet Drummond

Subject: re: HJR 1

Dear Chairman Gattis, Vice Chairman Reinbold and other members of the House Education Committee:

I wish to express my strong opposition to SJR 9, which would allow our Constitution to be amended in order to utilize public funds for private/religious schools.

It is unbelievable that this notion is even being entertained at a time when school budgets all over our state are strapped, continuously slashed and can barely hold on because of extraneous impositions on state coffers. Every child in this state should have access to public education. There are far too many examples across this country where public funds have been diverted to "vouchers" for private education, and the results have been an abysmal failure. Private/religious schools do not have to meet the same requirements as public schools.

Public dollars should not support for-profit educational facilities.

It is fundamentally wrong.

When the Alaska Constitution was written, it was a promise to all Alaskans that our children would receive a public education utilizing public funds. It has worked extremely well so why change it now? We must re-focus our efforts and dollars on the public school system in Alaska. I urge you to oppose SJR 9 and encourage you to work hard to secure the best possible public education for our children in this great state.

Sincerely,
Michele Vasquez
PO Box 1150
Kenai, AK 99611

-----Original Message-----

From: Maria Rensel [<mailto:shapeitup2013@gmail.com>]

Sent: Monday, February 10, 2014 2:05 PM

To: Rep. Pete Higgins

Subject: Strong Support For HJR 1

"...the first step the legislature could take to give up control. Give parents and the people of Alaska the chance to make decisions about what's best for our children, our Constitution and our State."

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The reason to repeal it is that the 1979 Sheldon Jackson decision interprets our State Constitution's Blaine language to mean that no public money, direct or indirect, could be paid to private institutions. When initiatives promoting school choice have come up some law makers have hidden behind the Blaine Amendment. At present there are numerous examples of funding being paid to private vendors, but only when school districts or the state get to choose.

In Fairbanks public money is used to bus kids to Monroe Catholic. From what I understand, the Mat-su school district has many examples of indirectly funding private vendors. The Governor's scholarship can be used for tuition at private colleges and universities.

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ultimately benefit students or the future economic outlook of Alaska. By 2024 ninety-nine percent of available revenue will be spent in just three areas, K-12 Education, Medicaid and retirement assistance.

Repeal of the Blaine Amendment would simply add one more option to education choice in Alaska, a choice that would foster innovation and competition which would in turn bring the costs of education down. It would break up the monopolistic teacher's union and allow funds to flow to private, free market schools.

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Some even went as far as to say that School Choice has been tried and that it doesn't work. We know from the experiences of many other states that this is simply not true. See: <http://akchoice.org/> and www.edchoice.org <<http://www.edchoice.org>>

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I hope you'll help me support the two resolutions SJR 9 and HJR 1 and vote to repeal the Blaine Amendment.

Maria Rensel

1676 Taroka Drive

Fairbanks, Alaska 99709

Contemplations on Attempts to Amend Alaska's Constitution

Feb 6 by Marc Grober

Jack Balkin, in his text "Living Originalism", suggests that the US Constitution provides an opportunity for the public to daily redeem itself, to reconnect and re-establish our commitment to a way of life despite ever changing circumstances, to pursue a more perfect union. He goes on to say,

The Constitution is an intergenerational project of politics, and the generations of We the People are the participants in the project. The Constitution contains commitments that We the People have only partially lived up to, promises that have yet to be fulfilled, and it is the task of each generation to do its part, however great or small, to help fulfill them and to achieve a more perfect union in its own day. The participants in the project will argue among themselves about how to continue the project; they will make mistakes and commit injustices, but this by itself does not detract from the point of the enterprise. As the Talmud says, we are not required to complete the great Work, but neither are we free to refrain from it.”

If you read the proceedings of the Alaska Constitutional Convention ([click here to listen here to Senator Gardner reading from the archives](#)) you can still hear the same sentiments echoing off the chamber walls as our Founders strove to improve on what they found, so as to adopt a Constitution for their day:

“I believe we should take direct steps to maintain a free public education not encroached upon by any quarter. I think it might be well to bring out in the argument for the direct or indirect benefit of public funds for education is the matter that is now being faced in Europe and in particular in the Netherlands where they have what is called the form of educational pacification, where the government is splitting the tax dollar among some 500 different church groups providing for a parochial school benefit on an indirect basis, and in a community where there is maybe 500 school children there will be as high as seven or eight small schools scattered out throughout the community, not providing for the fullest benefit in the educational field as far as having a good complete centralized program. I think that sectarianism segregation in our educational system is bad for the children. I do not deny the right of people to have their own schools. However, I think that we should always look to the interest of the founders of our nation when they brought about the separation of church and state.” Jack Coghill Floor speech quoted in full with cite below.

Constitutions are, as Jefferson might suggest, sacred not so much for their text as for the compact they represent, our oath that as a society we will strive for the common good. That sense of responsibility is in fact the reason that there are among us those who signed our Constitution who have argued that no matter what else, the power to amend our Constitution should never be used in such a way as to rend asunder that which the Constitution has brought together (see quotes of Jack Coghill, Sr. and Vic Fischer, below.) Unfortunately, the Alaska Senate is engaged in just such a consideration this session.

Let there be no doubt that Joint Resolution 9 is not about rectifying historical faux pas, nor is it about rectifying an “old mistake”. But the underlying purpose, as distressing as that is, almost pales before the grief that this resolution is intended to bring to the people of this State. For this is in a very real sense a cynical ploy; an effort to do just what we should never do. This is an effort to drive a wedge through the heart of Alaska. This is designed to promote the most

vitriolic clash in Alaska's history, to rend our very soul in twain, and is being done, believe it or not, in the name of Alaskan youth. For shame.

There are Alaska Senators who believe that they should use the Constitution as a political weapon, a device with which to promote their political agenda, not because it is in the best interests of all, but because they think they can get one over on someone else and get their way. In a 1996 article for the *Atlantic Monthly* about Jefferson and about the true nature of America's "civil religion" (a far cry from the Protestant intolerance informing the positions of many in Juneau today), O'Brien states, "In an address at Michigan State University on May 5, 1995, President Bill Clinton warned right wing militias not to attempt to 'appropriate our sacred symbols for paranoid purposes.'" And that it is what we face today.

But the Alaska Legislature does not represent the interests of some Alaskans. It represents the interests of ALL Alaskans, and I have to ask the Legislature, in all sincerity, if they truly believe the horrific politicization of education that this resolution would unleash is going to benefit Alaska.

We do not live in a democracy. Indeed our founding fathers were terrified of democracy as well they should be, schooled as they were in Greek Philosophy. Instead they fashioned a republic specifically designed to prevent demagoguery. Specially fashioned to insure that popular passion would not result in momentary advantage. In other words, to protect us from what the Legislature is here asked to unleash.

We understand now that JR9 is about holding hostage the students of this State for the purpose of promoting a highly polarizing effort to divert public funds to private purposes, among those purposes, religious education. It is about opening Alaska media to millions of dollars of outside advertising intended to destroy public employee unions and public education. It is about the Texification of Alaskan education.

I call on all Alaska Senators to uphold that redemption offered by our Constitution, and acknowledge that the Alaska Constitution, that organ of unification, must not be used as a means of shattering the public trust or confidence in its public institutions.

Resources

Balkin, J.M. *Living Originalism*. Harvard University Press, 2011. 75
<http://books.google.com/books?id=khidNUWpY8UC&pg=PA75#v=onepage&q&f=false>

O'Brien, Conor Cruise. "Thomas Jefferson: Radical and Racist." *Atlantic Monthly*, 1996. Accessed March 27, 2013.
<http://www.theatlantic.com/past/docs/issues/96oct/obrien/obrien.htm>

‘But in his opinion, some of the more than 20 amendments have been political in nature, and unnecessary. “It’s not that the Constitution is a holy document. It’s that it has proven very effective.”
<http://www.litsite.org/index.cfm?section=Reading-and-Writing&page=Pass-The-Word&viewpost=2&ContentId=1597>

“My inclination is to leave it alone,” Coghill says. “It’s a real simple and well put together document.”
http://www.anchoragepress.com/news/constitutional-questions—in-you-can-vote-for-a/article_012327eb-76e8-5a72-9b5d-2ec4b55c146d.html

“COGHILL: Speaking in defense of my proposed amendment, I would first like to say I am very prone to the problem of putting any religious persecution into the Constitutional Convention or among the delegates. It would be the same thing as me trying to convince Mr. Ralph Rivers of the principles of the Republican party, and he in turn of the party he belongs to. I don’t believe that is the problem at all. I think that they certainly have a right, a private right or a religious right, or a parochial right under our constitution to have schools. However, I believe that the way our government was set up 175 years ago, that the founders felt that public education was necessary to bring about a form of educating the whole child for civic benefit through a division of point of the home taking a certain part of the child, the church taking a certain part of this education, and the government or state through public schools taking the other part. I adhere to that principle, and I might say that I am the president of the Association of Alaska School Boards and one of the formers of that twelve-point program we developed in Anchorage last October. I think that the problem could probably be well misconstrued here as to the motive and intent. However, I feel that the intent of public education is primarily a state function and does not belong to any private or any one particular group, whether they are in the minority or the majority. I believe we should take direct steps to maintain a free public education not encroached upon by any quarter. I think it might be well to bring out in the argument for the direct or indirect benefit of public funds for education is the matter that is now being faced in Europe and in particular in the Netherlands where they have what is called the form of educational pacification, where the government is splitting the tax dollar among some 500 different church groups providing for a parochial school benefit on an indirect basis, and in a community where there is maybe 500 school children there will be as high as seven or eight small schools scattered out throughout the community, not providing for the fullest benefit in the educational field as far as having a good complete centralized program. I think that sectarianism segregation in our educational system is bad for the children. I do not deny the right of people to have their own schools. However, I think that we should always look to the interest of the founders of our nation when they brought about the separation of church and state. The problem was brought, and it was brought about by Thomas Jefferson quite well when he said, “If a nation expects to be ignorant and free in the state of civilization, it expects something that never shall be”. Therefore out of his deliberations with John Madison they brought about a form of free public education starting in Virginia, and it has come forward ever since under the intent of having the tax dollar only brought to the public educational system. I know there have been many law cases on it, Supreme Court rulings and what not, and I think that the matter still is divided as far as the general public is concerned, as between the sects of religion and not on the principle of preserving the free public education as

an instrument of the state.” From the Minutes of the 48th Day of the Alaska Constitutional Convention Accessed at <http://www.law.alaska.gov/doclibrary/conconv/48.html>

My name is Jason Hofacker. I am a parent of 4 children and I live in Senator Fairclough's district. I support SJR9 going on the ballot so that Alaskans can have the opportunity to vote and decide what is best for our children and their education. I know you have seen the polls that show many Alaskans support this so let's put it in the hands of the voters to discuss and decide.

Thanks

Jason Hofacker

Rep. Lynn Gattis, Please oppose HJR-1 and support Alaska Public Schools.

Thank

you, Shirley Marshall, Tok, Alaska

My name is Chris Spears and I'm a public school parent and concerned Alaskan who cares about our kids. I support SJR9 going on the ballot so that Alaskans can vote on it. It is an American tradition to have choices and discussion. How could you not support school choice?

I would like to encourage you to support HJR1 for school choice. As a parent with 3 kids, issues about kids is more important to me than whether or not marijuana should be legalized. If you can place marijuana or oil issues on the ballot, then surely you can choose for education issues on the ballot. as an Alaskan, we need to have choices for our kids and the education that they have. You are in Juneau because people in Alaska voted you in. Represent the thousands of parents instead of the small population that really want marijuana on the ballot because they can get stoned and it won't be illegal anymore. We are raising the next generation. We are leaving a legacy for our children. Do we really want to be remembered as giving them a gateway drug because our President sees no problem with it? Or do we want to leave a legacy that is going to have generational effects on our children and their children....

You decide, but please Vote in support of HJR1

Thank you,

Dave and Hester Sanders

My Name is Lorie Stoorza and I'm a public school parent and I care about our kids. I live in Representative Gabrielle LeDoux District.

Please send this bill out of committee now. Since this will affect all of the children in Alaska, all Alaskan's should have the opportunity to vote on this, instead of just a few people making this decision for our children.

Again I am asking that you sent HJR1 out of committee as it is a great opportunity to further the discussion about what's best for the children of Alaska.

Thank You

Lorie Stoorza

907-717-9036

I'm an Alaskan who cares about my child's education and I support SJR 9 and HJR 1. It is critically important that our children have the best education possible, and these bills would help do that. Alaskans deserve a chance to vote on these issues.

Please vote to move this bill forward.

Joseph Kurber

Chief Executive Officer

Chena Hills LLC

(907) 978-9486

Thank you for the work that you are accomplishing through the legislative process. I live in Lance Pruitt's district. I would like to express my support for HJR 1 - the School Choice Bill. As a parent of four children who will be in school next year, I would like the opportunity to vote on this issue. Please vote yes and give the parents in Alaska the opportunity to express their opinions. Thank you for your consideration,

Sheri Pankion

From: John and Kathleen Tappel [<mailto:iktappel@gmail.com>]

Sent: Thursday, February 06, 2014 12:52 PM

To: Rep. Lynn Gattis

Subject: HJR 1

As a retired educator of children for 19 years and a concerned parent and grandparent I urge you to support HJR 1, to allow for more choices, more freedoms to Alaska's parents and guardians of children. I support school choice going on the ballot so that Alaskans can have a healthy vigorous discussion about what's best for our kids this year and vote on it in November.

Competition naturally makes for better products and services. The same has proven true in education.

I urge you to support HJR 1! The Polls show that Alaskans do support it and want the chance to vote on it in November.

Thank you,

Kathleen R Tappel

Anchorage

District 25

From: Jen Foggie [mailto:JenF@mooreheating.com]

Sent: Thursday, February 06, 2014 12:37 PM

To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond

Subject: HJR1 School choice

Hello, my name is Jen Foggie and I'm a concerned Alaskan who cares about our kids.

I'm in favor of HJR1 getting out of the House Education Committee, so that Alaskans can have a healthy vigorous discussion this year and vote on it in November. It's part of our American and Alaskan tradition to have choices and to have a discussion. All of Alaska's children are affected by this, so all Alaskans should have the opportunity to vote on it. Alaska is obligated by its constitution to provide every student with a public education. It must be prepared to educate all students—including those who are now in private schools. So which kids are we NOT going to educate? Where are the polls to show that Alaskans do not support school choice? I know of three polls in the last three years, all of which show that Alaskans do support it, and want an opportunity to vote on it. Send this bill out of committee now, so *we* can get a chance to vote on it. I encourage you to vote yes on HJR1 as soon as possible. It is a wonderful opportunity to further the discussion about what's best for our kids. Why would someone not be for more choices and possibilities? How could more choices and possibilities not help our children? The main issue is to allow this to go forward so the people can have a vote. Thank you in advance for your time.

Sincerely, Jen Foggie

From: Patrick LeMay [mailto:patrick.lemay@lemayengineering.com]

Sent: Thursday, February 06, 2014 12:25 PM

To: patrick.lemay@lemayengineering.com

Subject: HJR1

Representative:

Good afternoon. I'm Patrick LeMay and am a parent of a high schooler from the East Anchorage Area. I'm in support of HJR1 going on the ballot so that Alaskans can choose and vote. My wife and I are owners of LeMay Engineering & Consulting, Inc. and

are both UAA School of Engineering graduates. We have employed five UAA/UAF Engineering Graduates over the last eight years in business. In three short years, our son will be attending UAA School of Engineering.

We believe that school competition is what is best for our Alaska kids. Along with other school parents, we are very active in our son's school by volunteering our time in sports and music activities. We have skin in the game both as parents and employers. Also, I am a US Marine Combat Veteran and fought to protect Americans' rights. One of the rights that I fought for is for Americans to vote on issues rather than have special interest groups (NEA and NAACP) cram their viewpoints through as policy. My Wife and I would like to have a say at the voting booth in November as to how our future employees are educated. All parents should have a vote in what type of education their children receive. Please let Alaskans vote on this issue.

Patrick M. LeMay, PE

President/CEO

LeMay Engineering & Consulting, Inc.

(907) 250-9038

Representative Gattis,

Although I'm not yet a parent, I would like to let you know how incredibly important it is to me that I choose where my child will attend school in the future. Wouldn't you say that the future of our nation lies in the hands of our children? I am in favor of School Choice for Parents, and I would venture to say that many of Alaska's parent's would agree. Thank you for your time, and have a wonderful day.

Warmly,

Amanda N. Runkle

From: Janna Leight [<mailto:jleight77@gmail.com>]

Sent: Thursday, February 06, 2014 11:35 AM

To: Rep. Lynn Gattis

Cc: Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond

Subject: The School Choice Bill (HJR 1)

My name is Janna Leight, and I am a music teacher in the city of Anchorage. I live in Senator Pruitt's district.

As an American, I enjoy and exercise my right to vote whenever an election is held. I believe that it is every American's right, as well as a tremendous responsibility, to express themselves with a ballot box. I believe that it is my job as a contributing citizen to learn about issues and express my opinion by my vote.

Hearing, considering, and following through with what the people want is the primary responsibility of those in public office. Your job as our representatives is to allow us citizens the opportunity to vote on important public issues. Issues that affect all Alaskans.

That is why I am in favor of HJR1. Getting this on to the ballot for the November election provides Alaskans with the opportunity to discuss and make their voices heard. If we are in favor of educating all Alaskan students, both in public and private schools, we then owe it to our students and parents by allowing them the chance to speak up by voting in November.

Not providing Alaskans a chance to vote on such an important issue is to deny your responsibility to the people. I am one of many Alaskans who believe that HJR1 will be a tremendous benefit to both parents and students, regardless of whether that student is in public or private education. Several polls have indicated that Alaskans want this chance to vote on the issue of school choice.

Please allow the School Choice Bill (HJR1) to go to ballot for this November's election. Thank you for your time.

Representative Gattis,

I am asking you to vote yes on HJR 1 to allow the bill to go forward. I believe a healthy, statewide discussion of this vitally important topic is critical. Let the bill go forward so the arguments can be presented and the people can decide. The way the current system is set up is literally a form of economic discrimination against the lower class who can't afford the option of paying tuition for the education of their children the way essentially ALL of our elected officials in Washington do.

Let the people decide.

Tom Cobaugh

Anchorage

Hello,

My name is Stephanie Gaiser and I am a mother of two school age children in the Anchorage School District. I believe that allowing bill HJR 1 to be passed so that it will allow voters to voice their opinion on the November ballot is extremely important for Alaska's future. Competition has proven to benefit

consumers, just imagine the possibilities that Alaska's children will have if schools are competing to be the best. Our children are Alaska's future, please allow Alaskans to vote on HJR 1.

Thank you for your time,

Stephanie

Please give the citizens of AK the opportunity to vote on HJR 1. We will most likely be voting on the marijuana issue, shouldn't we give our children's education choice the same opportunity?
Thanks for your consideration. Mark Runkle

Please give the citizens of AK the opportunity to vote on HJR 1. We will most likely be voting on the marijuana issue, shouldn't we give our children's education choice the same opportunity? Thanks for your consideration.

I want encourage you to support HJR1 to go to the ballot. Parents need a greater say in the education of their children. Please allow the people the opportunity to voice their opinion on this issue, not through polls but through the voting booth.

Thank you
Tony Smith
Anchorage

My name is William Leight and I'm a concerned Alaskan, (of 45 years) and a grandparent. I have raised three children in Anchorage. I now have three grandchildren, here in Anchorage, going through the school system and I'm an Alaskan who cares about all our kids.

It's part of our American and Alaskan tradition to have choices. Don't keep this discussion to yourselves. All of Alaska's children are affected by this, so all Alaskans should have the opportunity to vote on it. We vote on everything imaginable, here in Alaska.....including pot. We certainly should have the opportunity to vote for the choices of our children and grandchildren. I support HJR1 going on the ballot.

Thank you for your time and devotion to all Alaskans.

William Leight

2400 Scarborough Dr

Anchorage, Alaska 99504

I am a 43 year Alaskan resident and a retired Anchorage School District teacher. I fully support HJR1 and I believe all Alaskans should have the opportunity to vote on this issue. As our representatives, no matter where you stand on this issue, you should allow the people of Alaska to decide for themselves if this is something they want for their state. I appreciate your careful consideration of this issue and I look forward to voting on this issue in the near future.

Dawn Giroux

representative gattis, please move this bill out of committee and give the voters of Alaska a chance to discuss and vote. Choice here in Alaska can only help our most important asset..

our children. Please do your job and put this out for a vote.

thank you joyce zerkel

My name is Ben Smith and I am a concerned Alaskan parent who cares about our kids. I support HJR1 going on the ballot so that Alaskans can have a healthy vigorous discussion this year and vote on it in November. HJR1 is a wonderful opportunity to further the discussion about what's best for our kids.

It's part of our American and Alaskan tradition to have choices and to have a discussion. Don't keep this discussion to yourselves. All of Alaska's children are affected by this, so all Alaskans should have the opportunity to vote on it. Why would someone not be for more choices and possibilities? How could more choices and possibilities not help our children? Don't be afraid of the possibilities. That's why we sent you to Juneau—to make sure that Alaskans like me are represented.

There is almost no fiscal impact attached to this resolution. With the many challenging fiscal issues facing Alaska, just pass this and get back to the real business of the House Education Committee. 2014 is the "Education Session." Passage of this gives legislators many more options in trying to ensure that Alaskan kids get the best education possible. Competition naturally makes for better products and services. The same has proven true in education. Don't be afraid of competition—it's working in other states.

As a constituent, I am looking forward to having this discussion. You have likely seen the polls so keep in mind that I am one of *many, many Alaskan* families who support this resolution. I know of three polls in the last three years, all of which show that Alaskans do support it, and want an opportunity to vote on it.

We voted to send *you* down there. Send this bill out of committee now, so *we* can get a chance to vote on it. Don't stand in the way or we will remember that you did. If HJR1 dies in your committee or your body, you are on the hook for prohibiting Alaskans from having an important discussion that we want to have. While we see things like oil taxes and marijuana go on the ballot, how could you tell us that we don't have the right to have a discussion about the future of our children?

Anyone who doesn't support this will be shown to be on the wrong side of history because all indications are that this is what Alaskans want. Which side of history will you be on?

Thank you for your time and representing us. I trust you will represent us well.

Ben Smith

-----Original Message-----

From: Mike Coons [<mailto:mcoons@mtaonline.net>]

Sent: Thursday, February 06, 2014 8:33 AM

To: Rep. Charisse Millett; Rep. Doug Isaacson; Rep. Jonathan Kreiss-Tomkins; Rep. Lynn Gattis; Nancy Manly; Rep. Bob Lynn; Rep. Shelley Hughes; Rep. Wes Keller

Subject: HJR Testimony

Nancy, this is updated from the first testimony one I sent to you.

My name is Mike Coons from Lazy Mountain, Palmer area. I am speaking for myself and Citizen Initiatives.

Convention of States and Compact for America, along with Citizen Initiatives are all strong patriot organizations who have a valid concern about a run-a-away Congress and Judiciary. Thus we are all working toward the use of Article V of the US Constitution in a save and consistent manner to propose amendment(s) which will strengthen our Constitution, nation and to stop the over-reach, mandates and Executive Orders that are rapidly approaching that of a dictator.

That said, I would be remiss in not pointing out our major difference with COS that appears in this resolution, that of subject, vs specific amendment. Article V is specific in "2/3rds of the several states, shall call a convention for proposing amendments. What is before you are "impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials. In conversations with Don Brand, the intent of the resolution is to be able to propose multiple amendments off of each subject.

Citizen Initiatives major concern is that Congress will disallow this resolution because it is too general in nature.

I have sent to Representative Wilson and Keller documentation and e-mails on this matter along with a white paper outlining the pro's and con's of COS' methodology. Sadly, I do not see that in the resolution packet but hope that all committee members will have a chance to review that.

In closing, Citizen Initiatives and myself are for using Article V in a safe and clear manner and that will get a convention through Article V so that We the People can get our nation back and away from the precipitate of a dictatorship. We have specific calls for specific amendment that we tried to put forward this year, sadly not enough time. We will be putting forward our State Sovereignty and States Rights Amendment and Countermand Amendment for the 2015 session.

Mike Coons
Lazy Mountain
745-6779

From: Jennifer LeMay [<mailto:ilemay@lemayengineering.com>]
Sent: Thursday, February 06, 2014 10:16 AM
To: Jennifer LeMay
Subject: Please pass HJR1 out of committee

Representative:

Please support HJR1. This bill will allow the voters (not special interest groups) to decide on what school is best for educating their children. As a concerned parent and Alaska super-voter, I am in full support of HJR1.

I listened to three plus hours of public testimony last week regarding SJR9 and was so disappointed that a large, powerful special interest group (NEA) hijacked the testimony. NEA members were not speaking for themselves but were instead speaking union doctrine. The testimony was not representative of a random sampling of Alaska voters (i.e., recent polls show that a majority of Alaskans are in support of a public vote) and illustrates why a vote of the people is needed. I urge you to stand with the Senators of this great state and pass HJR1 out of committee. The people of Alaska need to vote on this important issue.

Thank you for your support.

Sincerely,

Jennifer LeMay, PE, PMP

From: Stephanie Duchatellier [<mailto:sduchatellier06@gmail.com>]
Sent: Thursday, February 06, 2014 1:27 PM
To: Rep. Lynn Gattis
Subject: SJR9...Supporting a Public Discussion on School Choice for Alaska's Children

My name is Stephanie Duchatellier, from Anchorage, AK. I am a mother dedicated to seeing my children succeed. And giving them the best possible educational opportunities is a part of that dedication and my parental responsibility.

I support SJR9 going on the ballot so that Alaskans can have an opportunity to openly discuss the pros/cons of school choice for our Alaskan children. Although SJR9 doesn't have any programs attached, it could open the door to benefitting many children so I urge you to put this on the ballot for Alaska's voters. As a constituent, I am looking forward to having this discussion. I know that I am not alone in this desire. I know of three polls in the last three years, all of which show that Alaskans DO support it, and want an opportunity to vote on it.

School Choice **For Parents** needs a statewide discussion because it is so important in allowing parents to have a say in their child's education. Polls show that the general public is in favor of parents having school choice. Unless something like school choice happens, many lower income single parent families will not have a choice for their children. It is time for parents to have a choice.

SJR9 is a wonderful opportunity to further the discussion about what's best for our kids. Why would someone not be for more choices and possibilities? How could more choices and possibilities not help our children? Competition naturally makes for better products and services. The same has proven true in education.

While we see things like oil taxes and legalizing marijuana go on the ballot, how could you tell us that we don't have the right to have a discussion about the future of our children?

I urge you to let Alaskans decide, through a public discussion and vote, whether SJR9 is right for Alaska's children.

Sincerely,

Stephanie Duchatellier

A mother and constituent

**ZELMAN V. SIMMONS-HARRIS (00-1751) 536 U.S. 639 (2002)
234 F.3d 945,**

The resulting opinion found a divided Supreme Court ruling 5-4 that the Cleveland voucher program was constitutional. Five members of the Court, led by Chief Justice William Rehnquist, observed that the vouchers were given to parents — not schools — who were able to use the voucher at any school participating in the program. Coupling that fact with the religion-neutral criteria both parents and participating schools met, the majority found the voucher program constitutional. Rehnquist summed up the analysis, this way:

“[T]he Ohio program is entirely neutral with respect to religion. It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district. It permits such individuals to exercise genuine choice among options public and private, secular and religious. The program is therefore a program of true private choice.”

Locke v. Davey was seen by voucher supporters as the case that would remove the last remaining obstacles to school-choice programs around the country. While *Zelman* made school vouchers acceptable under the establishment clause, *Davey* had the potential to go a step further by requiring that religious groups be funded any time a state or local government made funds available for private secular groups. In addition, a single federal decision would eliminate the sting of Blaine Amendments or compelled-support provisions in every state constitution.

Davey involved a scholarship program offered by the state of Washington. The program offered financial assistance to underprivileged, academically gifted students pursuing degrees at eligible post-secondary institutions, including religious schools. However, the scholarship excluded any student seeking a degree in devotional theology. The plaintiff in the case sued, arguing that exclusion of devotional theology majors violated his free-exercise rights. The Supreme Court, however, ruled in favor of the state. In doing so, the Court sidestepped principles of equal protection and neutrality between religion and nonreligion that voucher proponents were hoping would provide a victory in the case.

In the 1947 case of *Everson v. Board of Education*, Justice Black penned one of the foundational standards for future establishment-clause jurisprudence. "The 'establishment of religion' clause of the First Amendment means at least this... . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." On its face, the language in this case set the wall separating religion and government very high, forbidding direct government funding to religious institutions, including religious schools. It should be noted that while the majority opinion in *Everson* set a stringent standard, five justices found that the facts in the case did not violate this principle. They held the program in question provided transportation assistance to the children, not the school. Since the benefit flowed to the individual instead of the religious institution, no establishment-clause violation occurred.

The **Blaine Amendment** was originally introduced in the U.S. House of Representatives as an amendment to the U.S. Constitution in 1875 by Rep. James Blaine (R-Pa.), then speaker of the House. Inspired by anti-Catholic nativism, this amendment was designed to keep public funds from Catholic parochial schools. Though it passed overwhelmingly in the House, it failed to pass the Senate by four votes. It read:

"No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect; nor shall any money so raised or lands so devoted be divided between religious sects or denominations."

Another approach voucher proponents could use to limit the effect of Blaine Amendments is to argue that the provisions were created as nothing more than state establishment clauses and, as such, should be interpreted identically to the federal establishment clause. In demonstrating this point, scholars have noted that the 44th Congress, which was in session when the federal Blaine Amendment was introduced, did not believe that the federal establishment clause applied to the states.

ARIZONA CHRISTIAN SCHOOL TUITION ORGANIZATION v. WINN ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 09-987. Argued November 3, 2010—Decided April 4, 2011*

To obtain a determination on the merits in federal court, parties seeking relief must show that they have standing under Article III of the Constitution. Standing in Establishment Clause cases may be shown in various ways. Some plaintiffs may demonstrate standing based on the direct harm of what is claimed to be an establishment of religion, such as a mandatory prayer in a public school classroom. See *School Dist. of Abington Township v. Schempp*, 374 U. S. 203, 224, n. 9 (1963). Other plaintiffs may demonstrate standing on the ground that they have incurred a cost or been denied a benefit on account of their religion. Those costs and benefits can result from alleged discrimination in the tax code, such as when the availability of a tax exemption is conditioned on religious affiliation. See *Texas Monthly, Inc. v. Bullock*, 489 U. S. 1, 8 (1989) (plurality opinion).

By helping students obtain scholarships to private schools, both religious and secular, the STO program might relieve the burden placed on Arizona's public schools. The result could be an immediate and permanent cost savings for the State. See Brief for Petitioner Arizona Christian School Tuition Organization 31 (discussing studies indicating that the STO program may on net save the State money); see also *Mueller v. Allen*, 463 U. S. 388, 395 (1983) ("By educating a substantial number of students [private] schools relieve public schools of a correspondingly great burden—to the benefit of all taxpayers"). Underscoring the potential financial benefits of the STO program, the average value of an STO scholarship may be far less than the average cost of educating an Arizona public school student.

See *Mueller*, 463 U. S. 388; *Nyquist v. Mauclet*, 432 U. S. 1 (1977); *Hunt v. McNair*, 413 U. S. 734 (1973); *Walz v. Tax Comm'n of City of New York*, 397 U. S. 664 (1970); cf. *Hibbs v. Winn*, 542 U. S. 88

Blaine Amendments

Recent Cases

⊠ Recent federal court decisions have acknowledged that Blaine Amendments are rooted in nativist bigotry, and recent state court decisions have interpreted Blaine Amendments narrowly to avoid constitutional violation. Additional cases are pending, and more are on the way. This page will be updated periodically to reflect recent developments.

Cases Pending:

◆ Federal Courts:

Pucket v. Rounds, No. 03-CV-5033 (D.S.D., filed March 29, 2004) (challenging decision based on South Dakota Constitution to deny public busing to students because of their affiliation with religious school). Discovery resumed after stay pending November 2004 election.

Bouette v. Galvin, 311 F. Supp. 2d 237 (D. Mass 2004) (rejecting constitutional challenges to Massachusetts' forerunner of Blaine Amendment, and to state prohibition on referenda to repeal Blaine Amendment), *on appeal sub nom. Wirzburger v. Galvin*, No. 04-1625 (1st Cir., filed May 19, 2004).

◆ State Courts:

Saint Louis University v. Masonic Temple Association, S.W.3d (Mo. 2007), No. SC88075 (Missouri Supreme Court held that the City of St. Louis did not violate the state's "Blaine Amendment" by providing "tax-increment financing" to Saint Louis University, a Jesuit, Catholic University, to assist in the construction of a 13,000-seat arena to be used for secular purposes such as sporting events and graduation ceremonies. While Article IX, Section 8 of the Missouri Constitution forbids state and local government from financially supporting schools "controlled by any religious creed, church or sectarian denomination whatever," the Supreme Court found that the University does not attempt to "indoctrinate the faith" nor is the University controlled by it.)

Bush v. Holmes, 886 So. 2d 340 (Fla. 1st DCA 2004) (finding that Florida's statewide school voucher system violates the Florida Blaine Amendment, and rejecting claim that such an interpretation of the Blaine Amendment violates the state constitution), *on appeal*, Nos. SC04-2323, SC04-2324, SC04-2325 (Fla. S. Ct., filed Dec. 10, 2004).

California Statewide Communities Development Authority v. All Persons Interested in the Matter of the Validity of a Purchase Agreement, 116 Cal. App. 4th 877 (Cal. Ct. App. 2004) (affirming judgment that proposals for the issuance of tax-exempt bonds for the benefit of religious schools had violated Cal. Const. art. XVI, ◆ 5 and where schools were pervasively sectarian, conduit financing had the direct and substantial effect of aiding religion). Granted review by California Supreme Court.

Barnes-Wallace v. Boy Scouts of America, 275 F. Supp. 2d 1259 (S.D. Cal. 2003) (holding a reasonable observer would perceive an advancement of religion as a result of the failure to use a neutral process in selecting lessees for the parklands. Thus, the city's long-term lease of public parkland to the BSA violated state and federal Establishment Clauses and the state constitution's No Preference and No Aid Clauses.) Granted review by Ninth Circuit. Other issues proceeding in district court.

Anderson v. Town of Durham, (Me. Super. 2003) (No. Civ.A. CV-02-480) (dismissing case for failure to state a claim. State law requires that municipalities contract with a public school outside the municipality or reimburse those students who choose to attend an approved private school, a public school, or a school approved for tuition purposes in another state. School department claimed request for reimbursement for tuition payments made to private Catholic high school claim was barred by statute which excludes the participation of sectarian schools from the state's tuition reimbursement program.) Pending before the Maine Supreme Judicial Court.

Williams v. Georgia, 2005 WL 2156135 (N.D.Ga. Aug 11, 2005) (NO. 105-CV-0427) (involving Plaintiff parents seeking a voucher remedy of the state for its hindering their fundamental liberty rights as parents to control the education of their children, through a variety of restrictive policies. School system claims that Plaintiff's request for funds for children to attend either religious or non-sectarian private schools would require the court to act outside the constitutional limitations of its judicial power).

Cases Decided:

◆ United States Supreme Court:

Locke v. Davey, 540 U.S. 712 (2004) (upholding decision based on Washington State Constitution to rescind state college scholarship because student chose to study religion)("The amici contend that Washington's Constitution was born of religious bigotry because it contains a so-called 'Blaine Amendment,' which has been linked with anti-Catholicism. . . . [H]owever, the provision in question is not a Blaine Amendment. . . . Accordingly, the Blaine Amendment's history is simply not before us").

Zelman v. Simmons-Harris, 536 U.S. 639 (2002) (dissenting opinion of Breyer, J.) (acknowledging that Protestant efforts to maintain religious dominance in public schools "played a significant role in creating a movement that sought to amend several state constitutions [often successfully], and to amend the United States Constitution [unsuccessfully] to make certain that government would not help pay for 'sectarian' [i.e., Catholic] schooling for children").

Mitchell v. Helms, 530 U.S. 793 (2000) (plurality opinion of Thomas, J.) (describing "pervasively sectarian" doctrine in Establishment Clause jurisprudence as having a "shameful pedigree" rooted in the Blaine Amendment, and concluding that "[t]his doctrine born of bigotry should be buried now").

◆ Other Federal Courts:

Becker v. Granholm, 272 F. Supp. 2d 643 (E.D. Mich. 2003) (granting preliminary injunction against state decision based on Michigan Constitution to rescind state college scholarship because student chose to major in theology, citing Ninth Circuit decision in *Davey v. Locke*). The case was dismissed without prejudice on September 15, 2004.

Winn v. Hibbs, 361 F. Supp. 2d 1117 (D. Ariz. 2005) (finding the Tuition Tax Credit, which tax-exempts student tuition organizations which provide scholarships and tuition grants to students attending qualified private schools, to be neutral on its face and as applied, having a plausible secular purpose, and being “a program of true private choice.”).

◆ State Supreme Courts:

Kotterman v. Killian, 972 P.2d 606 (Ariz.), *cert. denied*, 528 U.S. 921 (1999) (interpreting Arizona Constitution so that it does not prohibit neutral tuition tax credit program).

Jackson v. Benson, 578 N.W.2d 602 (Wis.), *cert. denied*, 525 U.S. 997 (1998) (interpreting Wisconsin Constitution so that it does not prohibit neutral school voucher program).

SHELDON JACKSON COLLEGE, Appellant, v. STATE of Alaska, Avrum Gross, Attorney General for the State of Alaska, B. B. Allen, Commissioner of Administration for the State of Alaska, Kerry Romesburg, Executive Director, Post-Secondary Education Commission, Marshall L. Lind, Commissioner of Education for the State of Alaska, Appellees; INUPIAT UNIVERSITY OF the ARCTIC, Appellant, v. STATE of Alaska, Avrum Gross, Attorney General for the State of Alaska, B. B. Allen, Commissioner of Administration for the State of Alaska, Kerry Romesburg, Executive Director, Post-Secondary Education Commission, Marshall L. Lind, Commissioner of Education for the State of Alaska, Appellees
Supreme Court of Alaska
599 P.2d 127;1979 Alas. LEXIS 552
Nos. 3978, 4002
August 28, 1979

Editorial Information: Prior History

Appeal from the Superior Court of the State of Alaska, First Judicial District, Juneau, Thomas B. Stewart, Judge.

Counsel Monte L. Brice, Ely, Guess & Rudd, Juneau, for Appellant Sheldon Jackson College.
B. Richard Edwards, Mark S. Bledsoe, Law Offices of B. Richard Edwards, Anchorage, for Appellant Inupiat University of the Arctic.
Ronald W. Lorensen, Assistant Attorney General, Avrum M. Gross, Attorney General, Juneau, for Appellee.
Robert C. Erwin, Sanford M. Gibbs, Hagans, Smith, Brown, Erwin & Gibbs, Anchorage, for Amicus Curiae Catholic Bishop of Northern Alaska.

Judges: Rabinowitz, Chief Justice, Connor, Boochever, Burke and Matthews, Justices.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant private universities challenged a decision of the Superior Court of the State of Alaska, First Judicial District, Juneau, which granted summary judgment in favor of appellee, the State of Alaska, and held that Alaska's tuition grant program, Alaska Stat. 14.40.751-.806, violated Alaska Const. art. VII, 1. The private universities had filed an action challenging the termination of the program. Tuition grant program that awarded students at private colleges difference between tuition at private and public colleges violated Alaska Constitution, which prohibited payment of public funds for direct benefit of a private educational institution.

OVERVIEW: The grant program awarded Alaska residents attending private colleges in Alaska an amount generally equal to the difference between the tuition charged by the student's private college and that charged by a public college in the same area, not to exceed \$ 2,500 annually. The attorney general found that the grants violated Alaska Const. art. VII, 1, which prohibited the payment of money from public funds for the direct benefit of any religious or other private educational institution. The trial court granted summary judgment for the State. On appeal, the court affirmed, holding that the grant program clearly violated 1 because (1) the class primarily benefitted by the tuition grant program consisted only of private colleges and their students; (2) the public funds expended under Alaska Stat. 14.40.776 constituted nothing less than a subsidy of the education received by the student at his private college and thus implicated fully the core concern of the direct benefit provision; (3) the magnitude of benefits bestowed under the program was substantial; and (4) the students to whom benefits were paid were merely conduits for the transmission of state funds to private colleges.

OUTCOME: The summary judgment in favor of the State was affirmed.

LexisNexis Headnotes

Constitutional Law >

Opinion

{599 P.2d 128} The final sentence of article VII, section 1 of our state constitution prohibits the payment of money from public funds "for the direct benefit of any religious or other private educational institution." 1 The question in this case is whether Alaska's tuition grant program, AS 14.40.751-.806, violates this provision.

The tuition grant program awards Alaska residents attending private colleges in Alaska an amount generally equal to the difference between the tuition charged by the student's private college and the tuition charged by a public college in the same area, not to exceed \$2,500.00 annually. The student is required to apply the entire amount of the grant towards his or her tuition. AS 14.40.776 (a).

In May of 1976 the attorney general issued an opinion declaring tuition grants to be invalid as a direct benefit to private schools in violation of article VII, section 1. The Department of Administration then stopped paying tuition grants. Appellant Sheldon Jackson College, a private educational institution, filed suit to enjoin the department's termination order, but agreed to dismiss the suit without prejudice when a proposition to amend article VII, section 1, to permit tuition grants was placed on the ballot to be voted on in the general election of November, 1976. 2

The ballot proposition was rejected by the voters 64,211 to 54,636. Sheldon Jackson then renewed its lawsuit and another private university, Inupiat University of the Arctic, filed a complaint in intervention. The superior court concluded that the tuition grant program provides direct benefits to private educational institutions and thus violates article VII, section 1. Summary judgment was thereupon granted in favor of the state. We affirm.

{599 P.2d 129} |

The minutes of the Alaska Constitutional Convention show that an unsuccessful motion was made to delete entirely the direct benefit prohibition of article VII, section 1. 3 The proponent of the motion argued that the state constitutional provisions prohibiting the establishment of religion 4 and prohibiting spending public funds for private purposes, 5 were sufficient to accomplish the objectives of the direct benefit clause. By rejecting this proposal the convention made it clear that it wished the constitution to support and protect a strong system of public schools. 6 Other authorities have also suggested that a constitutional provision barring aid to all private schools serves to enforce the separation of church and state without requiring executive or judicial inquiry into the sectarian affiliation of particular schools, 7 and furthermore disengages the state from the undesirable task of withholding benefits solely on the basis of religious affiliation. 8

At the same time, in expressly rejecting alternative language that would have prohibited "direct or indirect benefits," 9 the delegates to Alaska's Constitutional Convention made it abundantly clear that they did not wish to prevent the state from providing for the health and welfare of private

school students, 10 or from focusing on the special needs of individual residents. 11 Article VII, section 1 was thus designed to commit Alaska to the pursuit of public, not private education, without requiring absolute governmental indifference to any student choosing to be educated outside the public school system.

The Alaska Constitution is apparently unique in its express ban only on "direct" benefits. However, in construing state constitutional provisions that prohibit "support" for private schools, 12 or state and federal proscriptions against the establishment of religion, 13 the courts have frequently resorted to a distinction between "direct" and "incidental" benefits. 14 Though the distinction may at times appear more "metaphysical" {599 P.2d 130} than precise, 15 the analyses found in these decisions are helpful in determining generally the type of government action intended to be prohibited by article VII's direct benefit clause. The following generalizations can be drawn from these authorities.

First, constitutional provisions governing aid to private schools have generally been perceived as requiring neutrality rather than hostility from the state; 16 thus the breadth of the class to which statutory benefits are directed is a critical area of judicial scrutiny. 17 For example, though the police and fire protection afforded a private school may provide the school with quite direct benefits, as when a campus fire is extinguished, such benefits are provided without regard to status and affiliation, and have universally been presumed to be constitutional. 18 Conversely, a benefit flowing only to private institutions, or to those served by them, does not reflect the same neutrality and non-selectivity. 19

A second central criterion in determining the constitutionality of a state aid program, is the nature of the use to which the public funds are to be put. As is apparent from the convention debate, the core of the concern expressed in the direct benefit prohibition involves government aid to *Education* conducted outside the public schools. Though any state assistance that relieves the burden on a private school to provide for the health and welfare of its students will free the school to concentrate its funds on its private educational mission, numerous delegates voiced their understanding that the direct benefit clause would not bar such incidental support. 20 An analogous distinction has frequently been drawn in establishment clause cases, where the pertinent inquiry is whether a statute impacts "essentially secular educational functions" that are separable from the school's religious instruction. 21

Third, in determining whether a school is directly benefitted by public funds, a court must consider, though not in isolation, the magnitude of the benefit conferred. A trivial, though direct, benefit may not rise to the level of a constitutional violation, whereas a substantial, though arguably indirect, benefit may. 22

Finally, while a direct transfer of funds from the state to a private school will of course render a program constitutionally suspect, 23 merely channeling the funds through an intermediary will not save an otherwise improper expenditure of public monies. The courts have expressly noted {599 P.2d 131} that the superficial form of a benefit will not suffice to define its substantive character. 24

II

The foregoing observations are readily applicable to the present case. First, the class primarily benefitted by the tuition grant program consists only of private colleges and their students. Though the appellants characterize the statute as merely equalizing the positions of private and public university students, effectively the chief beneficiaries are the private colleges themselves. Unlike a statute that provides comparable dollar subsidies to all students,

25 Alaska's tuition grant program is not neutral, inasmuch as the only incentive it creates is the incentive to enroll in a private college. Subsidy programs suffering from similar deficiencies have been repeatedly struck down under a variety of state constitutional provisions, 26 as well as under the Federal Constitution. 27

Second, the public funds expended under AS 14.40.776 constitute nothing less than a subsidy of the education received by the student at his or her private college, and thus implicate fully the core concern of the direct benefit provision. While the program may be motivated, as was stated in the preface to the statute as it was originally passed, by the desire to "help retain qualified students in Alaska," 28 such a laudable purpose cannot escape article VII's mandate that Alaska pursue its educational objectives through public educational institutions.

Furthermore, the magnitude of benefits bestowed under the tuition grant program is quite substantial. For the last year in which the tuition grants were paid, 1975-76, Sheldon Jackson received approximately six hundred thousand dollars from the program. The grants were then \$1,850 for each eligible student, 29 and for the 1976-77 school year the grants were to be \$2,500. 30 According to Sheldon Jackson it has suffered {599 P.2d 132} "a substantially diminished capacity" to function as an educational institution as a result of the termination of the tuition grant program, as reflected in a reduction of students, faculty, income and curriculum offerings. Inupiat University claims a similar impairment of function.

Finally, though the tuition grants are nominally paid from the public treasury directly to the student, the student here is merely a conduit for the transmission of state funds to private colleges. Before the state will deliver a check to the student, the latter must certify under oath and under penalty of perjury that he or she will pay it over to the college. AS 14.40.786. Simply interposing an intermediary "does not have a cleansing effect and somehow cause the funds to lose their identity as public funds. While the ingenuity of man is apparently limitless, the court has held with unvarying regularity that one may not do by indirection what is forbidden directly." *Wolman v. Essex*, 342 F. Supp. 399, 415 (S.D. Ohio), *aff'd mem.*, 409 U.S. 808, 93 S. Ct. 61, 34 L. Ed. 2d 69 (1972).

Based on the foregoing we have no difficulty in concluding that the tuition grant program is in its effect a direct benefit to private educational institutions and therefore violates article VII, section 1 of our constitution. Though Sheldon Jackson points out that several courts have upheld tuition grant programs involving college students, 31 and that aid programs involving colleges have more readily been found constitutional than similar programs involving elementary and secondary schools, 32 the cited decisions rely on the *de minimis* degree of church control in the benefitted sectarian colleges. Such reasoning obviously has no application with respect to article VII's direct benefit prohibition, which bans aid to all private educational institutions, including those with no religious affiliation.

Sheldon Jackson also argues that the direct benefit clause was not meant to apply to colleges and universities, but only to primary and secondary private educational institutions. We see no basis for this contention. Both the plain language of the constitution and the minutes of the constitutional debate 33 indicate that all private educational institutions were meant to be included. The judgment is AFFIRMED.

Footnotes

1 Art. VII, 1 of the Alaska Const. provides:

Public Education. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

2 The proposition would have appended the following language to art. VII, 1: "however nothing in this section shall prevent direct aid to students in accordance with the law." 1976 House Joint Resolution 73 am S. In addition an explanation of the amendment appeared on the ballot as follows:

This is a proposal to amend Article VII, Section 1 of the Constitution of the State of Alaska to allow public funds to be used to provide direct aid such as scholarships and tuition equalization grants to students attending private educational institutions. The Attorney General of the State of Alaska has interpreted Article VII, Section 1 of the constitution as it now reads, to prohibit the state from giving tuition equalization grants to students attending private colleges or universities in the state.

3 Proceedings of the Alaska Constitutional Convention 1526-28 (hereafter cited as Proceedings).

4 Art. I, 4 provides in part: "No law shall be made respecting an establishment of religion"

5 Art. IX, 6 provides: "No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose."

6 For example, delegate Armstrong, speaking for the committee which drafted art. VII, 7, stated that it had sought to "provide and protect for the future of our public schools." 2 Proceedings at 1514. Delegate Coghill expressed the thought that the amount of tax dollars available for the support of public schools might be lessened if public funds were used to support a great many private schools. *Id.* at 1520. In *Spears v. Honda*, 51 Haw. 1, 449 P.2d 130, 135 (1968), the need to ensure that public schools would not be neglected is expressed as the reason underlying Hawaii's constitutional bar to public aid of private schools. Hawaii, however, apparently had an elite private school system, a system having no strong parallels in the Territory of Alaska.

7 See *Gaffney v. State Bd. of Educ.*, 192 Neb. 358, 220 N.W.2d 550, 553 (1974).

8 See *Everson v. Bd. of Educ.*, 330 U.S. 1, 16, 91 L. Ed. 711, 724, 67 S. Ct. 504 (1947); *Spears v. Honda*, 51 Haw. 1, 449 P.2d 130, 137 (1968).

9 Proceedings, *supra* note 3 at 1528.

10 *Id.* at 1513-16, 1519-20, 1521-22, 1524.

11 *Id.* at 1514.

12 *E.g.*, Mo. Const. art. IX, 8.

13 U.S. Const. amend. I provides in part: "Congress shall make no law respecting an establishment of religion"

14 See, e.g., *Wolman v. Walter*, 433 U.S. 229, 250, 254, 53 L. Ed. 2d 714, 733, 97 S. Ct. 2593 (1977); *Meek v. Pittenger*, 421 U.S. 349, 364-65, 44 L. Ed. 2d 217, 231, 95 S. Ct. 1753 (1975); *Comm. for Publ. Educ. v. Nyquist*, 413 U.S. 756, 783 n. 39, 37 L. Ed. 2d 948, 969 n. 39, 93 S. Ct. 2955 (1973); *Americans United v. Rogers*, 538 S.W.2d 711, 719 (Mo.), *cert. denied*, 429 U.S. 1029, 50 L. Ed. 2d 632, 97 S. Ct. 653 (1976). Though the Federal Constitution does not explicitly refer to the relationship between the government and religious schools, the Supreme Court's "direct benefit" standard has been formulated almost exclusively in the context of school aid cases, *supra*, and is thus valuable precedent in construing our own constitutional provision.

15 See L. Tribe, *American Constitutional Law* 840 (1978).

16 See *Roemer v. Bd. of Publ. Works of Md.*, 426 U.S. 736, 747, 49 L. Ed. 2d 179, 188, 96 S. Ct. 2337 (1976); *Lemon v. Kurtzman*, 403 U.S. 602, 614, 29 L. Ed. 2d 745, 756, 91 S. Ct. 2105 (1971); *Everson v. Bd. of Educ.*, 330 U.S. 1, 18, 91 L. Ed. 711, 724-25, 67 S. Ct. 504 (1947).

17 See, e.g., *Comm. for Publ. Educ. v. Nyquist*, 413 U.S. 756, 782 n. 38, 37 L. Ed. 2d 948, 968 n. 38, 93 S. Ct. 2955 (1973); *Springfield Schl. Dist. v. Dept. of Educ.*, 483 Pa. 539, 397 A.2d 1154, 1163 (1979).

18 See citations *supra* notes 16 and 17.

19 See *infra* notes 26 and 27.

20 See *supra* note 10. In *Matthews v. Quinton*, 362 P.2d 932 (Alaska 1961); *cert. denied*, 368 U.S. 517, 7 L. Ed. 2d 522, 82 S. Ct. 530 (1962), a statute enabling private school children living far from their schools to ride public school buses at public expense, was held violative of the direct benefit prohibition. We do not rely on *Matthews* in reaching today's decision, and thus have no occasion to overrule or re-affirm it. A substantial question, however, can be raised as to its continuing vitality in light of the analysis which we employ in the present opinion.

21 *Roemer v. Bd. of Publ. Works of Md.*, 426 U.S. 736, 762, 49 L. Ed. 2d 179, 197, 96 S. Ct. 2337 (1976). See *Meek v. Pittenger*, 421 U.S. 349, 366, 44 L. Ed. 2d 217, 232, 95 S. Ct. 1753 (1975).

22 Compare *Lendall v. Cook*, 432 F. Supp. 971 (E.D. Ark. 1977) (program involving eight scholarships upheld), with *Meek v. Pittenger* (striking down a state loan of nonideological instructional materials, in part on the basis of the substantiality of aid to the overall functioning of the benefitted schools).

23 *Id.*

24 *Wolman v. Walter*, 433 U.S. 229, 250, 53 L. Ed. 2d 714, 733-34, 97 S. Ct. 2593 (1977) (striking down a loan of instructional materials to students after similar loan to schools had been struck down in *Meek*); *Comm. for Publ. Educ. v. Nyquist*, 413 U.S. 756, 785-86, 37 L. Ed. 2d 948, 970, 93 S. Ct. 2955 (1973) (striking down reimbursements to parents for private school tuitions).

25 *Minn. Civ. Lib. U. v. Roemer*, 452 F. Supp. 1316, 1322 (D.Minn. 1978)(tax deduction for parents of all school children upheld); *Americans United for the Sep. of Ch. and State v. Blanton*, 433 F. Supp. 97 (M.D. Tenn.), *aff'd mem.*, 434 U.S. 803, 98 S. Ct. 39, 54 L. Ed. 2d 65 (1977)(public and private college students eligible for grants); *Durham v. McLeod*, 259 S.C. 409, 192 S.E.2d 202 (1972), *appeal dismissed for lack of a substantial federal question*, 413 U.S. 902, 93 S. Ct. 3060, 37 L. Ed. 2d 1020 (1973)(loans to all college students). *But see Miller v. Ayres*, 213 Va. 251, 191 S.E.2d 261 (1972) (conditional grants to public and private college students held unconstitutional); *Weiss v. Bruno*, 82 Wash. 2d 199, 509 P.2d 973 (1973) (grants to needy private school children not saved by summer school grants to needy public school children).

26 See *Klinger v. Howlett*, 56 Ill. 2d 1, 305 N.E.2d 129 (1973); *Opinion of the Justices*, 357 Mass. 846, 259 N.E.2d 564 (1970); *Opinion of the Justices*, 109 N.H. 578, 258 A.2d 343 (1969).

27 *Comm. for Publ. Educ. v. Nyquist*, 413 U.S. 756, 782 n. 38, 37 L. Ed. 2d 948, 968 n. 38, 93 S. Ct. 2955 (1973) (tuition reimbursement to parents of non-public school children); *Sloan v. Lemon*, 413 U.S. 825, 37 L. Ed. 2d 939, 93 S. Ct. 2982 (1973)(tuition reimbursement); *Wolman v. Essex*, 342 F. Supp. 399, 412 (S.D. Ohio), *aff'd mem.*, 409 U.S. 808, 93 S. Ct. 61, 34 L. Ed. 2d 69 (1972)("the reimbursement grant aspects . . . are directed only towards the parents of children who attend non-public schools"). See also *Meek v. Pittenger*, 421 U.S. 349, 44 L. Ed. 2d 217, 95 S. Ct. 1753 (1975)(auxiliary services only provided to non-public school students); *Publ. Funds for Publ. Schools of N.J. v. Marburger*, 358 F. Supp. 29 (D.N.J. 1973), *aff'd mem.*, 417 U.S. 961, 41 L. Ed. 2d 1134, 94 S. Ct. 3163 (1974) (private school students reimbursed for textbooks while public schoolers only loaned books); *Members of Jamestown Schl. Comm. v. Schmidt*, 427 F. Supp. 1338, 1348 (D.R.I.1977)(only private school students bused out of district); *Americans United for Sep. of Ch. and State v. Benton*, 413 F. Supp. 955 (D. Iowa 1976) (same).

28 Section 1 ch. 230 SLA 1970.

29 Section 2 ch. 136 SLA 1975.

30 AS 14.40.776(a)(2).

31 *Lendall v. Cook*, 432 F. Supp. 971 (E.D. Ark. 1977); *Americans United for Sep. of Ch. and State v. Bubb*, 379 F. Supp. 872 (D. Kan. 1974)(upheld with respect to most, but not all, church-related schools); *Americans United v. Rogers*, 538 S.W.2d 711 (Mo.), *cert. denied*, 429 U.S. 1029, 50 L. Ed. 2d 632, 97 S. Ct. 653 (1976).

32 See *Roemer v. Bd. of Publ. Works of Md.*, 426 U.S. 736, 49 L. Ed. 2d 179, 96 S. Ct. 2337 (1976)(non-categorical grants to colleges); *Hunt v. McNair*, 413 U.S. 734, 37 L. Ed. 2d 923, 93 S. Ct. 2868 (1973)(state leaseback arrangement with Baptist college); *Tilton v. Richardson*, 403 U.S. 672, 29 L. Ed. 2d 790, 91 S. Ct. 2091 (1971) (construction grants to colleges).

33 The convention delegates were informed by the chairperson of the authoring committee that the committee intended the phrase "other private educational institutions" to include "any educational institution that is not run by the state." 2 Proceedings, *supra* note 3 at 1511. See also *id.* at 1532.



NAACP

National Association for the Advancement of Colored People

Anchorage, Alaska Branch – Wanda V. Laws, President

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February 18, 2013

The Honorable Representative Wes Keller
State Capitol
120 4th Street, Mail Stop 3100
Juneau, AK 99801-1182

Dear Representative Keller,

One of the goals of the NAACP is to ensure the political, educational, social, and economic equality of all citizens. Therefore it is essential that all students have access to an equal and high-quality public education by eliminating education-related racial and ethnic disparities in our public schools.

I am writing to inform you that the NAACP Anchorage strongly opposes HJR 1 because it would create a dual and unequal education system in Alaska. Public schools accept every child whereas private schools can legally discriminate. Ultimately “choice” would not be in the hands of the parents.

The NAACP Anchorage is also in strong opposition to SJR 9. History has taught us that a Constitution is amended with the goal to enhance society. However, this attempt to change the Alaska Constitution is false and misleading because it would allow subsidies for those who are more fortunate to pay for their kids to attend private school. These same subsidies are pulled from a system for which most of us depend on. This action will divert attention, energy, and resources for efforts to reduce class size, enhance teacher quality, provide every student with books and computers, and provide a safe and orderly environment at all of Alaska’s public schools.

We cannot seriously talk about advancement in Alaska without talking about our young people and education. The simple truth is that preparing young people for success and ‘finding our way back to first’ is about much more than what happens inside the classroom. It takes the interest and investment from all of us. When we meet the needs of the whole child we are one step closer to preserving the promise of Alaska. Taking resources away from public schools ensures that Alaska cannot meet these goals.

The NAACP Anchorage asks that you include this letter in the bill packet.

Respectfully,

Wanda V. Laws

Wanda V. Laws
President, NAACP Anchorage

Opposition to HJR1 Amendment to the Constitution of the State of Alaska Relating to State Aid for Private or Religious Schools

I oppose HJR1 for several reasons. First, this resolution seems to have come in part from assertions that public education is failing. However, your actions to date have flat funded public education for a number of years. You expect the same or better educational outcomes with less money, taking into account the ever rising cost of living. This is impossible according to my checkbook.

In addition, private and religious schools have never lived up to the same standard as public education. There are some apparently good schools, but since they do not have to play by the same rules it is hard to compare them. Public schools are required to perform regular testing of students by national standards while private and religious schools are not. Parents may give regular input into public schools and many do, while I'm not sure of such options for other schools.

There are those parents with children in either public, private or religious schools that we are lucky if they get their kids to the school door, much less support the students. Many parents, however, spend many hours in support of their children in school in preparation even before they are old enough to begin Kindergarten.

While I think there should be options, I definitely do not think public funds should be diverted to private or religious schools. Here are two reasons off hand:

- 1 - Public funds should go to public uses.
- 2 - When public money is used, it ultimately means there will be some public control of the funding and curriculum of private or religious schools.

There should be complete separation of church and state. I do not want public officials to have input into any religious organization with which I am affiliated. That is the biggest "no-no" that I can think of, and I'm a very religious person.

My experience is that Alaska's schools have done an excellent job with what they have. I believe if you spent more time with specific schools, teachers and students, you would better understand the needs of those schools and could remedy particular problems.

Personally, my grown children came through the Alaska Public School System and now my granddaughter is coming up through the Fairbanks Public School System. She continues to have great grades, now in the 8th grade, and is thinking of college. They have all excelled! I have two grandsons that are home schooling as their parents' choice and are also doing well.

My children have gone on to have great careers in areas that they have chosen, some in the private sector and some in the public sector. They are all living successful lives and their children are doing well.

There are factors beyond the schools which have much to do with the success of children. Many students which are failing also have other problems. I think that instead of continued decreasing of funding, you should attempt to find out what our local public schools need to improve their success rate.

Sincerely,

Doris Robbins
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Molly HOOTCH,

v.

ALASKA STATE-OPERATED SCHOOL SYSTEM,

536 P.2d 793;1975 Alas.

May 23, 1975

The named appellants live in the rural western Alaska villages of Emmonak, Kwigillingok and Kongiganak, with populations of 439, 148 and 190 respectively. Each of these villages is inaccessible by automobile. At the time this lawsuit was filed, there were no public secondary schools (encompassing grades 9-12) in these communities. Each appellant had, however, the opportunity to attend school at state expense (including transportation, room and board when away from home) in state-operated regional schools, the state boarding home program or Bureau of Indian Affairs' schools. Participation in state-funded correspondence study was also available. Appellants have attended school in Anchorage, Bethel, Kodiak, Sitka, Unalakleet, Wrangell and Chemawa (Oregon). Since the inception of the suit, the state has established a secondary school in Emmonak as part of its on going program to provide area and local schools.

The state-operated school district is administered by ASOSS, a state corporation. 11 The board of directors of ASOSS is appointed by the governor subject to the requirement of AS 14.08.030 that at least six of the nine members be from rural areas. AS 14.08.090 requires the ASOSS board of directors to establish, maintain, operate, discontinue, and combine state-operated schools where it considers necessary [and to] pay tuition and boarding or transportation costs of secondary school students in cases in which the establishment of state-operated secondary schools is unsound for economic or educational reasons. The discretion of the board of directors in carrying out these duties is limited only by the statutory requirement that all ASOSS plans "relating to the establishment, discontinuance, or combining of schools" be approved by the Department of Education before they can be implemented.

Sec. 14.30.010. When attendance compulsory.

(a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall maintain the child in attendance at a public school in the district in which the child resides during the entire school term, except as provided in (b) of this section.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered by the public schools in the area, either by

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

(B) tutoring by personnel certificated according to AS 14.20.020; or

(C) attendance at an educational program operated in compliance with AS 14.45.100 - 14.45.200 by a religious or other private school;

(2) attends a school operated by the federal government;

(3) has a physical or mental condition that a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or expelled under AS 14.03.160 or suspended or denied admittance under AS 14.30.045;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this paragraph does not apply if the child resides within two miles of a federal or private school that the child is eligible and able to attend;

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting;

(9) has completed the 12th grade;

(10) is enrolled in

(A) a state boarding school established under AS 14.16; or

(B) a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;

(11) is equally well-served by an educational experience approved by the school board as serving the child's educational interests despite an absence from school, and the request for excuse is made in writing by the child's parents or guardian and approved by the principal or administrator of the school that the child attends;

(12) is being educated in the child's home by a parent or legal guardian.

(c) If a parent, legal guardian, or other person having the responsibility for or control of the child elects to enroll a child who is six years of age in first grade at a public school, after enrollment, the child is subject to the provisions of (a) and (b) of this section. If the parent or guardian of a child who is six years of age and is enrolled in first grade at a public school determines, within 60 days after the child is enrolled, that the best interests of the child are not being served by enrollment in the first grade, the child may be withdrawn from school, and the provisions of (a) and (b) of this section do not apply to the child until the child is seven years of age.

Lemon v. Kurtzman, 403 U.S. 602 (1971),

If a statute fails any portion of the following test, established in *Lemon*, it violates the Establishment Clause: (1) the statute must have a secular legislative purpose; (2) the principal or primary effect of the statute must be one that neither advances nor inhibits religion; and (3) the statute must not foster excessive entanglement with religion, but the *Lemon* test has evolved from the relatively rigid three-part test to an approach in which the varying components of a particular program or statute are analyzed with regard to their impact on, in the context of schools, the relevant students or communities, and court may consider factors such as coercion of citizens, endorsement of religion, and direct benefit to religion

Crystal Kennedy

From: Paul Story <pstory911@yahoo.com>
Sent: Wednesday, February 05, 2014 11:57 PM
To: Rep. Lora Reinbold; Rep. Paul Seaton; Rep. Lynn Gattis
Subject: no on HJR 1

Representatives Reinbold, Seaton and Gattis,

Please vote no on HJR 1. The only choice the proposed bill really provides is which quality and accountable public school programs will be cut in order to subsidize untested private school "options", which lack sufficient oversight and which will only serve a select percentage of the population.

Thank you for your consideration,

Paul Story
Homer, AK

> My name is Danna Grammer. I am a small business owner and single mother living in the Anchorage School District. So to say that I do not have the time to be here today is putting it politely. However, I am here because I'm very afraid of how our state is proposing to handle our current public education system. My daughter attends Government Hill Elementary School and is registered in the Spanish Immersion program. She has been given the gift of a second language through this program. What I call a "gift" of a second language is actually mandatory in most developed nations throughout the world. So I am thankful that the Anchorage School District offers this program so my daughter has an additional skill that she can use when she is an adult and faces having to compete in a very competitive global economy.

> I am here to testify in opposition to the SJR 9 bill currently under consideration in the Senate to eliminate the part of the Alaska State constitution that specifically states that public funds will not be used to fund private schools.

> I understand the proposed bill is only to take this to a vote of the people. However, why are we even considering such a measure when our public schools are facing harsh budget cuts such as increased class sizes in already overfull class rooms, less funds for school supplies when many teachers are already purchasing supplies out of their own pockets, less extracurricular activities that contribute to overall develop of a child, less school counselors to help assist and guide our students to a better future, and the list goes on. I would like it if our elected public officials would spend their time and energy into fixing the problems in public school system rather than trying to fund private and religious schools. I know there are some legislatures that are working toward that goal and I do appreciate your efforts.

> The Alaska education system is not without its flaws as is how the state of Alaska appropriates the funds in its budget. However, it should be a mission of ALL members of the legislature of this state to continue to work on those flaws and improve public school education--NOT pass off this responsibility to privately run schools or schools based on a particular religious philosophy that is only going to benefit a small segment of school age children in Alaska. With 90% of Anchorage school age children (and 90% of Alaska school age children) attending public school, this bill does not accomplish that mission. It is my belief that this bill undermines that mission.

> Thank you for taking the time to hear my concerns today. It is my hope that what I have said today will encourage you to prioritize the education of the majority of Alaska's children who attend public school.

Thanks,

Danna Grammer

907-306-5526

Sent from my iPad

From: David Nyman [mailto:DNyman@restorsci.com]

Sent: Wednesday, February 05, 2014 10:26 AM

Subject: SJR 9 and HJR 1 Vouchers and Quality of Public Schools and Longer Term School Budgeting Process

I would like to express my opposition to the recent movement to amend the constitution to distribute public funds to private schools. I have 4 teens in the public school system in Anchorage. They have variously attended Chugach Optional, Central Middle School of Science, Steller and West High. My step daughter attended Girdwood Elementary and now attends South High. It is a challenge to keep up with the scholastic and extracurricular activities but in doing so I have come to the opinion that Anchorage Schools offer a wide range of options and in most cases excellent educational environments. When there is a problem it is up to me the parent to work with the child and school system to identify it and resolve the issue. Thus when I hear others grouse about the public school system I think to myself that perhaps they need to be more involved with the school system.

In my opinion the initiatives identified above as SJR9 and HJR1 are flatly misguided and will detract from continuing to promote and build the best public education system possible. Thus I object to these measures and the constitutional changes they would require. Alaska's constitution has been shown time and time again to be well crafted as it is based on sound principles. What I see in the current efforts is some folks who are in a position of authority believe they should change the current system based on their perception of what is occurring versus the reality of the situation.

With that said, Alaska can always do better in managing the expenses or the quality of the school system. The year to year budgeting process, I believe, detracts from any manager's ability to plan over a longer time frame as proposed by forward funding. The herky jerky nature of our annual budget scramble affects all branches of our government, allows for easy insertion of poorly justified projects into the process. Mega projects that are sexy like the Knik Arm Crossing or the Susitna Hydro siphon capital away from basic services including our schools.

In conclusion I hope everyone has a productive session and works toward the benefit of all Alaskans!

Best Regards,

David Nyman

By FAX

Representative Carl Gatto
State Capitol Room 118
Juneau AK 99801
Dear Chairman Gatto:

April 12, 2011

My name's Richard D. Komer and I'm a senior attorney at the Institute for Justice in Arlington, Virginia, specializing in constitutional law as it pertains to school choice programs. The Institute for Justice is a public interest law firm that assists in the design and defense of school choice programs nationwide. At the request of the Alaska Public Policy Institute I phoned in to the hearing that you chaired yesterday on HJR 16, a proposal to amend two provisions of the Alaska Constitution, one of which is your state's Blaine Amendment, Article VII, section I. Unfortunately, my line seems to have been muted, so that when you had finished receiving testimony from various individuals in Alaska you could not hear me asking to testify. While I was delighted to hear your Committee pass out HJR 16, I write to provide you with the testimony that I would have delivered had I been able to be heard,

I hope that you will forward my testimony to the other members of the Committee because it is important to understand the context in which the need arises to amend your Constitution and to correct a misstatement concerning the U.S. Constitution. The Institute for Justice has been assisting state legislators in designing school choice programs for nearly 20 years now, as well as defending those that pass and are challenged in court. We have represented parties in both of the U.S. Supreme Court's cases involving school choice, its landmark decision of *Zelman v. Simmons-Harris* from 2002 upholding the Cleveland Ohio scholarship program and last week's decision in *Arizona Christian School Tuition Organization v. Winn*, which allowed Arizona's individual tax credit scholarship program to continue. In short, we consider ourselves the lawyers for the school choice movement and have developed considerable expertise in analyzing the various state constitutions' religion clauses and their relationship to the federal religion clauses found in the First Amendment. On our website at www.ij.org you can find a short biography of me, a booklet a colleague and I wrote entitled "School Choice and State Constitutions: A Guide To Designing School Choice Programs" and an article I wrote for the Journal of School Choice.

As you know, Article VII, section I of the Alaska Constitution is what is known as a state Blaine Amendment, which take their name from a failed federal constitutional amendment introduced in 1876 by James G. Blaine of Maine, who aspired to be the Republican nominee for President to succeed President Ulysses S. Grant and who hoped to ride a wave of anti-Catholic sentiment into the White House. At the time he proposed his Amendment virtually all Catholics

were Democrats, and the Catholics were seeking funding for their parochial schools equal to that provided to the then generically-Protestant public schools. The Catholics had felt compelled to create their parochial school system because of the hostility that they faced in the public schools. In crafting his federal constitutional Amendment, Blaine turned to an amendment made to the Massachusetts Constitution in 1855, when the Know Nothing Party swept the state elections in Massachusetts and enacted a provision prohibiting any public funds from being given to aid the Catholic schools. The Know Nothing Party was viciously anti-Catholic and developed in response to the earliest wave of Catholic immigration into the U.S., at the time of the Irish Potato Famine in the 1840's.

Although the federal Blaine Amendment fell one vote short of passage in the Senate after passing the House with the requisite supermajority, the federal Congress had more than enough votes to pursue an alternate route to their same goal of ensuring no funding for Catholic schools. This alternate route was mentioned by another witness at your hearing, namely to require in enabling legislation that federal territories wishing to become a state include Blaine-like Amendments in their state constitutions. Consequently, every state created after 1876 has a Blaine Amendment in its constitution, including Alaska. Some older states, like New York, also jumped on the Blaine bandwagon, joining Massachusetts and the newer states in having Blaine Amendments.

The misstatement that I would like to correct is Representative Gruenberg's statement that it is easier to amend the federal Constitution than the Alaska Constitution because while the federal charter requires only a majority vote of both houses of Congress the Alaska Constitution requires a two-thirds majority in both houses. This is mistaken - under Article 5 of the U.S. Constitution both houses of Congress must pass an amendment by a two-thirds majority, just as is the case with the Alaska Constitution. Two thirds of the states must then pass the federal amendment, thereby making it substantially harder to pass a federal amendment. Each state, however, passes the amendment by a majority vote of its people, just as Alaska requires of its electorate.

As previously mentioned, the federal Blaine Amendment failed to achieve the necessary two-thirds majority by one vote in the Senate after meeting that mark in the House, which is why it was possible for the substantial majorities in both Houses to put the requirement of a state Blaine Amendment into the enabling legislation with which potential new states had to comply. Enabling legislation, being ordinary legislation, requires only a majority vote in both Houses. If federal constitutional amendments required only a simple majority as Representative Gruenberg believes, the Congress would not have been able to force territories to adopt Blaine Amendments as a condition of becoming a state.

State Blaine Amendments do, however, vary somewhat in their particular language and are, of course, subject to interpretation by their state supreme courts. While Alaska's Blaine language is on its face narrower than many other states', unfortunately the Alaska Supreme Court has interpreted it extremely broadly, which is what creates the need for a constitutional amendment to overturn those negative decisions.

What do I mean by Alaska's Blaine Amendment having narrower language than some other states"? Article VII, section I forbids the paying money from public funds "for the direct benefit of any religious or other private institution." South Carolina's Blaine Amendment used to read similarly but included "for the direct and indirect benefit" of private schools. When the South Carolina Supreme Court interpreted "indirect" to prohibit a student assistance program for college students, South Carolina amended its constitution to drop the indirect language to allow the program, viewing "direct benefit" as allowing student aid but not institutional grants to private colleges.

The Alaska Supreme Court has, however interpreted "direct benefit" extremely broadly. First *Mathews v. Quinton*, 362 pP.2d 932 (Alaska 1961) *cert. denied*, 368U.S. 517 (1962), the Court held that transporting private school students at public expense violated Article VII section 3, as well as Article IX, section 6, which states in part that no appropriation of public money shall be made except for a public purpose. (The use this second provision is what necessitates the second change proposed in HJR 16 which specifies that nothing in section 6 "shall prevent payment from public funds for the direct education benefit of students as provided by law.") Then in 1979 the Alaska Supreme Court held in *Sheldon Jackson College v. State*, 599 .2d 127 (Alaska 1979) that the Blaine Amendment prohibited tuition assistance grants for students attending private colleges in Alaska, finding no distinction between giving money to students and giving money to the schools they choose to attend.

Needless to say, under the federal Establishment Clause the U.S. Supreme Court has recognized precisely this distinction between aiding students and aiding the schools they choose for as long as that Court has the Establishment Clause to the states. In its first such case, *Board of Education v. Everson* (1947) the Court upheld a student transportation program similar to that rejected by the Alaska Supreme Court in *Mathews v. Quinton*. Through many intervening cases and decades, this distinction became the basis for upholding the Cleveland school choice program in *Zelman* in 2002.

It is also a distinction recognized by many state supreme courts with Blaine Amendments, such as New York and Wisconsin. New York is particularly noteworthy, as its Blaine Amendment uses similar "direct or indirect benefit" language as South Carolina's Blaine used to contain, but New York's highest court held that aid to students provides only "incidental" benefits to private schools chosen by the student beneficiaries of public funds, and neither direct

nor indirect benefits to the schools. *Board of Education v. Allen*, 228 N.E.2d 791 (N.Y. 1967), *affirmed*, 392 U.S. 236 (1968). The benefits to students that the Alaska Supreme Court views as "direct" aid to private schools in the *Sheldon Jackson College* case the New York Court of Appeals (and the U.S. Supreme Court) view as only "incidental" aid to the private schools.

I point this out only to illustrate that there are persuasive reasons for not equating aid to students to aid to the schools that they and their families freely choose and attend. Unfortunately, when the Alaska Supreme Court has spoken and given an authoritative interpretation of a provision of the Alaska Constitution, that interpretation, however wrongheaded, is the law of the land and can only be reversed by a constitutional amendment. That is precisely the purpose of HJR 16. The constitutional changes proposed would bring the language of the Alaska Constitution more in line with the federal Constitution and permit the sorts of programs struck down in the *Mathews* and *Sheldon Jackson College* cases, which were clearly permissible under the federal Constitution.

It is ironic that state Blaine Amendments, originally spawned during several waves of anti-Catholic bigotry to protect the Protestant monopoly over public school spending, and at a time when no one believed the federal religion clauses applied to the states, have become in modern times a vehicle for efforts to prevent programs that allow families in general to access private education, including that provided in religious schools, many of them Protestant. The Alaska Supreme Court through its decision has allowed Alaska's Blaine Amendment to tie the hands of the Legislature in enacting school choice reforms that can increase educational freedom for all of Alaska's students at all levels of education. Passage of HJR 16 would free the Legislature to consider whether greater school choice would benefit Alaska's students.

Thank you for the opportunity to share with you and the Committee my views.

Sincerely,

Richard D. Komer
Senior Attorney
Institute for Justice
Arlington, Virginia

FYI

-----Original Message-----

From: Todd Hume []

Sent: Saturday, March 02, 2013 9:22 PM

To: GOV.ALLlegislators@alaska.gov

Subject: Support HJR 1

Thank you for your commitment and work for our state.

I ask you to support HJR 1.

Todd Hume

907-460-4■■■

2-22-2013

Members of the House EDE Committee
I oppose HJR 1

On the surface it may seem like a good idea ~~to provide~~ to provide as the sponsors' ^{written} statement indicates State Sponsored Scholarships for all students.

However I do not believe deluting the power of public education funds would bring us to the goal of 90% graduation rates by 2020.

In other jurisdictions "vouchers" were implemented to address critically ailing public school systems and typically have been issued to low income students.

I see this measure as simply an attempt to start the process of

redirecting public funds to private and religious education.

We need to focus on our duty to provide

Quality Public Education as set forth in our

Constitution. A system within there already is choice Homeschooling, Cyber distant learning, and Charter schools.

We do not need to amend our
Constitution.

Mary Graham

Juneau Alaska

Next

HUD secretary touts 'promise zones' project in Milwaukee visit

311 Comments

Read and share your thoughts.

Recommend 2k

Tweet 303

Johnson, Baldwin: No pair of senators are further apart

5:49 p.m. - If congressional voting records are any guide, no state has two U.S. senators who are further apart politically than Wisconsin's Ron Johnson and Tammy Baldwin.

HUD secretary touts 'promise zones' project in Milwaukee visit

5:12 p.m. - As part of President Barack Obama's State of the Union call to help the nation's middle class, the government plans to create "promise zones" in as many as 20 distressed communities across the country, Housing and Urban Development Secretary Shaun Donovan said in Milwaukee on Thursday.

Politifact Wisconsin takes an In Context look at Scott Walker's speech on Medicaid

5:06 p.m. - New today from PolitiFact Wisconsin:

Wausau Paper to close mill in Brainerd, Minn.

4:50 p.m. - Wausau Paper Corp., the Wisconsin papermaker that's under Wall Street pressure to break itself up, on Thursday abruptly announced the closure of its second paper mill in a year.

Milwaukee police officer shoots man at crime scene

4:38 p.m. - Police responding to a domestic violence call Friday shot and critically wounded a man they say had just shot and wounded his girlfriend.

2-22-2013

House EDC Committee

- December 2012
- November 2012
- October 2012
- September 2012
- August 2012
- July 2012
- June 2012
- May 2012
- April 2012
- March 2012
- February 2012
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- October 2007
- April 2007
- January 2007
- December 2006
- August 2006
- July 2001

I would like to provide you with information that indicates "choice" private schools do not increase competition and student performance.

I oppose amending the Constitution and subsequently using public funds for private and/or religious schools.

Mary Graham
Juneau AK.

- Uncategorized

The Milwaukee Parental Choice Program: A Failure

- March 5, 2012 8:39 am
- Jay Bullock
- 0 comments



image courtesy graphicmania.net

Last week the final reports from the five-year School Choice Demonstration Project, designed to offer some hard data to the nebulous and nettlesome question of the Milwaukee Parental Choice (voucher) Program, were released. Since then, including yesterday in the op-ed pages of the *Milwaukee Journal Sentinel*, many pixels have been wasted talking around the obvious answer, which no one seems to want to say.

I have no such qualms, so here it is: The voucher program has been a failure.

There are lots of reasons to avoid saying so, and the pragmatist in me acknowledges the biggest one, which is that more than two decades on, there is too much momentum and support for the program for it to end completely, or even in large measure. Bodies in motion tend to stay in motion, and 22 years of motion is really hard to stop. Indeed, the voucher program could soon see additional expansion absent legislative action (an absence of action some attribute to significant spending by voucher advocates).

So I'm going to say it again: The voucher program has been a failure.



February 21, 2013

**AMERICAN CIVIL
LIBERTIES UNION OF
ALASKA**

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STUDENT ADVISOR

The Honorable Lynn Gattis, Chair
The Honorable Lora Reinbold, Vice-Chair
House Education Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

via email: Rep.Lynn.Gattis@akleg.gov
Rep.Lora.Reinbold@akleg.gov

**Re: HJR 1: Constitutional Amendment for Educational Funding
ACLU Review of Legal Issues**

Dear Chair Gattis and Vice-Chair Reinbold:

Thank you for the opportunity to provide written testimony regarding House Joint Resolution 1.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska who seek to preserve and expand the individual freedoms and civil liberties guaranteed by the United States and Alaska Constitutions.

We write to advise the Education Committee of at least two serious problems with HJR 1. First, were HJR 1 to pass the Legislature and be adopted by the people, the federal and Alaska constitutions prohibit the payment of public money to private religious schools. Second, the public funding of private schools (both religious and secular), may expose private-schooled students and families to increased discrimination, which they would not have suffered had they remained in public schools.

///

HJR 1 Will Not Change the Federal or Alaska Establishment Clauses

HJR 1, were it to be passed and adopted, would amend the Public Education section (Alaska Const. art. VII, § 1) and Public Purpose section (Alaska Const. art. IX, § 6) of the Alaska Constitution. The stated purpose of these amendments is to permit the State to fund both private secular *and* religious schools. While HJR 1 would allow Alaska to fund private secular education, it would *not* change the federal or Alaska Establishment Clauses, which substantially limit the State from funding religious schools. U.S. Const. amend. I (“Congress shall make no law respecting an establishment of religion . . .”); Alaska Const. art. I, § 4 (“No law shall be made respecting an establishment of religion . . .”).

Though the U.S. Supreme Court interpreted the federal Establishment Clause to permit an Ohio secular and religious school voucher program, *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), Ohio was not directly paying the religious schools: a salient difference from what HJR 1 seeks to allow. And, no matter the details of the religious voucher scheme, even if it were to pass federal constitutional muster, public funding of religious schools would still violate the Alaska Establishment Clause. *Lien v. City of Ketchikan*, 383 P.2d 721, 724 (Alaska 1963) (noting that the Alaska Establishment Clause prohibits the teaching of religion).

If the Legislature seeks to publicly subsidize private **secular** schools, HJR 1 would appear to achieve that end. It would not, however, lower the federal and Alaska Establishment Clauses’ high constitutional bars against funding religious schools.

Private Schools Lack Public Schools’ Nondiscrimination Protections

An asserted impetus behind HJR 1 is to increase the ability of families to send their children to private secular and religious schools. While the ACLU of Alaska takes no position on this as a policy matter – and *we would defend a family’s right to choose to send their child to a secular or religious school*, see *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925) – the Committee should note that **private school pupils fall outside the protective umbrella of federal and state nondiscrimination laws.**

Private schools, be they secular or religious, may exempt themselves from nearly all of Alaska’s “laws and regulations relating to education,” Alaska Stat. § 14.45.100, including the sexual and racial nondiscrimination laws of Alaska Stat. §§ 14.18.010 to 14.18.110.¹ Students at religious schools risk extra discrimination: they may be sexually discriminated against without recourse to Title IX,² 20 U.S.C. § 1681(a)(3), and students with otherwise-

¹ Private schools must still comply with “law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations.” Alaska Stat. § 14.45.100.

² Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681–1688.

protected physical and mental disabilities may lack the protections of the Americans with Disabilities Act, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. ___, 132 S. Ct. 694 (2012).

These disabled students are further exposed: whether they attend a secular or religious school, they may lack the protections of the federal Individuals with Disabilities Education Act (“IDEA”). See 20 U.S.C. § 1412(a)(10)(A)(i)(III). While Alaska Stat. § 14.30.340 currently requires school districts to provide IDEA services to students at secular and religious schools, those benefits are conditioned on the State’s legislative grace, not a federal right. If the State were to divert educational funds to private schools – as HJR seeks to allow – there could be pressure on the Legislature to eliminate a potentially expensive private school benefit in order to offset the diminished public school funds.

It would be unfortunate if the same Legislature that, on the one hand, is considering eliminating official slurs against disabled Alaskans³ were to, on the other hand, strip the protections of important nondiscrimination laws from these same individuals.

We Should Not Reject Our Framers’ Wisdom and Needlessly Amend the Constitution

Alaska’s Framers sought to ensure that the Alaska Constitution would not be easily amended. To be adopted, proposed amendments must first receive a two-thirds vote from both legislative houses and then a majority vote from the citizens at the next general election. Alaska Const. art. XIII, § 1.

Since the Nation’s founding, “there have been popular uprisings against procuring taxpayer funds to support church leaders, which was one of the hallmarks of an ‘established’ religion.” *Locke v. Davey*, 540 U.S. 712, 722 (2004). The Founders enacted the federal Establishment Clause because “they fervently wished to stamp out” the centuries long “turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy.” *Everson v. Board of Education of Ewing Township*, 330 U.S. 1, 8–9 (1947). The Founders designed the Establishment Clause “to preserve liberty for themselves and their posterity.” *Id.* at 8.

Alaska’s Framers knew this history when they proposed – and the citizens adopted – the Alaska Establishment Clause. Our state constitutional delegates considered and rejected a “motion . . . to delete entirely the direct benefit prohibition of article VII, section 1.” *Sheldon Jackson College v. State*, 599 P.2d 127, 129 (Alaska 1979). The Framers decided to keep this section – one of the two that HJR 1 now seeks to erase – because they “clear[ly] . . . wished the constitution to support and protect a strong system of public schools.” *Id.* Delegate Coghill was particularly concerned “that the amount of tax dollars available for the support of public schools might be lessened if public funds were used to support a great many private schools.” *Id.* at n.6.

³ House Bill 88 and Senate Bill 39.

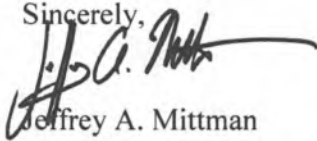
We should not reject our Framers' wisdom by amending the Constitution and exposing the State to needless, costly litigation and Alaskan students and families to avoidable, harmful discrimination.

Conclusion

We hope that the Education Committee will recognize that these are just some of the problems with House Joint Resolution 1, in that it exposes Alaska's students and families to numerous forms of discrimination, it rejects the accumulated wisdom of our Framers, and it opens the State to protracted, expensive litigation.

Thank you again for letting us share our concerns. Please feel free to contact the undersigned should you have any questions or seek additional information.

Sincerely,



Jeffrey A. Mittman
Executive Director
ACLU of Alaska

cc: Representative Gabrielle LeDoux, Rep.Gabrielle.LeDoux@akleg.gov
Representative Dan Saddler, Rep.Dan.Saddler@akleg.gov
Representative Paul Seaton, Rep.Paul.Seaton@akleg.gov
Representative Peggy Wilson, Rep.Peggy.Wilson@akleg.gov
Representative Harriet Drummond, Rep.Harriet.Drummond@akleg.gov



**Statement of Carl Rose
Association of Alaska School Boards
To the House Education Committee
Concerning House Joint Resolution 1
February 22, 2013**

Thank you for the opportunity to testify on behalf of Alaska's 53 school boards. As elected officials, school board members are sworn to uphold the state Constitution. I personally took that oath five times during my time tenure as a school board member. As legislators, you took that same oath. So this morning I ask you: What is the Constitution? My answer is this: The Constitution is what we believe; it's who we are. We don't change that belief on a whim.

The proponents of House Joint Resolution 1 are sincere in their desire to improve education in Alaska. AASB believes that HJR 1 is not a vehicle for achieving that goal. Instead, it is a vehicle for siphoning away public funds to private and religious schools. Removing the constitutional prohibition on state funding of private or religious schools will do nothing to improve public schools in which nine of every 10 Alaska children are enrolled.

If the Alaska Legislature should put this amendment on the ballot, imagine the confusion the average voter would face on election day. Consider these questions:

- **Who would be accountable for public education funds in private hands?** Public schools, through their locally elected school boards, are directly accountable to the citizens of the community for the expenditure of public funds.
- **If private or religious schools were held accountable for the use of public funds, would this be an invasion of religious freedom or other constitutional guarantees?** I would encourage the sponsors of this resolution to be careful what they wish for.
- **What if my child is not acceptable to a private school?** All students are accepted in public school, regardless of race, ability, religion, economic circumstance, or special needs.

When it comes to school choice, many communities in Alaska are very fortunate today. We have a wide variety of school options available in our major cities, and most students in private or religious schools today have the same option to take advantage of programs in public education, from correspondence courses to interscholastic activities. I would urge the committee to set aside this constitutional amendment and work with school districts across the state to improve K12 public education.

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Financial Aid

Principles for Church Institutions to Consider When Evaluating the Acceptability of State Financial Aid

In dealing with the practical question of when it is appropriate for church schools or institutions in the faith community to accept support or funding from the government, the following principles should be considered:

1. Would accepting the aid establish a precedent that would undercut the religious freedom protections guaranteed by the First Amendment, and the broad principle it embraces – the separation of church and state?
2. Does the aid come attached with conditions or requirements that would inhibit or interfere with the religious mission or goals of the institution, such as the restriction of its religious activities or standards?
3. Is there a reasonable likelihood that the aid would create a dependency by the religious institution on the government benefit program – so much so that it would inhibit its future ability to act independently?

In conclusion, the Northwest Religious Liberty Association, and its board of directors offer these principles in the form of questions so that meaningful dialogue can occur at all levels of the faith community. In the spirit of helpfulness, we believe that these three questions can substantially safeguard the faith community and its institutions from undue compromise and hardship in the future, and thus protect the vitality of its prophetic mission in America.

Northwest Religious Liberty Association
Government Relations Board
Executive Session
Approved and Enacted: March 8, 2000



NEA-ALASKA

Affiliated with the National Education Association

February 20, 2013

Representative Lynn Gattis
State Capitol
120 4th Street, Mail Stop 3100
Juneau, AK 99801-1182

The Honorable Representative Lynn Gattis:

As president of NEA-Alaska, representing nearly 13,000 educators and education support professionals, I am writing to inform you that NEA-Alaska opposes HJR 1.

NEA-Alaska opposes HJR 1 because it would create a dual education system in Alaska. Alaskan Constitutional Delegates gathered in Fairbanks in 1955-56 were concerned with the dual system of education at that time: one run by the Bureau of Indian Affairs and one by the Territory of Alaska. The delegates wished to create a unified school system free from sectarianism and partisanship.

Public schools accept every child. Religious and private schools can legally discriminate. Choice is not in the hands of the parents: the schools can and do pick and choose whom they accept.

Finally, Alaskans expect any organization that receives state funds to be accountable. Voucher schools are not accountable. They have been a failed experiment in the Lower 48.

In short, we do not support HJR1.

Please include this letter in the bill packet.

Respectfully,

Ron Fuhrer
NEA-Alaska President

To: Rep. Lynn Gattis
From: Steve Evenson, Northwest Religious Liberty Association
Date: March 4, 2013
Subject: NRLA and AK HJR 1

Dear Representative Gattis

Part 1 (Who NRLA is and what we are about)

This is the group that I represent. There were some questions as to who we were. Hopefully this statement will help with that understanding. Here is the statement.

“The Northwest Religious Liberty Association (NRLA) is a non-partisan government relations and workplace mediation services program that champions religious freedom and human rights for all individuals and institutions of faith in the civic, legislative, judicial, academic, interfaith, evangelical and corporate workplace arenas in the states of Alaska, Idaho, Montana, Oregon and Washington.

We are Seventh-day Adventists, but we are an umbrella organization that represents the interests of all, however carefully chosen and prioritized.”

Please feel free to visit our website www.nrla.com for more on our organization.

Part 2

Please find in this envelope some talking points that I shared with the committee last Friday. I hope this is helpful in this discussion.

To the Alaskan Representatives that are FOR and AGAINST the School Vouchers

Re: Please Oppose School Vouchers

Dear Representative:

I needed to make this letter brief because right now I am working full time; raising three children and have a husband who is hardly home trying to make ends meet. I NEED public schools to be there for my children in the future. I feel the voucher discussion on the table right now is senseless and should not go any further. I am totally against it.

through this and even brought to my attention things I did not know. Assistance that was there that wasn't black and white. Vouchers undermine Individuals with Disabilities Education Act (IDEA). However, creation of such a voucher program is more likely to undermine -- rather than improve -- education for students like my daughter. In addition, when students attend a private school on vouchers, they are no longer covered by the IDEA. I don't think that parents understand what they'd be in for if by GOD their child was on a voucher and they needed assistance that couldn't be provided to them

- Public funding for religious schools will blur the line between religion and government and that line should be kept clear. It's always been a fundamental division and it's always been scrutinized. I think our Constitution needs to be re-read to all our politicians. Church and State are to be kept separate!
- Vouchers take funds away from already underfunded public schools. One of the biggest reasons public schools are failing is that they can't keep up with the ever increasing cost of books, teachers, computers, security, etc. If we start subsidizing private schools, much-needed funds will be diverted from the public schools. You may think it wouldn't and your plan may not say it will but eventually money runs out. This will only make bad schools worse I have three children that still have many more years to go. I can't imagine what 5-10 years down the road will look like for them now that ARRA has passed that they'll pay for years down the road and now public funding will be cut for vouchers. It's silly.

Thank you for listening.

Jennifer Elhard, Tax Payer
Seward Resident
Mother of Three children who will use the public schools

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME: Alison Arians

REPRESENTING: self

BILL#/ SUBJECT: HJR 1
COMMITTEE &

HEARING DATE: 7 February 2014

Thank you for taking my testimony.

Sometimes when I've listened to the debate on this bill, I've wondered whether it's really worth arguing about.

"So what," I think. If people want to risk sending their kids to unaccredited schools that might spring up to take advantage of their state-sourced funds, well, that's not my problem. Lots of people have had bad experiences in the Lower 48, with unscrupulous school owners taking off with their money, or just not educating their children properly. But my child will be safe in our public school system. Why should I bother weighing in?

The reason is that I have listened to what teachers have to say about this bill. I am not a teacher, nor have I ever been a member of the NEA. But I have great respect for the teachers in our schools. They are doing a wonderful job educating our children.

Some legislators seem to feel that teachers' testimony on this resolution is worthless. But teachers are the



very people we SHOULD be asking about this bill.
Let's acknowledge teachers' expertise. If we were instituting a change in oil policy, of course we would ask the oil companies their opinions.

When I listen to what the teachers are saying, I hear a resounding NO on this resolution. Will this resolution have a negative impact on the kids with plenty of parental involvement and economic resources? That's not clear.

What IS clear is the negative impact on the kids without it. Lots of kids don't have the option of having mom or dad driving them around town to a school other than a neighborhood school. And if resources are led from those very neighborhood schools educating our poorest students, they are shortchanged even more.

Please be responsive to what our public school teachers have to say.

Thank you.

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME:

Gretchen Stoddard

REPRESENTING:

Man, myself.

BILL#/ SUBJECT:

HR 1

COMMITTEE &

HEARING DATE:

2/7/14.

I drove from midtown walk at lunch time + missed testimony. I am a Republican, South Anchorage PTA Mom. I am very concerned about my son's education.

Do not mess up my son's school. He attends Goldmineview.

These public testimony items that happen while my husband + I work, but I absolutely care about Public Schools.

Families w/ 2 working parents LOVE a school bus to the local Public Schools. Please increase the base student allocation. Please do not send the voucher proposal forward to a divisive vote.
Thank you, Gretchen Stoddard 3143 Seawind Dr 99516

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME: Martha Freeman

REPRESENTING: Family

BILL#/ SUBJECT: HJR1
COMMITTEE &

HEARING DATE: Feb. 7, 2014

On Friday, February 7 I testified before the House Education Committee in opposition to HJR1. Unfortunately, no one was listening.

During the hearing the committee chair repeatedly said, "There will be time to discuss this when it goes to the Judiciary Committee," making it perfectly clear that the chair had ~~not~~ decided the outcome of the hearing before it started. This hearing was a sham.

I am from the American Continent.

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME:

Yolanda de la Cruz

REPRESENTING:

Myself. I am not belong to NEA.

BILL#/ SUBJECT:

SJR 1

COMMITTEE &

HEARING DATE:

Friday February 7, 2014

I strongly reject SJR 1. These self-serving (politician) need to start working for Alaskan, and for the new voters. They are implementing their "Communism" in Alaskan by introducing their own rules. My kids went to the private school when they were young but over there the children with wealthy parents and with political influence have preference and priority. Right now my children are doing excellent in the public school, where they have a lot of choices such as: professional teachers and counselors. Therefore I strongly support public education.

Governor Sean Parnell and his followers (legislators) should be setting an example for the younger generation by respecting the Constitution.

'CHOOSE RESPECT'

DEC 7 RECD

February 7, 2014

Mr./Mme. Chair,

Thank you for the opportunity to testify on ^{MSJ} SJ9, the resolution to allow public funds to be spent on private schools. My name is Martha Freeman, I'm a resident of Anchorage, and have two children in Anchorage public schools.

I have two points to share.

First, our public schools are providing an excellent education for most students. With a daughter in college and another in 8th grade, I've been consistently impressed with the quality of their experience, thanks primarily to many outstanding teachers. Students that are succeeding in our public schools don't need vouchers – they already have access to a fine education.

Second, vouchers won't help the students who aren't succeeding. Several years ago I attended a parent assembly meeting to hear a presentation by the Anchorage School District's testing specialist. He stated that if you know the percentage of students at a school that qualify for school lunch subsidies, you can predict that school's average test scores within a few percentage points. Why? Because school lunch subsidies are an indicator of poverty. Poverty is correlated with a host of other problems from transience to poor nutrition to weak English language skills. These are the real challenges that make it so difficult for some children to succeed in school. Sadly, vouchers don't address any of those problems.

In short, most students succeed within our public schools without a voucher system, and vouchers won't help those who don't. The real goal for us as a city, a state, a democracy is to address the poverty that undermines school success, so that our public schools can provide a great education to all students.

Sincerely,

Martha Freeman
Anchorage, AK
1529 Sunrise Drive

Crystal Kennedy

From: Rep. Lynn Gattis
Sent: Tuesday, February 04, 2014 1:31 PM
To: Crystal Kennedy
Subject: Fwd: Please oppose HJR1

pls post on basis

Representative Lynn Gattis
Rep.Lynn.Gattis@akleg.gov

<http://www.facebook.com/RepresentativeLynnGattis>

Begin forwarded message:

From: Marty Freeman <martyw@ak.net>
Date: January 31, 2014 at 4:23:21 PM AKST
To: <Representative.Lynn.Gattis@akleg.gov>
Subject: Please oppose HJR1

January 31, 2014

Representative Lynn Gattis, Chair

House Committee on Education

State Capitol Room 420
Juneau AK, 99801

Dear Representative Gattis,

On February 7, the House Education Committee is scheduled to hear HJR1, a move to change the Alaska Constitution to allow public funding to be applied to private schools. I urge you, as chair, to make this the last hearing and end this initiative without wasting more public time and money on hearings or on a Constitutional referendum.

HJR1 proposes an enormous change in the foundations of democracy in Alaska. Article VIII, Section 1 of the Alaska Constitution guarantees that public schools shall be free from sectarian control. HJR1 would allow public funding of school that are under sectarian control, a direct

conflict with separation of church and state. It is an affront to me as an American and as an Alaskan, as well as to my religious beliefs.

Private schools are a move to RE-segregate Alaska. Few private schools reflect the economic, religious, or economic diversity in Alaska. In contrast, our public schools are a model of what our state must be – a place where all can learn to cooperatively, constructively contribute to our society and economy.

My daughter went to East High, Alaska's largest high school. Not only did East prepare her well for college, it also prepared her to live in a diverse world. East High has a stunning range of diversity in its overall student population, and the same diversity on the honor roll – a huge accomplishment and gift to our state. HJR1 weakens funding for our successful public schools at a time when budgets are already tight.

Please oppose HJR1.

Thank you,

Martha Freeman

1529 Sunrise Drive

Anchorage, AK 99508

Crystal Kennedy

From: Rep. Lynn Gattis
Sent: Tuesday, February 04, 2014 1:52 PM
To: Crystal Kennedy
Subject: Fwd: Please show your support of HJR1

pls load on basis

Representative Lynn Gattis
Rep.Lynn.Gattis@akleg.gov

<http://www.facebook.com/RepresentativeLynnGattis>

Begin forwarded message:

From: Jennifer LeMay <jlemay@lemayengineering.com>
Date: January 29, 2014 at 11:54:02 AM AKST
To: Jennifer LeMay <jlemay@lemayengineering.com>
Subject: Please show your support of HJR1

Representative:

Please support HJR1. This bill will allow the voters (not special interest groups) to decide on what school is best for educating their children. As a concerned parent and Alaska super-voter, I am in full support of HJR1.

Sincerely,

Jennifer LeMay, PE, PMP



The League of Women Voters Alaska
A Voice For Citizens, A Force For Change

Alaska State House Education Committee Members
Alaska State Senate Judiciary Committee Members

Re: HJR1 and SJR9, A Constitutional Amendment: Education Funding

March 12, 2013

The League of Women Voters of Alaska has long held the position that the State of Alaska has the responsibility for setting standards for education in Alaska, and financing elementary and secondary schools.

We subscribe to the League of Women Voters of the United States national program which emphasizes equality and quality in education. We have grave concerns whether the goals of such education in Alaska will be supported by the legislation written in HJR1/SJR9.

A fundamental necessity of a democratic society is a free and appropriate public education for all youth, as is guaranteed in Alaska's Constitution. HJR1/SJR9 may lead to a decrease in both quality and equality in the educational outcome for some students by siphoning money away from public and into private education.

We additionally foresee complications in monitoring of standards and financial accountability in non-public educational settings. The intent of the writers of the Alaska State Constitution was to support a vibrant, comprehensive, and sufficiently funded public education system for students throughout the State.

These programs are constantly creating adaptations, innovations, and modernizations which meet the diverse needs of youth in the State.

We urge the members of the Legislature to strive to strengthen, fully fund, and encourage the goals and programs of public education in Alaska.

With regards,

A handwritten signature in cursive script that reads 'Linda Witt'. The signature is written in dark ink and is positioned above the typed name.

Linda Witt

President, LWVAK



The League of Women Voters

A Voice For Citizens, A Force For Change

P.O. Box 22048, Juneau, Alaska 99802

www.juneaulwv.org

Fully fund education

Members of the Alaska Legislature:

The League of Women Voters of Alaska has long held the position that the State of Alaska has the responsibility for setting standards for education in Alaska, and financing elementary and secondary schools. We subscribe to the League of Women Voters of the United States national position which emphasizes educational equality for all students as well as quality in education. We have concerns as to whether the goals of such education in Alaska will be supported by the changes to the Alaska Constitution proposed in HJR1/SJR9.

A fundamental necessity of a democratic society is a free and appropriate public education for all youth, as is guaranteed in Alaska's Constitution. HJR1/SJR9 may lead to a decrease in both quality and equality in the educational outcome for some students by siphoning money away from public schools into private education. We additionally foresee complications in the monitoring of standards and financial accountability in non-public educational settings.

The intent of the writers of the Alaska State Constitution was to support a vibrant, comprehensive, and sufficiently funded public education system for students throughout the State. These programs are constantly creating adaptations, innovations, and modernizations in order to meet the diverse needs of all of Alaska's youth.

We urge the members of the Legislature to strive to strengthen, fully fund, and encourage the goals and programs of public education in Alaska.

Linda Witt, President

League of Women Voters Alaska

1/31/14

On School Vouchers

Allison Arians, of Anchorage, called in and expressed her view that the state should support public schools in lieu of private religious schools. Focus on fixing the public school system and don't rely on charter schools. Parents can form their own charter schools if they choose and shouldn't ask for state money to do so.

Contact: 677-3782

Calling for support of: HJR1

also

Tommy Smith - 223 9640

William Light - in support of putting to AVOTE
727 7144

Evan Ames - in support
441 5478

Angela Ingstrom - 727 2130 in support

Susan -

398-8545

HJR1 - support

-no call back-

Robert Dean - 337-8686 in support

Mike Paulsen - support

My name is Chris Benshoof, and I live in Fairbanks. Following is my written testimony for the House Education Committee regarding HJR1. Thank you for including it in the record and the committee's reading packet.

Dear House Education Committee. My name is Chris Benshoof and I am writing on behalf of myself. I was the 2012 BP Teacher of the Year for Fairbanks, the 2013 Alaska State Teacher of the Year, and a 2014 National Teacher of Excellence. I was born and raised in Fairbanks where I now teach, and I urge you to oppose HJR1.

I have many concerns over the impact that the proposed constitutional amendment could have. Most directly, I see this amendment as opening the door for a voucher system in our state, and I do not want to see public dollars being used to fund private institutions that do not fall under the same systems of accountability as their public counterparts.

Many proponents of HJR1 (and SJR9) like to talk about how this amendment would encourage competition between schools and that as a result schools would improve. First, I would offer the fact that Alaskan schools - while still able to improve further - have one of the highest graduation rates and test scores that they have ever had. To continue addressing educational issues, I believe our efforts as a state would be better directed at social issues.

Northern Economics recently (Thursday, Feb 6) released a report that identified issues that teachers and community members viewed as problematic in schools. The desire for more choice or increased competition was not high on the list. Instead, both groups wanted to see attendance rates increase and drug and alcohol abuse addressed. I believe we can do tremendous things for education if we look at the social conditions our students live in. Working to amend the Alaska constitution is not going to improve public education in our state.

I fully appreciate the complexity of the issues at play. THANK YOU for continuing to hear testimony on the issue. I hope we can continue to have a thoughtful dialog that includes all stakeholders before moving HJR1 further through the process. Ultimately, I urge you to oppose HJR1, and I want to thank you for your time and attention to this issue.

- Chris Benshoof, M.Ed.

National Board Certified Teacher

2013 Alaska State Teacher of the Year

KENAI LEGISLATIVE INFORMATION OFFICE

Email: Kenai_LIO@akleg.gov

Phone: 907-283-2030 / Fax: 907-283-3075

WRITTEN TESTIMONY

NAME:

Janice Chumley

REPRESENTING:

Voting public

BILL # or SUBJECT:

HJR1

COMMITTEE:

House Education

DATE:

2-7-2014

I would like to voice my opposition to changing our state constitution to allow public funding for private education. Our schools here on the Kenai Peninsula are not being fully funded at this time and if we were to allow public tax dollars to be used for private schools, they would suffer further. Our public school teach all students and should receive our support and funding. If a person chooses a private school for whatever choice, they should pay for it. I encourage you to listen to your voters and reject this detrimental change.

THANK YOU

Dear Members of the House Education Committee,

I am writing to voice my objection to HJR1. I am a high-school teacher in Fairbanks, and educated in the North Star Borough. I believe in public education. It is a mark of a forward-thinking society that we embrace the idea that it is in everyone's self-interest to have an educated populace. In a world of dwindling resources we do not have the luxury to foster the creativity of only the economically well-off. Rather, we need to look far enough ahead to see that we must tap the intellectual potential of all our citizens.

The voucher system is a step away from our goal to offer educational opportunity to everyone. Syphoning public funds into private businesses negatively affects the success of traditional public schools, and the students in them. At the same time that the discussion of standards and evaluations for public schools is focused on MORE accountability, it is hardly justified to propose funneling public money into private institutions which are held much LESS accountable.

The argument that vouchers would put the power of choice in the hands of parents is a logical fallacy. With a voucher system, the power of choice would be put in the hands of the private and religious schools who could hand-pick the best and the brightest, students with the most outside support. The effect on public schools would be to require them to do WAY more with WAY less. It is not equitable that students whose parents cannot drive them to private schools should have to contend with overcrowded classrooms and inadequate resources. It is not equitable that the students at the biggest economic disadvantage will be further short-changed. It is an unwise choice to divert money away from public schools, when what should be done is to adequately fund public schools and hold them to a high standard. I hope you will not support a HJR1.

Sincerely,

Robin Feinman

Crystal Kennedy

From: Brinna Wojtalewicz <brinnalouise@gmail.com>
Sent: Thursday, February 06, 2014 6:39 PM
To: House Education
Subject: HJR 1

Good Morning,

I am writing to request that you not support HJR 1. We have amazing schools and amazing school CHOICES in Anchorage. Vouchers are proven to be ineffective ways to support education. They are often a huge drain on public education funds. Their true impact is often immeasurable as private schools are not held to the same standards or guidelines so are basically free to hire, teach, assess and do whatever with whoever they wish.

The biggest reason I am speaking out against HJR 1, is that the students who don't have someone to represent them, are the students who will be hurt the most by this proposed amendment. Unfortunately, there are many students in our district (and state) who do not have family members who value education or will (or can) speak up to ensure their child gets a good education. These students DESERVE the same education you and I had no matter what their family is like. If you support vouchers, you support the demise of the students who need us most.

Thank you for your time,
Brinna Wojtalewicz
Eagle River, AK

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME:

Gretchen Stoddard

REPRESENTING:

MAM, myself.

BILL/ SUBJECT:

HIP 1

COMMITTEE &

HEARING DATE:

2/7/14.

I drove from midtown work at lunch time + missed testimony. I am a Republican, South Anchorage PTA Mom. I am very concerned about my son's education.

Do not mess up my son's school. He attends Goldblint.

These public testimony items ~~that~~ happen while my husband + I work, but I absolutely care about Public Schools.

Families w/ 2 working parents LOVE a school but to the local Public Schools. Please increase the base student allocation. Please do not send the voucher proposal forward to a divisive vote.
Thank you, Gretchen Stoddard 3143 Seawall
Dr 99516

LIO Mat-Su

From: Melodie Wright <rewrighter@gmail.com>
Sent: Friday, February 07, 2014 12:19 PM
To: LIO Mat-Su
Subject: testimony for HJR1

I am writing to share an opinion against the proposed constitutional amendment, HJR1.

While I am a strong proponent of school choice - all my children have attended charter schools here in the Valley and are successful - I am deeply concerned that the proposed amendment is being offered without any legislators doing their homework and finding out what, exactly, this could mean for Alaskan families. Without due diligence, there is a high likelihood of abuse by both the parents and the schools, who take voucher money and run.

What is going to be the accountability for these private/religious institutions? Shall they be mandated to take standardized testing? Will teachers be held to the same standards as their public school counterparts? What methods will the state use to ensure equity?

Will these private schools be REQUIRED to accept any student who darkens their doors? Because they do not currently - they pick and choose their student body via application.

Will there be an income requirement for families? Or will this voucher program only benefit the wealthy, who can afford to send their children to private schools anyway, yet not be enough money for poorer families to afford private school tuition?

What will be the impact on public schools, that already struggle with huge class sizes due to continuing funding stalemates?

Rushing forward to propose such a HUGE change to our philosophy - that public education is for ALL and includes several methods of accountability - without some idea of the impact this will have is foolish.

In my opinion, the proposed legislation is premature and requires a lot more research and conversation. If t his is done, and questions are answered, I'd be all in favor of continuing such a debate.

Legislators, please try to avoid a knee-jerk reaction to a subject most of you obviously know very little about.

<http://www.ncsl.org/research/education/voucher-law-comparison.aspx>

Thank you.

Melodie Wright
Palmer, Alaska

From: jennifer dunn hoeger <jennydunn@gci.net>
Sent: Friday, February 07, 2014 7:35 AM
To: LIO Mat-Su; House Education
Subject: Public testimony regarding HJR1

This is public testimony regarding HJR1.

Dear Members of the House Education Committee,

I am writing in opposition to HJR1. Changing the Constitution is serious business and I believe its writers had it right when they disallowed public dollars to go to private or religious schools. The Legislature's own research shows that school vouchers could cost tax payers as much as \$100 million per year. This is money that would be taken away from public schools. Furthermore, there is no research that shows that voucher programs improve school performance or student success. Thank you for your consideration.

Jenny Hoeger
Palmer, AK

From: LIO Anchorage
Sent: Friday, February 07, 2014 9:54 AM
To: House Education
Cc: centluth@gci.net
Subject: FW: House Education Committee concerning the School Choice Bill HJR1

From: Central Lutheran Church [<mailto:centluth@gci.net>]
Sent: Friday, February 07, 2014 9:42 AM
To: LIO Anchorage
Subject: House Education Committee concerning the School Choice Bill HJR1

Dear Committee members –

I am OPPOSED to the School Choice Bill HJR1.

I believe in Anchorage and our other larger communities, we have LOTS of school choice already. We can choose from charter schools, optional programs, neighborhood schools, home-schooling, and a number of private schools (some even offer scholarship opportunities for those who cannot afford tuition through smart budgeting or prioritizing).

In our smaller communities, school choices are simply the community school, home school (but you may choose from a number of providers), or boarding school. However, this bill would not expand those opportunities in these communities.

It is my understanding that a number of private schools will show statistics demonstrating the strength of their programs as seen in student testing results ... but that if you compare students by controlling for poverty/ wealth level, exclude students with disabilities and English-as-a-second-language, and otherwise ensure a similar cross-section of students, that those same test results then show no difference between the public and private school program strengths. If we wish to see better results in our public schools, we must tackle problems including adequate and affordable housing and child hunger which will allow low-income students a solid start in school.

I firmly believe that public dollars should ADEQUATELY support our public schools. Raise the per-student base allocation, as recommended by Rep. Gardner. Please DO NOT pass the School Choice Bill HJR1 and

begin siphoning funds from public schools to private schools that are not required to serve all students, regardless of disability or ability to speak and understand English.

Thank you,

Kathleen Freeman

3189 Prescott Circle

Anchorage AK 99504

907-444-8252

ly

From: MTSB <mts@gci.net>
Sent: Friday, February 07, 2014 9:30 AM
To: House Education
Subject: Opposition to HJR 1

To Whom It May Concern:

I would like to state my opposition to the proposed legislation to create vouchers for private and religious schools. As a third generation Alaskan, raising the fourth generation, I feel strongly that the public education system is meeting the needs of our children.

The charter school programs which already exist within our public school system provide an excellent alternative to existing public school infrastructure. I have used both the charter and public school system to meet the educational needs of our children, with great success.

Please consider fully funding the existing public school system rather than diverting our resources to private entities.

Thank you for your time,
Patricia Boyer
Palmer, AK

From: Laura Conway <laura.conway.85@gmail.com>
Sent: Friday, February 07, 2014 8:34 AM
To: House Education
Subject: SJR9 - Rural Alaskan School

Good morning,

I am contacting you as a teacher from Tununak, AK, a very small rural school in the Delta. The SJR9 legislation, while I feel is trying to do good for students, will only bring hardship and grief to our already struggling student population. Students that are able to be sent to boarding schools now do not do very well being away from family so young in their years. I worry that if funding starts to go to private/religious school, the funding small rural schools like ours will be cut and we will have to downsize or even close. Then our students will have to be sent away for school.

I urge you to please consider the ramifications of this legislation as they pertain not only to big cities and "normal" school systems, but also to the smaller villages and their schools.

Thank you,
Laura Conway

From: LIO Anchorage
Sent: Friday, February 07, 2014 8:04 AM
To: House Education
Cc: dgiroux@polarservices.net
Subject: FW: HJR1

From: Dawn Giroux [<mailto:dgiroux@polarservices.net>]
Sent: Thursday, February 06, 2014 8:31 PM
To: LIO Anchorage
Subject: HJR1

I am a 43 year Alaskan resident and a retired Anchorage School District teacher. I fully support HJR1 and I believe all Alaskans should have the opportunity to vote on this issue. I appreciate your careful consideration and I look forward to the opportunity to vote on this very important advance in the education of our Alaskan children.

Dawn Giroux

From: LIO Anchorage
Sent: Friday, February 07, 2014 8:04 AM
To: House Education
Cc: a2dogmum@aol.com
Subject: FW:

From: a2dogmum@aol.com [<mailto:a2dogmum@aol.com>]
Sent: Friday, February 07, 2014 12:09 AM
To: LIO Anchorage
Subject:

Please vote YES on HJR1

Diane Dickey
Anchorage, AK 99504

From: LIO Anchorage
Sent: Friday, February 07, 2014 9:54 AM
To: House Education
Cc: srbm1978@gmail.com
Subject: FW: Bill HJR1

From: Stephanie Moore [<mailto:srbm1978@gmail.com>]
Sent: Friday, February 07, 2014 9:36 AM
To: LIO Anchorage
Subject: Bill HJR1

Dear Legislators,

I am in favor of allowing Alaskan's to choose which educational tract is best for their child and I hope that you will also allow the people of Alaska to do so too! Please show us that democracy is not dead and that voters really do have a choice and a voice!

Sincerely,

Stephanie Moore

From: Penny Goodstein <pennygoodstein@yahoo.com>
Sent: Friday, February 07, 2014 8:57 AM
To: House Education
Subject: School vouchers are a terrible idea

I am amazed that the idea of providing public money for private schools is a serious potential in this state. I do not know the hidden agendas for this attempt to derail our public schools, but I can guess that religious education and for-profit educational institutions are two of the reasons.

If people want to send their children to private school including religious schools, then they should have to pay for them. State funds should go towards funding the public schools that have made this country great. Everyone deserves a great education and siphoning off money to pay for private schools, that even with vouchers our poorer citizens can't afford, is going to hurt our public schools. If we need more specialized schools, then supporting charter schools, that have some school board oversight and need to meet certain criteria, is the way to proceed. Provide transportation to those schools, as we already do with the special programs such as Rogers Park gifted program in Anchorage. Allow parents better access to designing curriculum in charter schools. But keep the schools public, ensure they meet certain curriculum requirements, and keep religion OUT of them.

Penny Goodstein
Anchorage, AK

From: LIO Anchorage
Sent: Friday, February 07, 2014 9:54 AM
To: House Education
Cc: jabutcher@alaska.edu
Subject: FW: From the Butcher's for School Choice Bill HJR1.

From: Joseph Butcher [<mailto:jabutcher@alaska.edu>]
Sent: Friday, February 07, 2014 8:28 AM
To: LIO Anchorage
Subject: From the Butcher's for School Choice Bill HJR1.

I Joseph Allan Butcher am in support of giving Alaska parents and their children the opportunity to choose which education tract is best for them. You are in favor of SCHOOL CHOICE and would appreciate a YES VOTE on HJR1.

Thank you in advance for all you are doing for us to have a choice.

~~Crystal Remy~~

From: LIO Anchorage
Sent: Friday, February 07, 2014 11:17 AM
To: House Education
Cc: rjbos@gci.net
Subject: FW: School Choice Bill HJR1

From: RUDY BOSLEY [<mailto:rjbos@gci.net>]
Sent: Friday, February 07, 2014 11:03 AM
To: LIO Anchorage
Subject: School Choice Bill HJR1

Representatives,

My name is Ruben Bosley a 36 year resident and registered voter of the State of Alaska.

I reside at 2518 E. Tudor #202, Anchorage, Alaska 99507 #884-6044

I am asking you all support giving Alaskan parents and their children the opportunity to choose the education tract they think is best for them.

I am in favor of School Choice and I would greatly appreciate a YES vote on HJR1!

Thank you,

Ruben Bosley

From: Sarah Mittelstadt Bean <sarah@arcticorganics.com>
Sent: Friday, February 07, 2014 12:13 PM
To: House Education
Subject: HJR 1

To Who It May Concern:

I oppose the proposed legislation that would make vouchers available for private and religious schools.

Public money should stay in the hands of the public, and should not wind up in the hands of the religious sector.

Sarah Bean

1305 N. Smith Rd.
Palmer, Alaska 99645

> To Whom It May Concern:

> I would like to state my opposition to the proposed legislation to create vouchers for private and religious schools. As a third generation Alaskan, raising the fourth generation, I feel strongly that the public education system is meeting the needs of our children.

>

> The charter school programs which already exist within our public school system provide an excellent alternative to existing public school infrastructure. I have used both the charter and public school system to meet the educational needs of our children, with great success.

>

> Please consider fully funding the existing public school system rather than diverting our resources to private entities.

>

> Thank you for your time,

> Patricia Boyer

> Palmer, AK

From: Denise Poole <dpoole3582@aol.com>
Sent: Friday, February 07, 2014 1:48 PM
To: House Education
Subject: No on Vouchers or Constitutional Amendment

Even the national School Board Association is against this idea. And I certainly don't want tax dollars going to religious or private schools. We already have school choice in our public schools. See the article below. Denise Poole, Anchorage Voter

NSBA touts public schools as strong choices

The National School Boards Association (NSBA) is calling for public schools to be schools of choice during National School Choice Week. It is warning lawmakers not to divert funds away from public schools in favor of unproven educational experiments.

Getting lost in the hype around National School Choice Week, school voucher legislation, and calls for expanded options for low-income students is the fact that public education already offers many options—including magnet schools and district-authorized charters. Further, some states are using taxpayer-funded vouchers and tax credits as an excuse not to fund their community public schools that educate all children, NSBA Executive Director Thomas J. Gentzel said in a conference with reporters on Jan. 27.

“Public schools have a track record that we can be very proud of,” Gentzel said. It’s important to have innovations in education, he added. However, “experiments should not come at the expense of low-income children.”

Students suffer when “choice” schools go out of business, are shut down, or are allowed to continue to operate without any accountability.

In the call, Gentzel and other NSBA experts noted that:

- Not all school choice is equal: Some forms of school choice operate outside the public system with little or no oversight and accountability for student learning and fiscal stewardship of taxpayer funds. Gentzel recommended what he dubbed a “nutritional label” that would require any school that receives public funds to be required to show the same results as students in the community public schools.
- “Choice” is not a reform strategy: Research shows that the schools parents choose are more likely to be the same or even worse than the community public school they leave. Charter school successes such as KIPP Academies and the Harlem Children’s Zone are the exception rather than rule, Gentzel said, and many charter and voucher schools are performing significantly worse than traditional public schools.
- Local school boards are in the best position to oversee school choice options and hold schools accountable for student learning and finances. Gentzel noted that NSBA supports charter schools and believes local school boards understand local communities’ needs and look out for their interests. Further, according to the Center for Research on Educational Outcomes (CREDO), a major education research organization, states that empower multiple authorizing agencies are most likely to report the weakest academic results for charters.

The February issue of *American School Board Journal* discusses the regulation of charter schools and how lawmakers should build policies to avoid abuses of the system and failing schools. For example, in Columbus, Ohio, a record 17 charters closed last year for poor performance. Many of these charters had only been open a few months. Ohio allows for multiple authorizers.

Joetta Sack-Min|January 27th, 2014|

Sent from my iPad

ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

WRITTEN TESTIMONY

NAME: Alison Arians

REPRESENTING: SELF

BILL#/ SUBJECT: HJR 1
COMMITTEE &

HEARING DATE: 7 February 2014

Thank you for taking my testimony.
Sometimes when I've listened to the debate on this bill, I've wondered whether it's really worth arguing about. "So what," I think. If people want to risk sending their kids to unaccredited schools that might spring up to take advantage of their state-sourced funds, well, that's not my problem. Lots of people have had bad experiences in the lower 48, with unscrupulous school owners taking off with their money or just not educating their children properly. But my child will be safe in our public school system. Why should I bother weighing in?

The reason is that I have listened to what teachers have to say about this bill. I am not a teacher, nor have I ever been a member of the NEA. But I have great respect for the teachers in our schools. They are doing a wonderful job educating our children.

Some legislators seem to feel that teachers' testimony on this resolution is worthless. But teachers are the



very people we should be asking about this bill.
Let's acknowledge teachers' expertise. If we were instituting a change in oil policy, of course we would ask the oil companies their opinions.

When I listen to what the teachers are saying, I hear a resounding NO on this resolution. Will this resolution have a negative impact on the kids with plenty of parental involvement and economic resources? That's not clear. What is clear is the negative impact on the kids without it. Lots of kids don't have the option of having mom or dad driving them around town to a school other than a neighborhood school. And if resources are led from those very neighborhood schools educating our poorest students, they are shortchanged even more. Please be responsive to what our public school teachers have to say.

Thank you.

House Committee on Education
February 7, 2014
Public Testimony

My name is Joe Boyle. I'm the president of the Mat-Su Education Association and the father of two Wasilla High School graduates. I am speaking in opposition to HJR1.

Our goal as stakeholders in public education is to provide a quality education to every child.

We need to provide that education to every child because the health and prosperity of our republic depends on it.

✓ When Horace man and others advocated for universal, public education in the 19th century, their intent was to unify our increasingly diverse population. And it worked! When I was a little boy reciting my lessons about George Washington, I had no idea that my relatives came to this country long after the Revolution. George Washington was the father of my country, and it didn't matter when my ancestors arrived on these shores.

Even today, it's a wonderful thing to hear little boys and girls, some with distinct accents, talking about our Declaration of Independence and our Constitution as if they were there when they were written.

✓ That's what public schools do. They continue to unify our ever more diverse people. Because of public schools we celebrate our diversity and our unity at the same time. This is one of the things that make our country exceptional—it's not that common around the world—and we have public education to thank for it.

I don't know why some people want to weaken and dilute universal, public education, but I know if they succeed, our children and grandchildren will regret it and ask us why?

I support public schools; I support the idea of a people united; I don't support the dividing and sorting of American children, and I don't support HJR1.



Alaska State Legislature

Please enter into the record my testimony to the

~~ERDIAO~~ House Education
Committee name

Committee on House Joint Resolution #1, dated 2/7/14
Bill/Subject

Today I am representing 9yr old, 4th grade student, Dillon of Palmer and 5yr old, pre school student Hunter of Talkeetna. I am a resident of Palmer for the past 31yrs, USAF retired, small business owner and employee of the MSBSD for 17yrs. I choose to live in the MatSu 31yrs ago because of the school district, A decision I never have regretted. I am excited about the choices that Dillon & Hunter have as they move through their Mat-Su K-12 education. My concern is this, while asking to support HJR #1, we have not heard one word about inflation proofing public schools. So districts can at a minimum maintain their current outstanding programs. I strongly appose this resolution so Dillons & Hunters public education choices do not erode during their K-12 journey.

Signed:

Thank you for your time ERNIE KIRBY
Testifier

CEA / SELF
Representing (Optional)

Address

Phone number



Alaska State Legislature

Please enter into the record my testimony to the

Education Cmmttee - House

Committee name

Committee on

HJR 1

dated

7 Feb 2014

Bill/Subject

I'm writing to complete my testimony.

My primary concern @ HJR #1 is its vagueness and lack of accountability. With this potential re-allocation of state resources how will these expenditures be monitored? Who will oversee the curriculum? Will the teachers be certified? Administrators? How will budgets and expenditures be monitored? What discipline protocols be determined? How will student admission requests be handled? Will these students be eligible for buses? I am very concerned about the lack of accountability.

Our country was founded on the cry "No Taxation without representation." From my perspective this Amendment would jeopardize the public's right to monitor these public expenditures.

Signed:

Stephen J. O'Brien

Testifier

Self

Representing (Optional)

1155 Woodstock Dr, Palmer

Address

907-350-3281

Phone number

LIO Mat-Su

From: glennlynn@mtaonline.net
Sent: Thursday, February 06, 2014 9:08 PM
To: LIO Mat-Su
Subject: Public Testimony for HJR1

Follow Up Flag: Follow up
Flag Status: Flagged

This is public testimony for HJR1, the Constitutional Amendment/Voucher Bill.

Not too long ago, Governor Parnell held an educational symposium consisting of educators from all over the world to explore what factors enable students to be most successful. It turns out that Finland has fabulous results with its public schools. Some of those factors include: Finland has one of the lowest childhood poverty rates in the world; they have universal preschool; they have a national health care system; they have small public school class sizes-under 20 students per class; and, they have highly paid teachers in their public education system.

So, with this data, what has the Governor and Legislature done?

Flat funded education, which has resulted in increased class sizes and reduced programs, which has the most impact on the most vulnerable. All the while saying that until I (the Governor) see increases in results (test scores) public education will not receive increased funding. Well, I think the Public Schools in Alaska are doing a great job, in spite of the Governor and Legislature's lack of funding. Public schools take ALL students and give those students a quality education. Public school teachers need to be credentialed, pass highly qualified tests, be evaluated by their administrator on a yearly basis, and have their students' test scores published.

Now, with scarce public dollars, the Governor and Legislature are advocating that those scarce public dollars be given to religious institutions wrapped in the guise of "choice" and "competition". Well, those private school teachers do not need to be credentialed. They don't even need to be high school graduates. Those private schools do not need to be accredited. Those private schools do not need to teach science. Those private schools can teach whatever they want. And they can take any student they want. Then if that student happens to be a troublemaker, be learning disabled, or gasp-turn out to be gay, that student can be expelled, and be returned to the public school.

If you think the neediest, most vulnerable student would be accepted to a private religious school, you have not done your research. The base student allocation that is currently paid for a public school child would not be sufficient to cover tuition, so the parents who already have their child in a private school would be subsidized. And, who would pay for books, uniforms, transportation for that vulnerable student. All of which are above and beyond tuition.

The makers of our Alaska Constitution had a vision for our state, and part of that vision was a strong public education for each child. I am against using public dollars for private schools.

Respectfully submitted,

Lynn Kracke
Mat-Su resident
Republican

LIO Mat-Su

From: jennifer dunn hoeger <jennydunn@gci.net>
Sent: Friday, February 07, 2014 7:35 AM
To: LIO Mat-Su; House Education
Subject: Public testimony regarding HJR1

Follow Up Flag: Follow up
Flag Status: Flagged

This is public testimony regarding HJR1.

Dear Members of the House Education Committee,

I am writing in opposition to HJR1. Changing the Constitution is serious business and I believe its writers had it right when they disallowed public dollars to go to private or religious schools. The Legislature's own research shows that school vouchers could cost tax payers as much as \$100 million per year. This is money that would be taken away from public schools. Furthermore, there is no research that shows that voucher programs improve school performance or student success. Thank you for your consideration.

Jenny Hoeger
Palmer, AK

LIO Mat-Su

From: prudence@mtaonline.net
Sent: Thursday, February 06, 2014 10:19 PM
To: LIO Mat-Su
Subject: Written testimony on HJR #1

Follow Up Flag: Follow up
Flag Status: Flagged

This is written testimony regarding HJR #1. I am a teacher working in the Mat-Su Valley, where I have been employed for over 20 years. And yes, before anyone needs to ask, I am a member of NEA, and I see that as a good thing—not because unions protect bad teachers or because teachers are afraid of reform or because teachers do not believe in choice.

Teachers know that bad teachers are bad for all of us, and we believe in a healthy evaluation system that works to help teachers improve where necessary and find other employment career when necessary.

Teachers not only believe in reform, we are the only people practicing reform, every day, unlike politicians who like to talk about reform but don't know what it means. Reform means teachers working with students and parents to provide the best education possible. Reform means examining, reflecting on, and changing practice based on research and careful study, not blindly adopting the latest buzzword that comes down the pike. Reform means long hours after school, on weekends, and during vacations learning about our subject areas and gathering new techniques to help our students.

Teachers believe in choice. The Mat-Su Valley has 20 elementary schools, 6 middle schools, 9 high schools, and 11 schools the district categorizes as "non-traditional." These include a school designed for the Old Believer community, a Spanish immersion school, a Waldorf-model school, and several home school programs, among many others. Listed among the 9 high schools are two alternative programs, a K-12 school, a 7-12 school, a Career/Technical school, and four traditional high schools. These rich choices for parents and students offer myriad educational opportunities, all within the scope of the public school system.

Private schools exist in the Valley as well, and are funded by tuition payments and endowments. Amending the Alaska State Constitution to funnel money away from the public schools and into private schools will actually diminish choice, as the district would no longer be able to support the many options that exist for our students. Any district in the state can look to Mat-Su for effective ways to offer choice if they desire to do so; removing even more funding from those public schools can only reduce the opportunities available to students.

One need look no further than the states that have adopted privately-funded charter schools to see how ineffective they have been—these schools have proven to be spectacularly ineffective and inefficient at providing quality education to students in states like Wisconsin and Texas. In fact, in Texas just recently, a very well-funded charter school has just announced its closure at the end of this school year because it cost more than the district's public schools yet produced poorer academic results.

Please recognize HJR #1 for what it is: an attempt to undermine Alaska's constitution and to bring private corporations into the public school arena where they can bleed money from students who need it and funnel it into their own pockets while dividing our communities into "haves" and "have nots." Please do not allow that to happen; please show Alaskans that you are not for sale.

Prudence Plunkett

Alaskan Educator

907-315-9285

LIO Mat-Su

From: Forstner <forstner@mtaonline.net>
Sent: Thursday, February 06, 2014 9:12 PM
To: LIO Mat-Su
Subject: Public testimony in opposition to HJR1, Friday, February 7

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept this email message as testimony in opposition for HJR1.

I am Emily Forstner, a 30 year resident of the State of Alaska, a mother of two children educated in the brick and mortar schools of the Mat-Su, and a 32 year veteran teacher. Yes, I am a member of the local MSEA; but my opposition to this bill- both currently as well as last year- is not associated with my association dues. I disagree vehemently with this bill all on my own.

I disagree fiscally with the inadequate research and fiscal projection of the cost of this amendment. The unknown balance due, as well as the evasion of such information, is concerning in these uncertain times of budget constraints. I disagree socially for the obvious inequities this bill creates for our poor and less able.

But, most importantly, I disagree because even though, and in spite of, the incredible changes our society has undergone in the last 25 years with the information freeway, the fundamental need to separate church from state has not changed. This amendment erodes that notion in the name of free market and competition. It is based on the illusion that education is akin to choosing a breakfast cereal.

Please. I beg of you. No. I pray of thee. Stop this madness. Do not go forward in trying to bring forward as a ballot initiative to amend this fundamental belief in our constitution. Lead us all in rolling up your sleeves and facing the challenges of a changing public school system without challenging our core belief of a freedom that has never been for profit.

Thank you for your attention,
Emily Forstner
forstner@mtaonline.net

PO Box 3942
Palmer, AK 99645
907-355-6469

LIO Mat-Su

From: dianneak@mtaonline.net
Sent: Thursday, February 06, 2014 6:00 PM
To: LIO Mat-Su
Subject: HJR1

Follow Up Flag: Follow up
Flag Status: Flagged

Please do not pass HJR1. The results of this bill will simply be to allow big corporations to dip into the public tax revenue stream for their own benefit. Let's improve the schools we have; let's not spread our tax dollars so thin that nothing can be accomplished to help our kids learn.

Dianne K. Wagner
Mat-Su
3361 N. Inspiration Loop
Wasilla, AK 99654

Rep. Lynn Gattis

From: Jeff & Rox Ann Dowd <jeffrox@acsalaska.net>
Sent: Thursday, February 06, 2014 10:32 PM
To: Rep. Lynn Gattis
Subject: I support HJR1

Representative Gattis,

I am a man of few words. I'm sure you've heard every argument and one more constituent repeating what you've already listen to for days is quite tedious.

I will simply ask you to do the right thing and do everything in your power to get HJR1 on the ballot. As you already know this is a contentious issue. But giving the people the right to vote on this is the right thing to do. Educating our children is so important and this bill has the potential to help everyone. Competition has always been a staple in making America great. I ask you again to let the people speak. Let HRJ1 go on the ballot so we can vote and make our will know to all.

Thank you for taking time to read this email.

Jeff Dowd

Rep. Lynn Gattis

From: Eric LeBoeuf <ericleb@alaska.net>
Sent: Thursday, February 06, 2014 9:26 PM
To: Rep. Lynn Gattis
Subject: -yes on HJR1.

I support HJR1. Please vote yes.

Angela LeBoeuf
907-345-2197

Rep. Lynn Gattis

From: 1RAYPRIL <1raypril@gmail.com>
Sent: Thursday, February 06, 2014 9:18 PM
To: Rep. Lynn Gattis
Subject: HJR1

While we see things like oil taxes and pot go on the ballot, how could you tell us that we don't have the right to have a discussion about the future of our children?

Ray and April Albeza

Rep. Lynn Gattis

From: Christine's design <designone@gci.net>
Sent: Thursday, February 06, 2014 9:15 PM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Harriet Drummond; Rep. Gabrielle LeDoux;
Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson
Subject: WRITTEN TESTIMONY ON HJR1

Subject: SUPPORT OF HJR1

TITLE: Proposing amendments to the Constitution of the State of Alaska relating to state aid for education.

I agree wholeheartedly with a gentleman from Fairbanks who offered that the issue before the committee is whether this resolution should be presented to the public for their vote and I would assume the educational considerations of that addition to the ballot, Considering that the option of choice has not proven to be a detriment to public school; but has shown to benefit public schools statistically, now is the time to change the wording of the Alaska State Constitution and expand the options. The issue of whether choice is a good idea and what the benefits are, if any, is a discussion for another day after the public has had a chance to express their opinion in that vote.

I know some historical details on how this phraseology about funds to alternative education came to be in the State Constitution; and it is time to change that wording. These days the interests of the public are becoming more and more critical to good government. There are no certainties of how the voters will decide when presented with the option of having a choice in education for their children. After the legislature has passed this resolution and committed to bringing it to the public will be the time for a serious and loud debate driven by the media and the NEA; and hopefully voters interested in choice for parents.

Please PASS this resolution and offer this discussion to the parents of children to be in those classrooms. Thank you for your time to vote for PASSING this resolution on for addition to the Fall 2014 ballot.

Thanks, Christine

Christine Hutchison
281 Juliussen Street
Kenai, AK 99611

Rep. Lynn Gattis

From: chambones <chambones@hotmail.com>
Sent: Thursday, February 06, 2014 9:11 PM
To: Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond; Rep. Dan Saddler; Rep. Gabrielle LeDoux; Rep. Lora Reinbold; Rep. Lynn Gattis
Subject: HJR1

Education Committee,

I write you to request that you pass HJR1 out of committee and forward for a vote of the people. Thank you for your consideration.

Michael Chambers

Chair-Alaska Libertarian Party

Sent from Samsung Mobile

Rep. Lynn Gattis

From: Yuliya Mitchell <Yuliya.Mitchell@nana.com>
Sent: Thursday, February 06, 2014 9:08 PM
To: Rep. Lynn Gattis
Subject: HJR1

Good evening. I think this message is quite telling. This issue needs to be heard and properly addressed. The fact that Alaska's schools rate #50 among all states in academic achievement is very disappointing. We need to think about our very near future and give children every opportunity to be successful.

My kids are in private school because our public schools need to be refocused, our societal values need to be reset, and we need to make an education a priority. All of this starts with you!

Respectfully,
Yuliya Mitchell

URGENT! Please call and e-mail as soon as possible. Let these Representatives know that you are in favor of HJR1 going on the ballot so that Alaskans can have a healthy vigorous discussion this year and vote on it in November. School ChoiceFOR PARENTS needs a statewide discussion because it is so important in allowing parents to have a say in their child's education. Polls show that the general public is in favor of parents having school choice. Unless something like school choice happens, many poor single family parents will not have a choice for their children. Unfortunately, some groups like the NEA want to dictate to parents where and how their children are to be educated. It is time for parents to have a choice.

Do not mention any private school or church. Do not talk about the fact that your children attend a private or religious school or that you want them to attend one. Do not talk about school choice being cheaper or a way to save money. Do not talk poorly about the quality of Alaska's public school system or its teachers. Do not talk about Common Core.

Please stick to the following points.

- 1. Identify yourself truthfully, but in a general way: "My name is XXX XXXX and I'm a public school parent/retiree/concerned Alaskan/grandparent, etc. I'm just an Alaskan who cares about our kids."**
- 2. Identify your Representative: "I live in Representative Gattis's district" or "Representative Saddler" is my Representative," etc.**
- 3. Give your statement. Following are some examples. Choose a couple and put them into your own words.**

-I support HJR1 going on the ballot so that Alaskans can have a healthy vigorous discussion this year and vote on it in November.

-Although HJR1 doesn't have any programs attached, it could open the door to benefiting many children so I urge you to put this on the ballot for Alaska's voters.

-It's part of our American and Alaskan tradition to have choices and to have a discussion. Don't keep this

discussion to yourselves. All of Alaska's children are affected by this, so all Alaskans should have the opportunity to vote on it.

-As a constituent, I am looking forward to having this discussion. You have likely seen the polls so keep in mind that I am one of many, many Alaskan families who support this resolution.

-We voted to send you down there. Send this bill out of committee now, so we can get a chance to vote on it. Don't stand in the way or we will remember that you did.

-HJR1 is a wonderful opportunity to further the discussion about what's best for our kids.

-Why would someone not be for more choices and possibilities? How could more choices and possibilities not help our children?

-If HJR1 dies in your committee or your body, you are on the hook for prohibiting Alaskans from having an important discussion that we want to have.

-While we see things like oil taxes and pot go on the ballot, how could you tell us that we don't have the right to have a discussion about the future of our children?

-Don't be afraid of the possibilities. That's why we sent you to Juneau to make sure that Alaskans like me are represented.

-There is almost no fiscal impact attached to this resolution. With the many challenging fiscal issues facing Alaska, just pass this and get back to the real business of the Finance Committee.

-2014 is the "Education Session." Passage of this gives legislators many more options in trying to ensure that Alaskan kids get the best education possible.

-Competition naturally makes for better products and services. The same has proven true in education. Don't be afraid of competition, it's working in other states.

-There is no purpose in retaining this Blaine language in our constitution. An Alaska Supreme Court decision is squashing the will of the people, contrary to federal Supreme Court decisions. We should be given the opportunity to re-align our state with the USA on this issue.

-Alaska is obligated by its constitution to provide every student with a public education. It must be prepared to educate all students including those who are now in private schools. So which kids are we NOT going to educate?

-Where are the polls to show that Alaskans do not support school choice? I know of three polls in the last three years, all of which show that Alaskans do support it, and want an opportunity to vote on it.

-Anyone who doesn't support this will be shown to be on the wrong side of history because all indications are that this is what Alaskans want. Which side of history will you be on?

The main message: Let Us Vote!

Rep. Lynn Gattis

From: GENE ZERKEL <kgz1926@gci.net>
Sent: Thursday, February 06, 2014 8:48 PM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond
Subject: HJR1school choice

Alaskans have long awaited an opportunity to choose what kind of education their children should receive.....I strongly urge you to move this bill out of committee and give the voters a chance to voice their opinion on this important issue. Many people are already openly discussing this issuedo your job and give the people a venue to choose. K.Gene Zerkel

Rep. Lynn Gattis

From: Ted Angstadt <tedangstadt@me.com>
Sent: Thursday, February 06, 2014 8:38 PM
To: Rep. Lynn Gattis
Subject: HJR1 Opposed

Dear Representative Gattis, I am writing to file my opposition to HJR1 changing the Alaska Constitution to allow the use of public funds for private and religious educational institutions. Children of poverty who have single parents, working poor families, and homeless children will not participate in this private education scheme. This change will only benefit the few well off students who have involved parents that wish to take them to selected schools. Additionally, many of these schools do not employ certificated educators and also do not even require educators to hold a college degree in some cases.

What this bill will do is drain our already poorly funded Alaska public schools. This legislature under Governor Parnell has continued to flat fund public schools in Alaska. The situation is now very dire. In my Anchorage school we have as many as 29 kindergartners in one classroom. Many of these kids are children that are homeless, english language learners, and have severe behavioral problems. Private academies and religious schools will not take these children, they don't have to. They are not accountable to anyone, except their private interests. This is not democracy, this is special interest politics in action!

After years of flat funding our public schools, you all say that the answer is school choice. This is certainly not the answer. It will create educational apartheid in Alaska. You will have the poor kids attending overcrowded and underfunded public schools. The more well off children will be able to attend private academies of their choosing. This is not democracy, but a travesty and is very unjust to Alaska children. Alaska schools are doing a great job in spite of the lack of funding that has been provided by this governor and legislature. Do not expand this travesty by voting for this very divisive and exclusionary bill. Keep public schools public for all children.

Respectfully,

Ted Angstadt
Anchorage Teacher.

Rep. Lynn Gattis

From: jeremiah@tenantwatch.net
Sent: Thursday, February 06, 2014 8:26 PM
Subject: Vote YES on HJR1
Attachments: Jeremiah Stephen TW.vcf

Importance: High

First, thank you for continuing to support the Alaska Permanent Fund Dividend. My family and I look forward to receiving these Alaska dollars each year. These funds are used at our discretion without state mandates as we choose to spend them in the state to continue to support local business. We can purchase a Bible, tithe any portion to our church or purchase additional books or magazines religious or otherwise. These are our choices and we appreciate your continued support, maintaining our freedom to make these choices.

The same freedom should be granted to parents concerning my children's education. Some are saying that state funds should not be going to private or private religious schools. They say it is unconstitutional and should remain unconstitutional. They maintain that Alaskans should not be giving the opportunity to change Alaska's constitution. They believe only Legislators are allowed to decide where state funds can be used unconstitutionally. You may ask, "Where is this happening?" Let me name a few. Legislators approve major state funds to be spent on a religious Methodist college, APU – Alaska Pacific University. Legislators also allow college tuition funds to follow graduating Alaskan high school seniors to attend BYU which is a religious institution.

Just like these legislative exponents', HJR1 (the School Choice Bill) does not fund religious schools; it funds the education of children. If a parent determines that a religious school will provide the best education, then the parent, not the state, is free to make that choice. Appropriating funds to parents and supporting their freedom to make sure their children get an education compatibly matched to their child and which supports our freedom to choose life, liberty and the pursuit of happiness. This is the role of government. Please provide all children with school choice and PLEASE VOTE YES on HJR1 so we can utilize our portion of the taxes we pay to send our kids where we choose.

Thank you for your time.

Sincerely,

Jeremiah Stephen

President Tenant Watch®

Jeremiah Stephen TW
Tenant Watch



Jeremiah@TenantWatch.net

(907) 272-7336 Work

(907) 242-3456 Mobile

PO Box 92356

Anchorage, Alaska 99509

www.tenantwatch.net

Rep. Lynn Gattis

From: don9546@olyphen.com
Sent: Thursday, February 06, 2014 8:09 PM
To: Rep. Lynn Gattis
Subject: School Choice Bill HJR1

School Choice Bill HJR1

My name is Donald M Ross and I'm a grandparent, who cares about my grandchildren as well as all Alaskan Children. Representative Bob Lynn is my Representative.

I support HJR1 going on the ballot so that Alaskans can vote on it in November.

Alaska is obligated by its constitution to provide every student with a public education. It must be prepared to educate all students including those who are now in private schools.

Competition naturally makes for better products and services. The same has proven true in education. Don't be afraid of competition, it's working in other states. Alaskans do support it, and want an opportunity to vote on it. As a constituent, I am looking forward to having this discussion support this resolution.

Thank you,
Donald M. Ross
6641 Crooked Tree
Anchorage, AK 99507

Rep. Lynn Gattis

From: Jennifer Harvey-Kindred <akcafecoordinator@gmail.com>
Sent: Thursday, February 06, 2014 7:57 PM
To: Rep. Lynn Gattis
Subject: Concerns with HJR1

I would like to voice my opinion with regards to HJR1. I think this bill is a horrible idea. Private Christian institutions are just that private and claim religious exemption which should eliminate them from public funding. Parents have choices within our local schools and charter schools which offer parents the choice to choose a school that fits within their family values void of religion. If there values are strong routed in religion then they should continue to pay tuition for those schools. I believe funding of religious private schools violates the separation of church and state. From personal experience my sisters children attend a local Christian church and she never complains about paying their tuition. I also know she volunteers time to lower her tuition which I think is a great incentive. Speaking of her children I believe they are not receiving an adequate education at their school. At family gathering they just do not have the book or social smarts as the children interact. I don't believe the teachers at their school have to be highly qualified. This is another reason why they shouldn't receive funding. If there teachers and staff are held to their own standards based on religious exemption and they aren't held to the same standards as the local district employees then it would be money wasted. Regulations and requirements have been established to ensure public school employees are held to high standards so children in Alaska receive an adequate education experience. To allow these institutions to receive funding but have their own standards is very detrimental to students and sends mixed messages to educators that really pull at the roots of why they have to go through extensive training and testing to teach within the public school system. I think respect, appreciation, and funding needs to only go to entities within the public school system void of religion. Thanks for your time! Jennifer

Rep. Lynn Gattis

From: LeighSteele-Ross <lsteele1234@yahoo.com>
Sent: Thursday, February 06, 2014 7:56 PM
To: Rep. Lynn Gattis
Subject: School Choice Bill HJR1

In RE: School Choice Bill HJR1

My name is Leigh Johnson-Steele and I'm a grandparent, who cares about my grandchildren as well as all Alaskan Children.

Representative Bob Lynn is my Representative.

I support HJR1 going on the ballot so that Alaskans can have a healthy vigorous discussion this year and vote on it in November.

Further, although HJR1 doesn't have any programs attached, it could open the door to benefiting many children so I urge you to put this on the ballot for Alaska's voters.

I believe it is part of our American and Alaskan tradition to have choices and to have a discussion. All of Alaska's children are affected by this, so all Alaskans should have the opportunity to vote on it.

As a constituent, I am looking forward to having this discussion. You have likely seen the polls, so please keep in mind that I am one of many, many Alaskan families who support this resolution.

Thank you.

Leigh Johnson-Steele
6641 Crooked Tree Dr
Anchorage AK 99507

Rep. Lynn Gattis

From: Wayne & Donna Edmonds <edmonds@gci.net>
Sent: Thursday, February 06, 2014 7:53 PM
To: Rep. Lynn Gattis
Subject: HJR1

I encourage you to pass HJR1 on for further consideration. I believe an issue this important requires the vote of the people of Alaska.

Thank you for your time,
Wayne Edmonds
Alaska Resident since 1984

Rep. Lynn Gattis

From: Christopher Morrow <morrow.christopher@gmail.com>
Sent: Thursday, February 06, 2014 7:43 PM
To: Rep. Lynn Gattis; Rep. Lora Reinbold; Rep. Gabrielle LeDoux; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Harriet Drummond
Subject: HJR1

Please allow us to vote on HJR1.

Sincerely
Christopher and Yvonne Morrow

Rep. Lynn Gattis

From: PTilbury <pstilbury@yahoo.com>
Sent: Thursday, February 06, 2014 7:42 PM
To: Rep. Lynn Gattis
Subject: Fwd: HJR1

Subject: Re: HJR1

Hello Representatives,
Thank you for your dedicated public service,

I am a steadfast fan of accountability, I very much supported the past HB 162.

However, I am not in support of the current HJR1. Please do not allow such dissemination of education funding.

The best recipe for quality education is dedicated parents working with quality educators to develop students who are accountable for their learning. Please do not support HJR1.

Patty Tilbury
Ninilchik

Rep. Lynn Gattis

From: Jody Stahl <mnjstahl@gci.net>
Sent: Thursday, February 06, 2014 7:41 PM
To: Rep. Lynn Gattis
Subject: HJR1

Dear Representative Gattis,

As an Alaskan Citizen I am strongly opposed to HJR1. I do not believe there is enough cause to amend our state constitution. There are many discussions that have not been held. If improving Public Education is the purpose for HJR1 I do not believe this is the way to do it. If our constitution is amended it opens the door for public funding to support private schools. First, There is no link between vouchers and gains in student achievement. In other words there is no "conclusive evidence" that vouchers improve the achievement of students who use them to attend private school. There is no evidence that by creating a "competitive marketplace" for students, vouchers force public schools to improve. Actually the most revered improvements in student achievement have occurred in places where vouchers do not exist, such as Texas, North Carolina, Connecticut and Chicago. Rather those states focused on teacher quality and extra help for students who need it.

We know that Private schools have much autonomy as to how they choose to operate: who they teach, what they teach, how they teach, how, if at all they measure student achievement, how they manage finances and what they are required to disclose to parents and the public. A fact: the absence of public accountability for voucher funds has contributed to rampant fraud, waste and abuse in current voucher programs.

Vouchers will require taxpayers to fund two school systems, one public and one private. it will cause a have and have not division.

In reality Vouchers will not give parents a choice. Participating Private schools can do as they please, they can limit enrollment and can charge enrollment fees above what the vouchers would cover. Unlike public schools, private and religious schools can discriminate in admissions on the basis of prior academic achievement, standardized test scores, interviews with applicants and parents, gender, religion, special needs and behavioral history.

The public has shown disapproval of spending scarce tax dollars on voucher programs. Since 1966 vouchers or voucher related measures have been voted on in 13 states and the District of Columbia 22 times. Voters have rejected public aid to private and religious schools every time. Nearly 2 out of 3 voters cast a "NO" vote.

Please vote No on HJR1

Sincerely,
Jody Stahl
Anchorage

Rep. Lynn Gattis

From: Wayne & Donna Edmonds <edmonds@gci.net>
Sent: Thursday, February 06, 2014 7:37 PM
To: Rep. Lynn Gattis
Subject: HJR1

Good evening,

I am writing to strongly encourage you to allow HJR1 to progress through the political process. Since this issue will effect the majority of Alaskans, I believe this issue needs to be voted on by the people of Alaska.

Thank you for your service,

Donna Edmonds

Alaska Resident since 1976

Rep. Lynn Gattis

From: Glenn Clary <gclary@ancbt.org>
Sent: Thursday, February 06, 2014 6:57 PM
To: Rep. Lynn Gattis
Subject: HJR1

Dear Representative Gattis,

Please VOTE YES on HJR1.

First, thank you for continuing to support the Alaska Permanent Fund Dividend. My family and I appreciate receiving these state funds every year. These funds are used at our discretion without state mandates. We are free to spend these state funds on items our family chooses. We can purchase a Bible, tithe any portion to our church or purchase additional religious books or magazines. These are our choices and we appreciate your continued support, maintaining our freedom to make these choices.

The same freedom should be granted to parents concerning their children's education. Some are saying that state funds should not be going to private or private religious schools. They say it is unconstitutional and should remain unconstitutional. They maintain that Alaskans should not be giving the opportunity to change Alaska's constitution. They believe only Legislators are allowed to decide where state funds can be used unconstitutionally. You may ask, "Where is this happening?" Let me name a few. Legislators approve major state funds to be spent on a religious Methodist college, APU – Alaska Pacific University. Legislators also allow college tuition funds to follow graduating Alaskan high school seniors to attend BYU, and many other religious institutions.

Just like these legislative exponents', HJR1 (the School Choice Bill) does not fund religious schools; it funds the education of children. If a parent determines that a religious school will provide the best education, then the parent, not the state, is free to make that choice. Appropriating funds to parents and supporting their freedom to make sure their children get an education compatibly matched to their child. This is the role of government. Please provide all children with school choice and VOTE YES on HJR1.

I would appreciate the opportunity to discuss additional merits of HJR1

Thank you for your time.

Sincerely,

Glenn Clary

907-952-2251

Sent from Windows Mail

Rep. Lynn Gattis

From: Brian Leach <brianleach@hotmail.com>
Sent: Thursday, February 06, 2014 6:38 PM
To: Rep. Lynn Gattis
Subject: School Choice Bill

Dear Representative Gattis,

I sure would appreciate it if you would pass along the school choice bill. As a matter of fairness, I believe that others should have the chance to have the choice I was given for my daughters. My understanding is that passing this bill just provides the opportunity for a statewide vote. Please allow Alaskans as a whole to make this decision.

Sincerely,

Brian Leach
brianleach@hotmail.com
3221 Evergreen St.
Anchorage, AK 99504
907.529.0083 C
907.346.1302 H

Rep. Lynn Gattis

From: Kathleen Tonn <tonn.kathleen@gmail.com>
Sent: Thursday, February 06, 2014 6:27 PM
To: Rep. Lynn Gattis
Subject: School Choice

Good Evening, Please support a parent's right for "school choice." Thank You, Kathleen Tonn

Rep. Lynn Gattis

From: Serge Duchatellier <serged54@gmail.com>
Sent: Thursday, February 06, 2014 6:06 PM
To: Rep. Lynn Gattis
Subject: HJR1

Ma'am,

I am encouraging you to vote yes on school choice. I do believe that it is the best decision for our children and their future.

Thank you
Sent from my iPhone

Rep. Lynn Gattis

From: Debbie Clary <debbie.clary@gmail.com>
Sent: Thursday, February 06, 2014 4:50 PM
To: Rep. Lynn Gattis
Subject: HJR1

I would appreciate your "yes" vote on this which allows parents to have a choice in their child's education.
Thank you.

Rep. Lynn Gattis

From: Mike Coons <mcoons@mtaonline.net>
Sent: Thursday, February 06, 2014 4:42 PM
To: Kelly Burnett; Rep. Lora Reinbold; Rep. Lynn Gattis
Subject: Support for HJR 1

My name is Mike Coons I live on Lazy Mountain outside of Palmer.

I am fully for HJR 1.

Since I am sure that NEA supporters will have testified before and will after my testimony, let me respond to their "talking points".

First off HJR 1 is not about vouchers. All HJR 1 and SJR 9 does is refine the Constitution as to education and how the State can dispense funds and then to give We the People the ability to debate, research, find the truth, vs the lies, and then go to the voting booth and vote for or against the Constitutional Amendment, period. In direct response to comments made that those in the legislature who feel that since they have a college education, that they are the only ones able to make such a decision, I say thanks but no thanks! I as a responsible citizen and voter not only can, but will make a valued decision on this subject and will not give up my God Given rights to anyone to cast a vote for me! If people cannot understand the issue, don't have the time to research, debate and listen to the facts, then I say, don't vote! For to vote No or Yes means you have weighed the facts and made a decision.

Secondly, our nation and State are not a democracy, we are a REPUBLIC.

Third, all private/secular/religious schools will have to meet all existing standards and laws. The accusation of segregation that is sadly pervasive by the NEA and NAACP is racist in form, function and nature and I will do all I can to point that out! In point of fact, it is a sad fact that when the left is loosing a battle, they revert to pulling the race card or personally attacking people! That is repulsive and I will continue to fight back!

Fourth, the continual attack that this is somehow violating "separation of Church and State" is another red herring. President Thomas Jefferson for far too long has been misquoted and I'm sure he is rolling in his grave with the progressives using his words in vain! "Congress shall make no law respecting establishment of religion", that is from the First Amendment and is clear as clear can be to those who have even a 5th grade reading comprehension! No where is a "separation of Church and State" even inferred! All it is saying is our government cannot force us to be any religion, nor making a State religion as it was in England.

In closing, I ask only that We the People are able to vote this Constitutional Amendment up or down and if NEA and NAACP or other progressive people and organizations want to vote against it, fine. For I will be voting YES!

Mike Coons
Palmer
745-6779

--

Using Opera's mail client: <http://www.opera.com/mail/>

Rep. Lynn Gattis

From: Chris Benshoof <cbenshoof@gmail.com>
Sent: Thursday, February 06, 2014 4:36 PM
To: Rep. Lynn Gattis
Subject: Greetings, and HJR1

Dear Representative Gattis -

My name is Chris Benshoof; I am a math teacher at Lathrop High School in Fairbanks, Alaska and I wanted to write both to introduce myself and to share my thoughts on HJR1. I was the 2012 BP Teacher of the Year for Fairbanks, the 2013 Alaska State Teacher of the Year, and am a 2014 National Teacher of Excellence. I was raised in Fairbanks public schools and I have nothing but positive things to say about them. I know you have seen the success of our public schools - including some of the highest graduation rates and highest test scores in these past few years than in the state's history - so I won't reiterate those things further.

My concern for HJR1 is that I do not see it doing anything good for public education in Alaska. My first and foremost concern for education is that students around the state have equal access to continually improving public education. The proposed changes in HJR1 (and the accompanying SJR9) will not help our children do better in school, and could possibly even subject some to schools that view children as profit margins rather than individuals. I urge you to oppose HJR1.

I appreciate the complexity of the issues being addressed, and I am thankful that you and your committee are taking the time to carefully hear from all stakeholders in a complete dialog. For example, I know that many educators and classroom professionals will not be able to attend your 8am hearing (I start work at Lathrop at 7:15). I hope you will encourage an open debate and consider the weight of this decision.

I included further comments in written testimony to the Education Committee, but I wanted to pass along an individual note to ensure my voice was heard. I have devoted my life to public education, and I would love the opportunity - at any time - to discuss any educational issues with you further. If you would ever like to talk about education in Alaska, please do not hesitate to contact me.

Chris Benshoof, M.Ed.
National Board Certified Teacher
2013 Alaska State Teacher of the Year
cbenshoof@gmail.com
(907) 460-2369

Rep. Lynn Gattis

From: Shane Horton <sdhorton@aptalaska.net>
Sent: Thursday, February 06, 2014 4:29 PM
To: 'Lindy Moss'
Cc: 'Mike Borg'; Sen. Mike Dunleavy; Rep. Lynn Gattis; 'Porter, Boyd (DFG)'; huttonsgunshop@gmail.com; 'Kelly P. Swihart'; 'Mark Kappler'
Subject: RE: Help with Haines Youth Shotgun team as official school team

From: Lindy Moss [mailto:loktsafe@mtaonline.net]
Sent: Thursday, February 06, 2014 10:37 AM
To: 'Shane Horton'
Cc: 'Mike Borg'; 'Sen. Mike Dunleavy'; 'Rep. Lynn Gattis'; 'Porter, Boyd (DFG)'; huttonsgunshop@gmail.com; 'Kelly P. Swihart'; 'Shane Horton'; 'Mark Kappler'
Subject: Help with Haines Youth Shotgun team as official school team
Importance: High

We can do a few things:

1. **Alaska SCTP can write a letter to the Board explaining the insurance coverage through USAYESS and basically where funding comes from.**

Yes please do

2. **Michael Dunleavy, State Senator and Lynn Gattis, State Representative, were both on the Mat-Su School Board and highly instrumental in getting our program accepted unanimously! It is very possible that they can be of great assistance through their contacts and possibly sending a letter to your Board.**

That would help I am sure.

3. **Mike Borg is the National Director for USAYESS, our parent organization. He could write a letter as well, explaining the benefits of the program.**

If he has time a short letter from Mike would be good. I have given the school admin the webpage but I don't know if they have looked at it or not.

4. **There are several others who might be willing to write letters to enforce the value of this program as an official school activity. I will work on it.**

Right now it would help if we knew exactly when the school board is meeting on this matter. I don't know but It will find out. Can you "reply all" and give us a date? Do you want the letters to come to you

or directly to the Board? Maybe it would be best if you were copied on everything? Just copy me with whatever is sent. Let us know how best to proceed. I can look up board members and their contact info on the school website, can't I? Yes I believe so but if it is much trouble I can get a list for you, the meeting schedule should be there as well.

One of the things that is so important for all the Southeast teams is that getting it in the schools would mean these remote communities would have additional opportunities for kids to expand their borders. I know they get around a lot with basketball and swimming, wrestling and volleyball. But this is an outdoor activity, and as such is a huge "plus" – getting kids outdoors, even in the winter, to compete, train and develop relationships as well as self-discipline, citizenship, and even scholarship!

Boyd Porter is the Head Coach in Ketchikan. Noel Hutton is the Head Coach in Sitka. Mark Kappler is Juneau's Head Coach. Kelly Swihart is the Police Chief in Petersburg and their gun club is interested in starting a youth shotgun team as well. We hope to connect with someone in Wrangell as I understood they were expressing interest in a team some time ago. Shane, do you know if there might be a field in Skagway? There is or at least was a gun range in Skagway but I don't think there is a trap range. If there is interest perhaps they could come over here one day a week or we can help them get a trap range setup.

Please "Reply All" so this discussion can be more productive. Hopefully we will be able to help all of you! I know Mark has gotten stalled in Juneau, as has Boyd in Ketchikan. We used to think that if we got Anchorage to get onboard everyone else would follow. Perhaps the answer is to get everyone else on board!

Lindy

From: Shane Horton [<mailto:sdhorton@aptalaska.net>]

Sent: Wednesday, February 05, 2014 3:20 PM

To: 'Lindy Moss'

Subject: RE: Youth On Target: MidwayUSA Foundation's Quarterly Newsletter

They have to put it all through the school board so they have done nothing with us so far. I got them the names of some of the other schools that were doing it so they could check it out but we seem to be stalled out with them for right now. Any suggestions about how to make the school comfortable would be welcome.

shane



**Statement of Carl Rose
Association of Alaska School Boards
To the House Education Committee
Concerning House Joint Resolution 1
February 22, 2013**

Thank you for the opportunity to testify on behalf of Alaska's 53 school boards. As elected officials, school board members are sworn to uphold the state Constitution. I personally took that oath five times during my time tenure as a school board member. As legislators, you took that same oath. So this morning I ask you: What is the Constitution? My answer is this: The Constitution is what we believe; it's who we are. We don't change that belief on a whim.

The proponents of House Joint Resolution 1 are sincere in their desire to improve education in Alaska. AASB believes that HJR 1 is not a vehicle for achieving that goal. Instead, it is a vehicle for siphoning away public funds to private and religious schools. Removing the constitutional prohibition on state funding of private or religious schools will do nothing to improve public schools in which nine of every 10 Alaska children are enrolled.

If the Alaska Legislature should put this amendment on the ballot, imagine the confusion the average voter would face on election day. Consider these questions:

- **Who would be accountable for public education funds in private hands?** Public schools, through their locally elected school boards, are directly accountable to the citizens of the community for the expenditure of public funds.
- **If private or religious schools were held accountable for the use of public funds, would this be an invasion of religious freedom or other constitutional guarantees?** I would encourage the sponsors of this resolution to be careful what they wish for.
- **What if my child is not acceptable to a private school?** All students are accepted in public school, regardless of race, ability, religion, economic circumstance, or special needs.

When it comes to school choice, many communities in Alaska are very fortunate today. We have a wide variety of school options available in our major cities, and most students in private or religious schools today have the same option to take advantage of programs in public education, from correspondence courses to interscholastic activities. I would urge the committee to set aside this constitutional amendment and work with school districts across the state to improve K12 public education.



February 21, 2013

**AMERICAN CIVIL
LIBERTIES UNION OF
ALASKA**

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STUDENT ADVISOR

The Honorable Lynn Gattis, Chair
The Honorable Lora Reinbold, Vice-Chair
House Education Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

via email: Rep.Lynn.Gattis@akleg.gov
Rep.Lora.Reinbold@akleg.gov

**Re: HJR 1: Constitutional Amendment for Educational Funding
ACLU Review of Legal Issues**

Dear Chair Gattis and Vice-Chair Reinbold:

Thank you for the opportunity to provide written testimony regarding House Joint Resolution 1.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska who seek to preserve and expand the individual freedoms and civil liberties guaranteed by the United States and Alaska Constitutions.

We write to advise the Education Committee of at least two serious problems with HJR 1. First, were HJR 1 to pass the Legislature and be adopted by the people, the federal and Alaska constitutions prohibit the payment of public money to private religious schools. Second, the public funding of private schools (both religious and secular), may expose private-schooled students and families to increased discrimination, which they would not have suffered had they remained in public schools.

///

HJR 1 Will Not Change the Federal or Alaska Establishment Clauses

HJR 1, were it to be passed and adopted, would amend the Public Education section (Alaska Const. art. VII, § 1) and Public Purpose section (Alaska Const. art. IX, § 6) of the Alaska Constitution. The stated purpose of these amendments is to permit the State to fund both private secular *and* religious schools. While HJR 1 would allow Alaska to fund private secular education, it would *not* change the federal or Alaska Establishment Clauses, which substantially limit the State from funding religious schools. U.S. Const. amend. I (“Congress shall make no law respecting an establishment of religion . . .”); Alaska Const. art. I, § 4 (“No law shall be made respecting an establishment of religion . . .”).

Though the U.S. Supreme Court interpreted the federal Establishment Clause to permit an Ohio secular and religious school voucher program, *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002), Ohio was not directly paying the religious schools: a salient difference from what HJR 1 seeks to allow. And, no matter the details of the religious voucher scheme, even if it were to pass federal constitutional muster, public funding of religious schools would still violate the Alaska Establishment Clause. *Lien v. City of Ketchikan*, 383 P.2d 721, 724 (Alaska 1963) (noting that the Alaska Establishment Clause prohibits the teaching of religion).

If the Legislature seeks to publicly subsidize private **secular** schools, HJR 1 would appear to achieve that end. It would not, however, lower the federal and Alaska Establishment Clauses’ high constitutional bars against funding religious schools.

Private Schools Lack Public Schools’ Nondiscrimination Protections

An asserted impetus behind HJR 1 is to increase the ability of families to send their children to private secular and religious schools. While the ACLU of Alaska takes no position on this as a policy matter – and *we would defend a family’s right to choose to send their child to a secular or religious school*, see *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925) – the Committee should note that **private school pupils fall outside the protective umbrella of federal and state nondiscrimination laws.**

Private schools, be they secular or religious, may exempt themselves from nearly all of Alaska’s “laws and regulations relating to education,” Alaska Stat. § 14.45.100, including the sexual and racial nondiscrimination laws of Alaska Stat. §§ 14.18.010 to 14.18.110.¹ Students at religious schools risk extra discrimination: they may be sexually discriminated against without recourse to Title IX,² 20 U.S.C. § 1681(a)(3), and students with otherwise-

¹ Private schools must still comply with “law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations.” Alaska Stat. § 14.45.100.

² Title IX of the Educational Amendments of 1972, 20 U.S.C. §§ 1681–1688.

protected physical and mental disabilities may lack the protections of the Americans with Disabilities Act, *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. ___, 132 S. Ct. 694 (2012).

These disabled students are further exposed: whether they attend a secular or religious school, they may lack the protections of the federal Individuals with Disabilities Education Act (“IDEA”). See 20 U.S.C. § 1412(a)(10)(A)(i)(III). While Alaska Stat. § 14.30.340 currently requires school districts to provide IDEA services to students at secular and religious schools, those benefits are conditioned on the State’s legislative grace, not a federal right. If the State were to divert educational funds to private schools – as HJR seeks to allow – there could be pressure on the Legislature to eliminate a potentially expensive private school benefit in order to offset the diminished public school funds.

It would be unfortunate if the same Legislature that, on the one hand, is considering eliminating official slurs against disabled Alaskans³ were to, on the other hand, strip the protections of important nondiscrimination laws from these same individuals.

We Should Not Reject Our Framers’ Wisdom and Needlessly Amend the Constitution

Alaska’s Framers sought to ensure that the Alaska Constitution would not be easily amended. To be adopted, proposed amendments must first receive a two-thirds vote from both legislative houses and then a majority vote from the citizens at the next general election. Alaska Const. art. XIII, § 1.

Since the Nation’s founding, “there have been popular uprisings against procuring taxpayer funds to support church leaders, which was one of the hallmarks of an ‘established’ religion.” *Locke v. Davey*, 540 U.S. 712, 722 (2004). The Founders enacted the federal Establishment Clause because “they fervently wished to stamp out” the centuries long “turmoil, civil strife, and persecutions, generated in large part by established sects determined to maintain their absolute political and religious supremacy.” *Everson v. Board of Education of Ewing Township*, 330 U.S. 1, 8–9 (1947). The Founders designed the Establishment Clause “to preserve liberty for themselves and their posterity.” *Id.* at 8.

Alaska’s Framers knew this history when they proposed – and the citizens adopted – the Alaska Establishment Clause. Our state constitutional delegates considered and rejected a “motion . . . to delete entirely the direct benefit prohibition of article VII, section 1.” *Sheldon Jackson College v. State*, 599 P.2d 127, 129 (Alaska 1979). The Framers decided to keep this section – one of the two that HJR 1 now seeks to erase – because they “clear[ly] . . . wished the constitution to support and protect a strong system of public schools.” *Id.* Delegate Coghill was particularly concerned “that the amount of tax dollars available for the support of public schools might be lessened if public funds were used to support a great many private schools.” *Id.* at n.6.

³ House Bill 88 and Senate Bill 39.

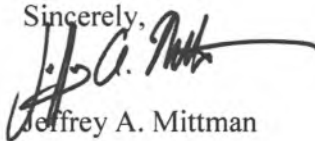
We should not reject our Framers' wisdom by amending the Constitution and exposing the State to needless, costly litigation and Alaskan students and families to avoidable, harmful discrimination.

Conclusion

We hope that the Education Committee will recognize that these are just some of the problems with House Joint Resolution 1, in that it exposes Alaska's students and families to numerous forms of discrimination, it rejects the accumulated wisdom of our Framers, and it opens the State to protracted, expensive litigation.

Thank you again for letting us share our concerns. Please feel free to contact the undersigned should you have any questions or seek additional information.

Sincerely,



Jeffrey A. Mittman
Executive Director
ACLU of Alaska

cc: Representative Gabrielle LeDoux, Rep.Gabrielle.LeDoux@akleg.gov
Representative Dan Saddler, Rep.Dan.Saddler@akleg.gov
Representative Paul Seaton, Rep.Paul.Seaton@akleg.gov
Representative Peggy Wilson, Rep.Peggy.Wilson@akleg.gov
Representative Harriet Drummond, Rep.Harriet.Drummond@akleg.gov

~~Law~~ Kerrie Fredeen - oppose SJR9