

**The Education Clause of the Alaska Constitution requires that the Legislature “establish and maintain a system of public schools open to all children in the state.”**

**Article VII, §1.**

### **The Alaska Supreme Court and the Education Clause**

#### ***McCauley v. Hildebrand (1971)***

- “The constitutional mandate for pervasive state authority in the field of education could not be more clear. First, the language is mandatory, not permissive. Second, the section not only requires that the legislature “establish” a school system, but also gives to that body the continuing obligation to “maintain” the system. That the legislature has seen fit to delegate certain educational functions to local school boards in order that Alaska schools might be adapted to meet the varying conditions of different localities does not diminish this constitutionally mandated state control over education.”
- A clear statement from the Court regarding the strong, ongoing nature of the State’s obligation under the Education Clause.

#### ***Breese v. State (1972)***

- Established the fundamental nature of Alaskan students’ right to receive a public education.

#### ***Molly Hootch et al., Alaska State-Operated School System (1975)***

- The Alaska Supreme Court’s only expansive interpretation of the Education Clause.
- The Court’s holdings related to the Education Clause:
  - “Unlike most state constitutions, the Constitution of Alaska does not require uniformity in the school system. It seems likely that the drafters of the Constitution had in mind the vast expanses of Alaska, and its many isolated communities...”
  - “The Alaska Constitution appears to contemplate different types of educational opportunities including boarding, correspondence, and other programs without requiring that all options be available to all students.”

## Recent Education Litigation in Alaska Superior Court

### *Moore v. State (2004-2011)*

- *Moore v. State* was filed in 2004. Plaintiffs sought a declaration that the education system was constitutionally inadequate and underfunded. They wanted education funding doubled – an additional \$1.3 billion.
- The Moore Plaintiffs argued that the Education Clause required the state to provide an adequate education.
- Judge Gleason issued a decision in Moore in 2006. She held that education was ultimately a state responsibility. She noted that even though the state delegates implementation to local districts, the state cannot delegates the constitutional responsibility for maintaining an adequate public education system. She then established a four-part test for adequacy under the Education Clause. The four-part test included the following elements:
  - Funding
  - Standards
  - Assessment
  - Oversight
- The court found the State to be in violation of the fourth prong of the adequacy test- because education in some districts in rural Alaska did not provide a “meaningful opportunity to learn” for children whose backgrounds did not prepare them for academic success.
- Because the *legislature* is ultimately responsible for education, the court held that local control of education must give way where local districts either could not or would not address the failure of their children to succeed.
- Therefore, the court found the state in violation of the Education Clause, and ordered that the state provide additional oversight and assistance in underperforming districts.

### ***Kasayulie v. State (1997-2011)***

- *Kasayulie v. State* was filed in 1997. The lawsuit claimed that the state's method of financing school construction was unconstitutional because it discriminated against rural school children.
- In 1999, the superior court ruled against the state.
- On the education facilities financing issue, the court found that the legislature's facilities funding system unfairly favored urban school districts because it allowed urban districts to finance school projects through the debt reimbursement program. Rural school districts, on the other hand, had no tax base and thus no access to the debt reimbursement program. Accordingly, rural construction projects had to wait for legislative approval, which, for long periods of time, did not occur. The court found that the school construction financing program violated the Education Clause and the Equal Protection Clause of the Alaska Constitution, and federal Civil Rights law.

### **Other Supreme Court Case of Interest**

#### ***State v. Ketchikan Gateway Borough (2016)***

- At the center of this case is that fact that the State's local school funding formula requires a local government to make a contribution to fund its local school district.
- The superior court held that this required local contribution is an unconstitutional dedication of a "state tax or license" and therefore violates Alaska's constitutional prohibition of dedicated funds.
- The Supreme Court determined the minutes of the constitutional convention and the historical context of those proceedings suggest that the delegates intended that local communities and the State would share responsibility for their local schools, and that those proceedings also indicated that the delegates did not intend for state-local cooperative programs like the school funding formula to be included in the term "state tax or license."
- The Court therefore held that the existing funding formula does not violate the constitution.

