



**EAGLEXIT**

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This is the second part of our series of articles to describe an education model for the new Chugach Regional Borough (CRB). As we have discussed and will repeat, our goal is to first protect the future of the children of our community. After all, isn't it always about the future?

This second article discusses the current framework for school district authority in Alaska and the rights of parents. We believe that the better our community discusses and analyzes this authority framework, the better we can ensure that the ultimate authority and rights belong to parents and the better information for you, our readers.

### **The Authority of School Districts in The State of Alaska**

In Alaska, the authority of school districts over children is established through a combination of state laws, regulations, and case law. The state's laws, regulations, and court decisions have created a framework for the powers and responsibilities of school districts in educating and caring for the children of the state. It appears that these legal sources give school districts a more favorable position compared to parents in making decisions about the education and upbringing of their children.

The Alaska Constitution provides a foundation for the authority of school districts over children by guaranteeing the right of all residents to a public education. The state's courts have interpreted this constitutional right to provide significant authority to school districts in making decisions about the education and upbringing of children.

Title 14 of the Alaska Statutes governs education and sets forth the laws that apply to Alaska school districts. For instance, Alaska Statutes (AS) 14.03.120 gives the State Board of Education and Early Development the power to adopt regulations for public schools, while AS 14.07.099 outlines the powers and duties of school districts. These laws provide guidance and support for the authority of school districts to direct the education and upbringing of children.

The State Board of Education and Early Development also has the authority to adopt regulations that provide further guidance for Alaska school districts. These regulations cover a range of issues, including budgeting, hiring personnel, and providing education services to students.

It is further noted that the Alaska State Constitution provides no limitations regarding the number of school districts a local government may regulate, especially through a home rule approach.

### **Alaska School District Rights**

The rights of Alaska school districts over education and control of children are determined by a combination of federal and state laws, regulations, and case law. Here are some of the key authorities that Alaska school districts have:

1. Authority to set curriculum: Alaska school districts have the authority to establish and set the curriculum for their schools, including determining the subjects and courses of study.

2. Authority to regulate student behavior: Alaska school districts have the authority to regulate student behavior and enforce disciplinary actions, including suspension or expulsion of students who violate school rules or engage in disruptive or dangerous behavior.
3. Authority to provide special education: Alaska school districts have the responsibility to provide special education services to eligible students and not just exclusively to those with disabilities.
4. Authority to control access to school property: Alaska school districts have the authority to control access to school property, including setting rules and regulations for who is allowed on school grounds and when.
5. Authority to manage school resources: Alaska school districts have the authority to manage and allocate school resources, including funding, personnel, and facilities.

While Alaska school districts have these authorities over education and control of children, they must also operate within the bounds of the law and respect the constitutional rights of students and their families. Can the authority of a local government's home rule charter further regulate these authorities?

### **Parental Rights Regarding Children's Education**

As per the laws, regulations, and case law in Alaska, parents have the following rights regarding their children's education:

1. Right to Enroll: Parents have the right to enroll their children in a public school within the district or to choose alternative education options, such as private or homeschooling.
2. Right to Access: Parents have the right to access their children's education records and to participate in their children's educational planning and decision-making.
3. Right to Review: Parents have the right to review and challenge instructional materials and assessments used in their children's education.
4. Right to Participate: Parents have the right to participate in school-related activities, such as parent-teacher conferences, school board meetings, and educational programs.
5. Right to Provide Input: Parents have the right to provide input on school policies and programs that affect their children.
6. Right to Religious Instruction: Parents have the right to provide religious instruction for their children outside of school hours.
7. Right to Homeschool: Parents have the right to homeschool their children, if they meet the requirements set forth by the Alaska Department of Education and Early Development (DEED).
8. Right to Seek Alternative Education: Parents have the right to seek alternative education options, such as private schools or out-of-state schools, if they are dissatisfied with the education provided by their school district.

Alaska school districts do have an authority over directing the education and consequently the upbringing of children. It is critical to understand that a local government such as the Chugach Regional Borough may balance these rights through its charter to ensure that parents retain control over important aspects of their children's education.

Understanding these legal sources and how they apply to the operations of Alaska school districts is part of informed decision-making and effective governance.

We will be providing the next article which will continue to develop this model shortly. We look forward to continuing the conversation and working towards a brighter future for the children of the Chugiak-Eagle River area.

We encourage you to get involved, too! Feel free to call us anytime, and don't hesitate to come to our weekly Tuesday evening meetings at the Cozy Carpet Warehouse behind the store at 7 pm.



***Thank you for joining us in this effort!***

Sean Murphy, Chair

*Sean Murphy came to Alaska in the Army. Met his wife and moved to Eagle River in 1999 with his family. He is a retired Anchorage School District educator and administrator. He is active with his community council and is the new chair of Eaglexit. He can be reached at [Sean.Eaglexit@gmail.com](mailto:Sean.Eaglexit@gmail.com) or 907-632-5307.*