

**To: Members of the State Board of  
Education and Early Development**

**July 1, 2024**

**From: Deena Bishop ED. D., Commissioner**

**Agenda Item: 1**

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**◆ ISSUE**

The board will consider going into an executive session to obtain legal advice regarding the status and strategies related to the *State of Alaska, DEED v. Alexander et al.* case, pending before the Alaska Supreme Court.

**◆ BACKGROUND**

- On January 24, 2023, several teachers and parents of students filed suit in superior court against the state, alleging that the statutes implementing the correspondence study program are unconstitutional on their face and as applied. *Alexander et al. v. Commissioner Deena Bishop, State of Alaska, Department of Education & Early Development*, 3AN-23-04309CI. On April 12, 2024, the court issued an order declaring the correspondence statutes (AS 14.03.300-.310) unconstitutional. This order has been stayed through June 30, 2024.
- The state appealed the order to the Alaska Supreme Court and requested from both the superior court and supreme court a stay until the Alaska Supreme Court issued its full decision. That request was denied by both courts.
- The Alaska Supreme Court has ordered an expediated briefing schedule with oral argument on the appeal to occur on June 27, 2024.
- Under AS 44.62.310(c)(3) of the Open Meetings Act, the following subject may be considered in an executive session: matters, which by law, municipal charter, or ordinance are required to be confidential. Attorney-client advice is a matter which by law is required to be confidential.
- Under the AS 44.62.310(b) of Open Meetings Act, the question of holding an executive session for the consideration of the subjects listed in AS 44.62.310(c) shall be determined by a majority vote of the board.

**◆ SUGGESTED MOTIONS**

I move the State Board of Education and Early Development convene in executive session to obtain legal advice regarding the status and strategies related to the *State of Alaska, DEED v. Alexander et al.* case, a matter which is by law required to be confidential, under the Open Meetings Act, AS 44.62.310(c)(3).