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### **CEAAC Challenges Constitutionality of Small School Closure**

ANCHORAGE—A proposal to close small schools by raising the minimum size for full state funding is unconstitutional, according to a legal opinion obtained by a coalition of education supporters with a track record of winning constitutional education cases in Alaska courts.

Representative Lynn Gattis recently announced a plan to stop full funding for schools with fewer than 25 students, although she said she might choose a different number, higher or lower, at some later date. Increasing the minimum school size from 10 to 25 would close 60 schools statewide, but would save only \$5.9 million from a budget deficit of \$3.7 billion, or 1 tenth of 1%. Gattis, a writer of the education budget in the State House, has said cost is the only reason for proposing the change and offered no research on the educational impact.

CEAAC (pronounced See-Ack) is a coalition of 20 school districts and education advocates formed to counter earlier unconstitutional attacks on Alaska education. The group was victorious in two major constitutional lawsuits, the Kasayulie and Moore cases, which resulted in settlements with the State of Alaska worth over \$200 million. CEAAC holds a constitutional defense fund to support legal work when the constitutional right to education is threatened.

CEAAC Attorney Howard Trickey, who led CEAAC's legal team in the earlier cases, wrote a legal opinion indicating that Gattis's proposal would be subject to constitutional challenge. The Moore case established that Alaska's constitution requires the state to provide students a meaningful opportunity to achieve education standards. Denying that opportunity selectively to children in small communities would violate the equal protection clause.

"The only environment that would likely meet the state's constitutional obligation is one in which students have a chance to learn in a classroom with a teacher rather than being left to teach themselves," Trickey said. "Nothing replaces the learning opportunity that direct, in-person communication provides. There is no evidence that on-line learning or shipping students away from their families will meet this constitutional obligation."