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IN THE SUPREME COURT OF THE STATE OF ALASKA

Commissioner Deena M. Bishop, in her)
official capacity, State)
of Alaska, Department of Education &)
Early Development,)
Appellant,)
v.) Supreme Court No.: S-_____
Edward Alexander; Josh Andrews; Shelby)
Beck Andrews; and Carey Carpenter;)
Appellees.)
v.)
Andrea Mocerri, Theresa Brooks, and)
Brandy Pennington;)
Intervenor-Appellants.)

Trial Court Case No.: **3AN-23-04309 CI**

**NOTICE OF APPEAL
AND STATEMENT OF POINTS ON APPEAL**

Deena M. Bishop, in her official capacity as the Commissioner of the State of Alaska, Department of Education and Early Development (“the State”) gives notice that it is appealing the superior court’s final judgment entered on May 2, 2024, after the court granted the plaintiffs’ motion for summary judgment on April 12, 2024. The State lists the following points on appeal:

1. The superior court erred in declaring AS 14.03.300 to be facially unconstitutional.
2. The superior court erred in declaring AS 14.03.310 to be facially unconstitutional.
3. The superior court erred in concluding that “purchasing educational

services and materials from private organizations with public funds”
violates Article VII, § 1 of the Alaska Constitution.

4. The superior court erred in granting the plaintiffs injunctive relief.
5. The superior court erred in concluding that the plaintiffs’ constitutional challenge could proceed without the school districts as parties.
6. The superior court erred in denying summary judgment to the State.

Dated: May 3, 2024.

TREG R. TAYLOR
ATTORNEY GENERAL

By: /s/ Margaret Paton Walsh
Margaret Paton Walsh
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EMERGENCY

IN THE SUPREME COURT OF THE STATE OF ALASKA

Commissioner Deena M. Bishop, in her)
official capacity, State)
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Appellant,)

v.) Supreme Court No.: **S-**_____)

Edward Alexander; Josh Andrews; Shelby)
Beck Andrews; and Carey Carpenter;)

Appellees.)

v.)

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Intervenor-Appellants.)

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**EMERGENCY REQUEST FOR SCHEDULING CONFERENCE
IN EXCEPTIONAL CIRCUMSTANCES**

Under Appellate Rules 503.5(e) and 504, Deena M. Bishop, in her official capacity as the Commissioner of the State of Alaska, Department of Education and Early Development (“the State”) requests a scheduling conference to establish an expedited briefing schedule for this case that will allow this Court to rule very quickly.

A scheduling conference is requested as soon as possible.

An expedited briefing schedule and prompt decision are necessary because the superior court’s order striking down correspondence school statutes AS 14.03.300-.310 creates serious uncertainty for students, families, school districts, teachers, private businesses, and even brick-and-mortar public schools. The 22,000 students currently

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enrolled in correspondence school programs do not know whether those programs will continue to exist in their current form for the upcoming school year, for which most families and school districts have already made plans. *See* Exhibit A (Goyette Aff.).

The superior court has stayed the effect of its order only until the end of the fiscal year on June 30 and declined the State’s request for a longer stay. *See* Exhibit B (stay order). The State will soon file an emergency motion asking this Court to extend the stay through the end of this appeal. But regardless of the length of the stay, Alaska’s educational system will remain in limbo until this Court rules. Only this Court can resolve the uncertainty that this case creates for Alaska’s educational system and everyone touched by it, so the Court should do so as quickly as possible.

To that end, the State respectfully requests an expedited briefing schedule that will allow for the Court to issue a full opinion—including sufficient explanation to allow the legislature to make any statutory changes that may be necessary—before the superior court’s order takes effect. That means a **full opinion by June 30** if the Court declines to extend the stay. If the Court extends the stay, that will allow more time, but the State still requests a schedule that will allow the Court to issue a full opinion before the start of the next legislative session in January 2025. The State’s counsel is available for a scheduling conference at the Court’s convenience.

I. Contact information of counsel and efforts to notify counsel

As required by Appellate Rule 504(c) for emergency motions, the telephone numbers and office addresses of counsel are as follows:

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Counsel for the other parties were notified by email about this upcoming
emergency request for a scheduling conference on May 3, 2024.

Dated: May 3, 2024.

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