

SUMMARY OF THE ARGUMENT

The decision of the Superior Court holding that there is no constitutional, statutory, or regulatory duty to establish secondary schools in every populated enclave of the state should be affirmed. Appellants offer a number of arguments in support of this conclusion.

First, the Alaska Constitution, Article VII, Section 1, was purposely drafted in very general language so as to allow the legislature the broadest possible leeway in establishing Alaska's system of public education. As the Superior Court correctly found, the system envisioned by the framers did not mandate establishment of local secondary schools.

Secondly, the legislature has in fact properly established a system of public education through Alaska Statutes, Title 14. Nothing in Title 14 compels establishing local secondary schools in every populated area of the state. Rather, in providing an educational program in the state, schools are to be established only where it is economically and educationally sound to do so.

Third, administrative regulations to implement the system as established by the legislature. When the total regulatory scheme is examined, particularly with an eye towards the scope of their statutory authority, it is evident that they are consistent with the statutory mandate to exercise discretion in determining when schools will be established. Those regulations which previously may have been ambiguous on their face in this regard have been properly amended to clarify that rural secondary schools need not be established in every isolated community of the state.

Finally, no denial of equal protection should be found by this Court since not only was this claim specifically waived below, but also, this claim fails on its merits. Appellants are in fact provided free public secondary education, and thus, not denied the right to education. Local secondary schools are being made available to a rapidly increasing number of appellants and other rural Alaskans. Moreover, since appellants live in small, isolated communities lacking local governmental organization, they are not similarly situated to most Alaskans.