

500 L Street, Suite 500
Anchorage, Alaska 99501

Telephone: (907) 677-3600
Facsimile: (907) 677-3605

www.sweflaw.com

SEDOR WENDLANDT EVANS FILIPPI

Attorneys at Law

Clinton M. Campion
Allen F. Clendaniel
William J. Evans
Lea E. Filippi
Carolyn Y. Heyman
John M. Ptacin
John M. Sedor
John C. Wendlandt
John Ptacin

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Via Email: ninia.dizon@alaska.gov
ryan.bravo@alaska.gov

Attorney General Treg Taylor
Office of the Attorney General
1031 W. 4th Street
Anchorage, Alaska 99501

Re: Fairbanks North Star Borough School District Parental Notification Policy
Our File No. 1132-306

Attorney General Taylor:

On December 28, 2022, Department of Law contacted the Fairbanks North Star Borough School District (The District) regarding AS 14.13.016, which, in part, requires the School Board to adopt parental notification policies for activities, classes, and/or programs that include the topics human reproduction or sexual matters. Department of Law also sought information about the "Safe Spaces Exploration" elective which, I wish to clarify, was never offered at Randy Smith Middle School or any other school within the District.

On January 9, 2023, the District responded to Department of Law's requests on an informal basis.

On February 1, 2023, Department of Law wrote a subsequent letter, stating the District had failed to enact parental notification policies and requested that the School Board begin enacting such policies immediately. Department of Law further requested that the District report its progress no later than February 24, 2023. Additionally, Department of Law sought all information in the District's possession regarding the "Safe Spaces Exploration" elective.¹

The District responds to your February 1, 2023, letter as follows. First, the District recognizes the need to enact policies in response to AS 14.13.016 and has taken steps to do so. The District's standing policy committee will make compliance with AS 14.13.016

¹ Department of Law provided the District an extension until March 10, 2023, to respond to its February 1, 2023, letter.

a priority and submit proposed policies to the full School Board in the coming months.² Moreover, the District will be conducting a larger review of its existing policies this summer. Compliance with AS 14.13.016 has been added to the list of issues that will be addressed by the Board during its more expansive review of board policies. Until the adoption of conforming board policies, the District will continue to comply with the tenets of AS 14.13.016 as if such policies were formally in place.

With respect to the Safe Spaces Exploration elective, the District does not believe a violation of AS 14.13.016 occurred in this instance. Like many schools in the District, Randy Smith Middle School offers students elective coursework outside the required subjects like math, English / language arts, science, and social studies. The Safe Spaces Exploration elective was suggested by one of the teachers at Randy Smith Middle School. However, the middle school never offered this elective for a variety of reasons. As this elective never got past the initial review phase, to the best of its knowledge, the District retained no records pertaining to this suggested, but never offered, elective course. Under AS 14.13.016(a)(3), the District is required to notify parents before any activity, class, or program that includes the topics human reproduction or “sexual matters.” As this elective was never offered to students, in my view, there was no need to notify parents in this instance. It is my hope this explanation resolves Department of Law’s inquiry on this question.

In closing, the District wants to ensure the Attorney General’s Office that it intends to fully comply with AS 14.13.016 in the near future. The School Board would like to give this matter its full attention after the end of the school year during its larger review of board policies. To alleviate any concerns that you may have, I propose that I follow up with you no later than August 15, 2023, on behalf of the School Board. If you accept this proposal or have any follow-up concerns, do not hesitate to call or write.

Sincerely,

SEDOR, WENDLANDT, EVANS & FILIPPI, LLC

/s/John M. Ptacin
John M. Ptacin

² See Board Policies 236.1 and 340; Administrative Regulation 281 which can be found at <https://www.k12northstar.org/site/Default.aspx?PageID=2662>