



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Education & Early Development

DIVISION OF INNOVATION &
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Via Email

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Re: Pearl Creek STEAM Charter School Application Appeal

On November 11, 2025, the Academic Policy Committee (APC) for the Pearl Creek STEAM Charter School (PCSC) filed an appeal of the Fairbanks North Star Borough School District's Board of Education November 4, 2025, decision denying PCSC's application to establish a charter school in the District. In a charter school appeal, the commissioner of the Department of Education and Early Development (DEED) is required to "review the local school board's decision to determine whether the findings of fact are supported by substantial evidence and whether the decision is contrary to law."

As is permitted under AS 44.17.010, on November 21, 2025, Commissioner Bishop delegated the authority to review a charter school appeal under AS 14.03.250(d) to the undersigned, Courtney Preziosi, ESEA Administrator for DEED.

A. Background

At the outset it is important to recognize that Alaska's charter school laws are not dissimilar to those in other states in that an entity designated as an authorizer is responsible for reviewing proposals for charter schools and granting or denying charter school applications. In the most general terms, when a charter school application is accepted or approved by an authorizer, the next step in the process is usually a negotiation stage where the charter school contract is developed to define the contractual

relationship between the authorizer and the charter school operator, including the terms and conditions that will apply to the parties. When the terms of the charter school contract, or the charter itself, are agreeable to the contracting parties and the charter is executed, the school usually begins operating with the authorizer being responsible for oversight and ensuring the school complies with the terms of the charter.

In Alaska, the entity designated as the authorizer responsible for reviewing and approving or denying a charter school application is a local school board.¹ In addition to being responsible for the review and approval or denial of a charter school application, a local school board is required by law to “prescribe an application procedure for the establishment of a charter school in that school district.”² At a minimum a local school board must include in its application procedure “provisions for an academic policy committee consisting of parents of students attending the school, teachers, and school employees” and the board’s “proposed form for a contract between a charter school and the local school board.”³ In creating Alaska’s charter school laws the legislature envisioned this proposed form for a contract to serve as a template for future negotiations between an applicant and local school board and to provide applicants notice of what standards will apply to any future contractual relationship between the local school board and charter school operator. And while they may appear complicated, these legal requirements merely create an ongoing application period where at any time a person may, following the local school board’s prescribed procedures and using the local school board’s forms, submit a proposal to a local school board to establish a charter school in that district.

Distinct from a local school board’s responsibility to prescribe an application procedure that includes a proposed form contract that satisfies AS 14.03.255(c) is an applicant’s responsibility to submit an application for the establishment of an initial charter school containing the items enumerated in 4 AAC 33.110(a).

For example, while AS 14.03.255(c)(8) requires a local school board to include in its contract template, and by extension its executed contract with a charter school, an element where “the name of the teacher, or teachers, who by agreement between the charter school and the teacher, will teach in the charter school” will be listed, 4 AAC 33.110(a) does not require charter school applicants to list the names of teachers

¹ AS 14.03.250(a)

² *Id.*

³ *Id.*

who will teach in the charter school in a charter school application. Likewise, while AS 14.03.255(c)(14) requires charter school contract templates, and by extension executed charter school contracts, to include an element where “other requirements or exemptions agreed upon by the charter school and the local school board” will be listed, 4 AAC 33.110(a) does not place a similar obligation on a charter school applicant to list other requirements or exemptions that have been agreed upon by the charter school and local school board in a charter school application. This makes sense because a charter school applicant cannot reasonably be expected to include in a charter school application additional “requirements or exemptions agreed upon by the charter school and the local school board” because an application to establish a charter school is merely a proposal in a process intended to culminate in a negotiated agreement that may or may not contain other requirements beyond those minimum requirements set out in AS 14.03.255(c).

Similarly, a charter school applicant cannot reasonably be expected to name teachers who will teach in the charter school “by agreement between the charter school and the teacher” because, again, an application to establish a charter school is merely a proposal. At that stage there is no agreement. In other words, a charter school application is meant as a starting point, or initial offer or proposal in a negotiation process between a local school board and charter applicant that the legislature intended to result in an executable agreement that at a minimum satisfies AS 14.03.255(c).

B. Procedural history

On January 6, 2025, the Fairbanks North Star Borough School District released a list of five elementary schools recommended for closure at the end of the school year, including the Pearl Creek Elementary School.⁴ On February 4, 2025, the District’s Board of Education voted to close Pearl Creek.⁵ On February 10, 2025, PCSC submitted a notice of intent to open the Pearl Creek Steam Charter School and proposed utilizing the Pearl Creek Elementary School facility at 700 Auburn Drive in Fairbanks, Alaska.⁶

⁴ Carter DeJong, *School district names five schools recommended for closure*, Fairbanks Daily News-Miner, Jan. 6, 2025, https://www.newsminer.com/news/local_news/school-district-names-five-schools-recommended-for-closure/article_1de69422-cc6e-11ef-bdad-c38f5a552b5f.html

⁵ Record at 6.

⁶ R. at 13-21.

On February 18, 2025, PCSC formally applied to the Board to establish a charter school in the district.⁷ Based on the requirement in AS 14.03.250(b) that a local school board make a decision on a charter school application within 60 days of receipt, PCSC expected that the Board would issue a decision on PCSC's application no later than April 18, 2025.⁸ However, on April 10, 2025, PCSC received a letter from Superintendent Luke Meinert on behalf of the District informing PCSC that the District would not be putting PCSC's charter school application before the Board for a vote.⁹ The letter also described various reasons why the application should be denied, despite the Board never holding a vote on the matter.¹⁰

On April 21, 2025, PCSC submitted an appeal to the commissioner of DEED pursuant to AS 14.03.250(d).¹¹ Under this provision of law, a charter school applicant may appeal a local school board's denial to the Commissioner "no later than 60 days after the local school board issues its written decision of denial." On appeal, the Commissioner is required to "review the local school board's decision to determine whether the findings of fact are supported by substantial evidence and whether the decision is contrary to law." AS 14.03.250(d). The District's April 21, 2025, letter to PCSC, however, was not a written decision of denial issued by the local school board. As such, on May 12, 2025, pursuant to AS 14.03.253(a)(1), the Commissioner remanded PCSC's appeal back to the Board and directed the Board to carry out its statutorily-mandated duty to issue a written decision on PCSC's charter school application "that include[s] all relevant findings of fact and conclusions of law."¹² That same day, PCSC submitted a request to the Board's president that its charter school application be added to the Board's May 20, 2025, meeting.¹³ Board President and Superintendent Meinert responded informing PCSC that its February 2025 application to establish a charter school "shall not be considered until the next school year."¹⁴

⁷ R. at 7.

⁸ R. at 17.

⁹ R. at 24-31.

¹⁰ *Id.*

¹¹ R. at 7-12.

¹² R. at 45-46.

¹³ R. at 47-48.

¹⁴ R. at 48.

On June 27, 2025, PCSC submitted another notice of intent to the Board and on July 1, 2025, PCSC followed up with another application to establish a charter school in the district.¹⁵ On July 9, 2025, the District reached out to PCSC to schedule a time for the District and PCSC to meet to review the notice of intent and charter school application.¹⁶ Notably, although the District proposed several different dates to meet, it offered only a one-hour meeting with PCSC.¹⁷ The following day, after receiving PCSC's request to meet on July 22nd, the District informed PCSC that it had notified the Borough that it would be returning the Pearl Creek Elementary School facility back to the Borough on December 1, 2025.¹⁸ The record does not reflect that the District complied with AS 14.03.255(d) by offering PCSC "the right of first refusal for a lease of space" in the Pearl Creek Elementary School facility or any other facility within the school district.

On July 15, 2025, the District informed PCSC of the dates of three hearings the Board had scheduled related to PCSC's application.¹⁹ One session was scheduled for PCSC to present its application to the Board, another was a work session where District administration would present its recommendation on PCSC's application, and for the third session scheduled the Board was slated to take official action on the charter school application.²⁰ The District informed PCSC that at the scheduled work session the Board would have the opportunity to ask PCSC questions about its charter application and presentation, but that there would be no opportunity for PCSC to ask questions of the Board.²¹

Following their meeting on July 22, 2025, the parties exchanged several emails with PCSC following up with updates to the charter school application in response to the District's recommendations.²² On July 29, 2025, because it was still not in receipt of a sample detailed budget spreadsheet as the District had promised, PCSC requested that the scheduled August 5th work session be rescheduled to allow PCSC more time to prepare a

¹⁵ R. at 49-51.

¹⁶ R. at 52-53.

¹⁷ R. at 52-53.

¹⁸ R. at 53.

¹⁹ R. at 54.

²⁰ *Id.*

²¹ *Id.*

²² R. at 56-60.

budget that met the District's requirements.²³ By then PCSC had only received a static PDF budget summary from the District and thus had been unable to verify line-item assumptions and calculations, ensure internal consistency, and maintain transparency in its attempts to align its budget with the District's fiscal expectations or to respond meaningfully to the District's feedback.²⁴ In response the District rejected PCSC's request to reschedule, informed PCSC that it would not be providing a budget spreadsheet as promised, and suggested that PCSC withdraw its current application and consider submitting it at a later date.²⁵ PCSC accepted the District's suggestion and on July 30, 2025, formally withdrew its pending charter school application.²⁶

On August 22, 2025, PCSC again submitted an application to establish a charter school in the district.²⁷ On August 28, 2025, the District provided PCSC a schedule of upcoming Board hearings related to the charter school application.²⁸ In response to questions PCSC posed in an email to the District about whether more meetings would be scheduled to iron out modifications based on the District's recommendations, the District informed PCSC on September 3, 2025, that it did not need to have any more meetings because PCSC's application had been submitted.²⁹

On September 4, 2025, the District informed PCSC that the Board passed two revised policies regarding charter school applications, but since PCSC's charter school application had already been submitted prior to these revisions the Board informed PCSC that no action was needed on its part.³⁰

On September 17, 2025, PCSC reached out to the Board and District to inform them that “[b]ased on the recommendations made in our previous email conversations and meetings” PCSC had modified sections of its charter school application as the District had suggested and provided an updated version of its charter school application

²³ R. at 60-61.

²⁴ R. at 60-61.

²⁵ R. at 61.

²⁶ R. at 62.

²⁷ R. at 65-67.

²⁸ R. at 70.

²⁹ R. at 71-72.

³⁰ R. at 73.

with seven new addendums.³¹ In response, however, Superintendent Meinert on behalf of the District responded confirming receipt of “the new application you submitted on September 17” and that this “newly submitted application would supplant the application submitted on August 22” and thus “the revised application will be scheduled for board consideration on or before November 17, 2025.”³² In response PCSC confirmed acceptance of the new schedule while also clarifying that their revisions submitted on September 17th were not intended as a new application but instead meant to reflect the work put in by PCSC through the ongoing charter school application process via addendums to the original application.³³

Following two Board work sessions related to PCSC’s charter school application on October 6 and 14, the Board took up the application as an action item at its October 21, 2025 regular meeting and unanimously voted to deny the application.³⁴ On November 4, 2025, the Board issued its written decision denying PCSC’s application to establish a charter school.³⁵ On November 11, 2025, PCSC filed a notice of appeal of the Board’s decision with the Commissioner.³⁶

C. Standard of Review

Alaska’s charter school laws require a local school board to prescribe an application procedure for the establishment of a charter school in that district.³⁷ This procedure “must include provisions for an academic policy committee consisting of parents of students attending the school, teachers, and school employees and a proposed form for a contract between a charter school and the local school board, setting out the contract elements required under AS 14.03.255(c).”³⁸ A local school board must issue a written decision “approving or denying an application for a charter school” within 60

³¹ R. at 74.

³² R. at 78.

³³ R. at 80.

³⁴ R. at 254.

³⁵ R. at 251-302.

³⁶ R. at 209-224.

³⁷ AS 14.03.250(a).

³⁸ *Id.*

days of receipt and such written decision “must include all relevant findings of fact and conclusions of law.”³⁹

No later than 60 days after the local school board issues a written decision of denial, a charter school applicant may appeal a local school board’s decision to the commissioner of DEED.⁴⁰ On appeal, “[t]he commissioner shall review the local school board’s decision to determine whether the findings of fact are supported by substantial evidence and whether the decision is contrary to law.”⁴¹

D. Discussion

The Fairbanks North Star Borough Board of Education identified eleven reasons in its written decision for denying PCSC’s application to establish a charter school in the district. Specifically, the Board concluded the application lacks a facility plan; the application lacks clarity regarding enrollment and class size; the proposed contract is flawed; the application lacks a transportation plan; the application’s plan for educating students is deficient; the application does not provide for student nutrition; the application lacks a clear plan for professional development; the proposed admission procedures are not compliant with AS 14.03.265; the budget contains material errors and does not reflect a sound fiscal plan; approval of the application would have significant adverse financial and operational impacts on the District and the students it serves; and the plans in the application do not demonstrate likelihood of success.

I. The Application’s Facility Plan

The first reason given by the Board in denying PCSC’s application is because the application lacks a facility plan.⁴² Under 4 AAC 33.110(a)(14), an application to establish a charter school must include “a written plan for the charter school’s facility.” A local school board’s proposed form for a contract between it and a charter school must set out the contract elements required under AS 14.03.255(c). As it relates to a school facility, the contract between the charter school and local school board that dictates how the school will operate must contain “the location and description of the facility.” AS 14.03.255(c)(7).

³⁹ AS 14.03.250(b).

⁴⁰ AS 14.03.250(d).

⁴¹ *Id.*

⁴² R. at 255-257.

In making its finding that the application lacks a facility plan, the Board highlighted the fact that the only location PCSC “identified for operation of the proposed school is the building at 700 Auburn Drive, which is where the District operated Pearl Creek Elementary School until May 2025.”⁴³ Further, the Board noted that PCSC “does not have a lease for 700 Auburn or even have a clear understanding of what the terms of a potential lease or process for negotiating with the Borough regarding a lease would be” and posited that it is not certain that the Borough Assembly would approve leasing the school facility at 700 Auburn Drive for use as a charter school at all.”⁴⁴

Article 9 of the Board’s proposed form contract addresses location and description of facility.⁴⁵ Here, the form contract directs its users to type in the address of the charter school facility.⁴⁶ The following line has two blank spaces in which the user is to input (1) the square footage of the facility and (2) the number of classrooms.⁴⁷ Additionally, contract users are directed to provide a description of the facility.⁴⁸ Finally, in this section the form contract contains the boilerplate statement that “[t]he Charter School warrants that the facility shall at all times comply with all local, state, and federal health and safety requirements applicable to public schools in the School District.”⁴⁹

PCSC’s application to establish a charter school in the district proposes to use “the existing Pearl Creek Elementary School” at 700 Auburn Drive in Fairbanks, Alaska.⁵⁰ In Section 5 of its application PCSC provided extensive details about this facility, including the square footage of the facility, the size of the lot and surrounding undeveloped Borough land, the number of classrooms and other spaces to be used by the school.⁵¹ PCSC further provided floor plans and a site plan for the facility at 700 Auburn Drive and

⁴³ R. at 255.

⁴⁴ R. at 256-257.

⁴⁵ R. at 585.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ R. at 329.

⁵¹ R. at 329-333.

noted that “PCSC would pay a yearly lease to be negotiated with [the District or Borough], whomever manages the building at the time of lease.”⁵²

Upon review, the Board’s finding that the application lacks a facility plan is not supported by substantial evidence. PCSC’s application does indeed contain a plan for the school’s facility as required by 4 AAC 33.110(a)(14). And under AS 14.03.255(d), the District was under an obligation to offer “the right of first refusal for a lease of space” to PCSC “in an existing school district facility or in a facility within the school district that is not currently being used as a public school, if the chief school administrator determines the facility meets requirements for health and safety applicable to public buildings or other public schools in the district.”⁵³

Since the Board voted to close it last February, the elementary school at 700 Auburn Drive is not currently being used as a public school, but nothing in the record indicates the Board made any attempt to comply with AS 14.03.255(d) nor is there any evidence suggesting the building at 700 Auburn Drive does not meet requirements for health and safety applicable to public buildings or other public schools in the district. If it is true that the District did offer to lease the Pearl Creek Elementary School to Watershed Charter School on February 12, 2025, as PCSC alleged in its April 21, 2025 appeal, it is unclear why the same offer was not extended to PCSC, especially because PCSC submitted its first notice of intent to establish a charter school in the district on February 10, 2025, just six days after the Board voted to close Pearl Creek Elementary School.

The evidence in the record demonstrates that PCSC satisfied 4 AAC 33.110(a)(14) by providing a written plan for the charter school’s facility. Further, the evidence demonstrates that PCSC typed the address of its proposed charter school facility, the building’s square footage, and the number of full-sized classrooms into the Board’s form contract as directed.⁵⁴ Likewise, PCSC entered into the form contract a description of the facility as directed.⁵⁵

More importantly, substantial evidence demonstrates not that PCSC’s charter school application lacks a facility plan, but that the Board disliked PCSC’s facility plan. Yet, there is no evidence the Board made any attempt to negotiate with PCSC on this

⁵² R. at 330.

⁵³ AS 14.03.255(d).

⁵⁴ R. at 345-346.

⁵⁵ *Id.*

issue. For these reasons, the Board’s conclusion that PCSC’s application to establish a charter school lacks a facility plan is not supported by substantial evidence. And the Board’s decision to deny PCSC’s application because it disliked PCSC’s proposed facility is unreasonable and contrary to law.

II. The Application’s Enrollment and Class Size

The second reason given by the Board in denying PCSC’s application is because it is “flawed by the lack of clarity regarding school size and plans for growth.”⁵⁶ A local school board’s proposed form for a contract between it and a charter school must set out the contract elements required under AS 14.03.255(c). As it relates to enrollment, the contract between the charter school and local school board that dictates how the school will operate must contain “the number of students served.”⁵⁷ Under 4 AAC 33.110(a)(15), however, an application to establish a charter school must merely include a proposed charter school’s “projected enrollment figures.”

Regarding PCSC’s details on enrollment and class size, the Board concluded that PCSC’s application “lacks clarity regarding enrollment and class size.”⁵⁸ However, substantial evidence supports a contrary finding, including that PCSC’s application plainly states that the charter school will open with an initial target enrollment of 352 students in the first year of operation, a number that the Board recommended.⁵⁹ Moreover, PCSC’s application provides a clear pupil-to-teacher ratio (PTR) and its goals for growth are transparent, gradual, and would be conditioned on Board review and approval.⁶⁰ According to PCSC, this intentionally-different growth model of welcoming new students in upper grades “broadens access and strengthens the education environment” by “avoiding the ‘closed cohort’ problem, where only students who begin in the earliest grade can continue through to graduation, leaving few or no entry points for new families.”⁶¹

PCSC’s application provides a specified enrollment target for its first year of operation, details its PTR expectations, and includes a phased growth model. Contrary to

⁵⁶ R. at 257-261.

⁵⁷ AS 14.03.255(c)(10).

⁵⁸ R. at 257.

⁵⁹ R. at 57.

⁶⁰ R. at 307; 330; 343.

⁶¹ R. at 214.

the Board's decision, substantial evidence exists to support a finding that PCSC's application does indeed satisfy 4 AAC 33.110(a)(15) because it includes projected enrollment figures as required. Moreover, Alaska law does not mandate charter school applications – or charter schools themselves – to have a fixed, long-term model for student enrollment or growth. For these reasons, the Board's findings of fact are not supported by substantial evidence and its denial of PCSC's application to establish a charter school due to a lack of clarity regarding enrollment and class size is contrary to law.

III. The Proposed Contract

The third reason given by the Board in denying PCSC's application is because the proposed contract is flawed.⁶² Specifically, the Board highlights that PCSC's proposed contract lists specific District employees as being interested in working at the proposed charter school, but reasons that because "all hiring of teachers and other personnel must follow standard district hiring procedures" that "charter governance could not trump District hiring procedures or the negotiated agreement to determine teacher placement."⁶³ Additionally, the board takes issue with the policies PCSC listed on Article 20 of the Board's form contract titled "Exemptions or Requirements Included in this Agreement (Waivers)" and reasons that parts of the list of policies PCSC listed under this article do not make sense while some requests for policy exemptions appear to contradict representations made by PCSC in connection with their application.⁶⁴

As mentioned, a local school board's proposed form for a contract between it and a charter school must set out the contract elements required under AS 14.03.255(c). As it relates to faculty, the executed contract between the charter school and local school board must contain "the name of the teacher, or teachers, who, by agreement between the charter school and the teacher, will teach in the charter school."⁶⁵ 4 AAC 33.110(a) does not contain a similar or related requirement for charter school applications because at the application stage, a charter school applicant lacks any authority to enter into contracts or obligate public funds. However, based on the Board's reasoning behind this ground for denial, these provisions are not directly applicable. And no other provision of Alaska's charter school laws require a charter school applicant to list out and provide detailed

⁶² R. at 261-265.

⁶³ R. at 261.

⁶⁴ R. at 262-265.

⁶⁵ AS 14.03.255(c)(8).

justifications for why certain Board or District policies should not apply to the charter school's operations.

Generally, there is a dialogue between a school board and charter school applicant regarding potential waivers or exemptions from local policy. But there is no evidence in the record that indicates there was any dialogue between the parties about what policies may or may not apply to the charter school if approved. If the Board wanted to know the reasons behind PCSC's requests, there is nothing in the record that indicates the Board made any attempt to ask questions or seek clarification from PCSC.

As noted, the Board's form contract that accompanies the charter school application is a proposed contract that is a starting point for discussion and not a final agreement. PCSC's proposed contract identified policies it sought to be exempt from. If it truly was unclear to the Board "why the charter is requesting exemption from multiple policies that are integral to the safety of the students"⁶⁶ as it posits, there is no evidence in the record demonstrating the Board made any attempt to seek clarification, to discuss, or to communicate what it would or would not accept in a contract with PCSC.

For these reasons, the Board's finding that PCSC's proposed contract is flawed is not supported by substantial evidence. Moreover, the Board's denial of PCSC's application to establish a charter school based on the Board's belief that PCSC's "proposed contract is flawed" is contrary to law.

IV. The Application's Transportation Plan

The fourth reason given by the Board in denying PCSC's application is because the application lacks a transportation plan.⁶⁷ Under 4 AAC 33.110(a)(18), an application to establish a charter school must include "a plan for student transportation and the district charter school transportation policy, if proposed or adopted." And while a local school board's proposed form for a contract between it and a charter school must set out the contract elements required under AS 14.03.255(c), a transportation plan is not one of those required elements. This makes sense because Alaska law requires a school district that provides transportation services for the transportation of students who reside a distance from established schools to "provide transportation services to students attending a charter school operated by the district under a policy adopted by the district."⁶⁸

⁶⁶ R. at 264-265.

⁶⁷ R. at 265-266.

⁶⁸ AS 14.09.010(d).

The Board's denial on this point provides that “[t]he District is not required to establish dedicated routes for charter schools or divert or reroute its regular routes to bring students to a charter school.”⁶⁹ The Board further concludes that “[c]harter schools cannot independently access any State transportation funding.”⁷⁰

But while the Board's decision concludes that PCSC's application lacks a transportation plan, substantial evidence supports a contrary finding. For example, PCSC's application provides that PCSC is “committed to ensuring transportation is not an issue for those wishing to enroll” and that PCSC “will work within [the District's] transportation policy to develop practical solutions, to include modification of start times if needed to utilize current transportation options.”⁷¹ Moreover, in Appendix J to its charter school application, titled “Proposed Transportation Policy,” PCSC provided that grant funding opportunities to expand transportation services were being explored and the school's transportation policy would be updated to reflect any changes, but until amended PCSC would adopt District Policy 3540, which provides transportation for charter school students on a space-available basis using existing routes.⁷² Further, PCSC's Equity Committee's Proposed Strategic Plan addresses transportation and the APC's meeting minutes provided to the Board indicate PCSC has established a transportation committee that regularly reports to PCSC's APC.⁷³

Finally, PCSC's Appendix J outlines that if the District “does not have the space available or otherwise elects to provide transportation funding instead of transportation, as outlined in AS 14.09.010(e), the APC will delegate transportation planning to a committee.”⁷⁴ In sum, PCSC's application to establish a charter school includes “a plan for student transportation and the district charter school transportation policy,” which PCSC proposes to adopt until alternative or expanded transportation services can be offered to students under the charter school's policy.

For these reasons, the Board's finding that PCSC's application to establish a charter school lacks a transportation plan is not supported by substantial evidence and the

⁶⁹ R. at 265.

⁷⁰ *Id.*

⁷¹ R. at 337.

⁷² R. at 468.

⁷³ R. at 454; 368-371; 378.

⁷⁴ R. at 467-468.

Board's denial of PCSC's application because it "lacks a transportation plan" is contrary to law.

V. Plans for Educating Students

The fifth reason given by the Board in denying PCSC's application is based on its belief that "PCSC's plans for educating students are deficient."⁷⁵

Under 4 AAC 33.110(a)(4)-(6) and (9), an application to establish a charter school must include "a description of the education program to be offered at the charter school and mechanisms for student assessment to be utilized in addition to those required under state law," "a written instructional program that addresses state content standards under 4 AAC 04 and that aligns with the content on the statewide student assessment system under 4 AAC 06.710 - 4 AAC 06.790," "written objectives for program achievement," and "plans for serving special education, vocational education, gifted, and bilingual students." As it pertains to the charter school's educational program and student achievement, a contract between a local school board and charter school under which the charter school operates must contain "a description of the educational program" and "specific levels of achievement for the education program."⁷⁶

The Board's decision notes that PCSC's charter school application "contains an inadequate description of an instructional program and does not explain how the proposed program aligns with state standards or adequately address how education would be provided to specific student groups."⁷⁷ Moreover, the Board criticizes PCSC's application because it "contains no information regarding the instructional program for students" in 7th and 8th grade.⁷⁸ Additionally, the Board finds that PCSC's application does not provide a clear plan for educating gifted students based on its position that PCSC's incorporation of the District's Extended Learning Plan (ELP) "does not fulfill the statutory requirement for a plan for gifted students."⁷⁹

⁷⁵ R. at 266.

⁷⁶ AS 14.03.255(c)(1)-(2).

⁷⁷ R. at 266.

⁷⁸ R. at 267.

⁷⁹ *Id.*

a. Instructional Program, State Standards, and Assessment

Contrary to the Board's finding, PCSC's application to establish a charter school incorporates specific instructional materials, including those produced by Open Up Resources, the University of Florida's Literary Institute (UFLI), and Heggerty, all recognized and approved by DEED as evidence-based programs aligned with the science of reading.⁸⁰ More specifically, PCSC's application identifies that its English Language Arts (ELA) curriculum will be aligned with both District and DEED standards; that its mathematics curriculum will be in tight alignment with Alaska Mathematics Standards; that its science instruction will follow Next Generation Science Standards (NGSS); that the school will teach social studies following District social studies standards and Alaska Cultural Standards; that its arts instruction will address Alaska Arts Standards; and that its integration of STEAM courses and labs will be tightly aligned with both NGSS and District standards.⁸¹ The application also includes detailed grade-level instructional program and examples of educational activities by discipline.⁸²

Finally, PCSC's application addresses a comprehensive assessment system to be implemented that includes State-mandated assessments and additional measures to evaluate student growth in both core subjects and STEAM competencies.⁸³ Specifically, the application identifies that its instructional program aligns with content on the statewide student assessment system under 4 AAC 06.710 – 4 AAC 06.790 and that the charter school will administer all state-mandated assessments, performance-based assessments, assessments of students' learning portfolios to document growth in core subjects and STEAM areas, and competency-based assessments.⁸⁴ Moreover, PCSC's application indicates the school will require students to share their educational progress with families and the community each semester through classroom demonstrations and after-school programs like STEAM Fairs and STEAM Nights.⁸⁵ And the application

⁸⁰ R. at 313-319; 408-465.

⁸¹ R. at 313-319.

⁸² R. at 408-456.

⁸³ R. at 326-327.

⁸⁴ *Id.*

⁸⁵ R. at 327.

details how teachers will integrate frequent but informal assessments of student performance to gauge student learning in a low-pressure environment.⁸⁶

b. Instructional Program for Grades 7 and 8

PCSC indicated in its application to establish a charter school in the district that it will only serve kindergarten through 6th grade in its first year of operation.⁸⁷ The application informed the Board that PCSC had plans to expand, depending on community and teacher interest, by either adding 7th and 8th grade programming, or by adding an additional kindergarten class each year.⁸⁸

The Board faults PCSC's interest in expanding its program and concludes that approving PCSC's application to establish a charter school in the district without "information regarding what the instructional program for students in [7th and 8th grade] would be" would function as an authorization "for the proposed charter school to unilaterally expand to include older students."⁸⁹ This finding overlooks the reality that PCSC has not made any formal proposal to offer 7th and 8th grade programming in its initial year of operation. More importantly, this finding is contrary to law because expanding from a K-6 program to a K-7 or K-8 program would amount to "a change of program that involves the addition of an elementary or secondary program" that pursuant to 4 AAC 33.113 would require approval by both the local school board and State Board of Education before the charter school's contract with the local school board may be amended to expand educational programming.⁹⁰

c. Educating Gifted Students

PCSC's application addresses the school's plans for serving "special education, vocational education, gifted, and bilingual students" as 4 AAC 33.110(9) requires. In addition to details regarding special education and the Multilingual Learner (ML) Program, PCSC's application indicates the charter school will address gifted education by incorporating the District's ELP to create educational opportunities whose needs and abilities exceed those provided by the general curriculum.⁹¹ More importantly, however,

⁸⁶ *Id.*

⁸⁷ R. at 330.

⁸⁸ R. at 307; 330.

⁸⁹ R. at 267.

⁹⁰ See 4 AAC 33.113.

⁹¹ R. at 322; 348; 352-353.

PCSC's application includes the District's own charter contract Appendix A, which contains the District's guidelines on special education services to "formally document responsibilities for special education services at charter schools within the Fairbanks North Star Borough School District."⁹²

For the above reasons regarding educational programming, state standards, and education to be provided for specific student groups, including special education, vocational education, and gifted and bilingual students, substantial evidence demonstrates that PCSC's application to establish a charter school details a standards-aligned program that satisfies 4 AAC 33.110(a)(4)-(6) and (9). As such, the Board's finding that the educational plans outlined in PCSC's application to establish a charter school are deficient is not supported by substantial evidence and the Board's denial for this reason is contrary to law.

VI. Student Nutrition

The sixth reason given by the Board in denying PCSC's application is because the application does not provide for student nutrition, nor does PCSC budget any funding for it.⁹³ However, there is no requirement under 4 AAC 33.110(a) for an application to establish a charter school to include either a plan for student nutrition or a budget line-item for funding for student nutrition. Likewise, nothing in AS 14.03.255(c) requires a local school board's proposed form for a contract between it and a charter school to set out a contractual element addressing student nutrition. Similarly, nothing requires a charter school applicant to provide a detailed budget, let alone a budget that includes a line-item for student nutrition.

Regardless, and contrary to the Board's assertions, PCSC has discussed student nutrition in its application. For example, PCSC informed the Board that it would utilize the District's nutrition services, the charter school application provides that the kitchen at Pearl Creek Elementary School could be used to provide lunch for students and PCSC's handbook indicates students can apply for free and reduced lunch.⁹⁴ Moreover, PCSC's Equity Committee's Proposed Strategic Plan incorporated into PCSC's charter school application recommends "a long-term goal of leaving the district nutrition services and adopting a diet that is more appropriate for our climate and children;" describes discussions PCSC's Equity Committee has had about pursuing a relationship with Alaska

⁹² R. at 352-353; 589-590.

⁹³ R. at 270-271.

⁹⁴ R. at 329-330; 405.

State Troopers and hunters to receive donated or seized game based on the Committee’s recognition that “[f]ood is fundamental to expression of culture, of connection, and to understanding a place;” and recommends that “growing, harvesting, wild cultivation, and deep relationship with food should be included in the curriculum” whenever possible.⁹⁵

The Equity Committee’s additional recommendation for expanding the garden at Pearl Creek Elementary School as a food source to supplement the school’s nutrition program has also been incorporated into PCSC’s application.⁹⁶ Notably, a review of the charter school contracts the Board approved on June 3, 2025, all five approved schools utilize district nutrition services as PCSC proposes.

The board’s finding that PCSC’s application does not provide for student nutrition is not supported by substantial evidence, nor does Alaska law require a plan for student nutrition in a charter school application. Moreover, there is no requirement for a charter school applicant to produce a budget at the level of detail the Board appears to have sought. The Board’s denial of PCSC’s charter application because it does not provide for student nutrition is contrary to law.

VII. Professional Development

The seventh reason given by the Board in denying PCSC’s application is based on a finding that “[t]he application lacks a clear plan for professional development” because it “includes scant details regarding professional development to teachers assigned to the proposed charter school.”⁹⁷ Under 4 AAC 33.110(a)(7), an application to establish a charter school must include “a description of and schedule for staff development activities.” And while a local school board’s proposed form for a contract between it and a charter school must set out the contract elements required under AS 14.03.255(c), a description of and schedule for staff development activities is not one of those required elements.

Contrary to the Board’s findings, PCSC’s application to establish a charter school provides a plan for professional development and includes specific details regarding professional development training that will be provided to teachers assigned to the charter school. For example, the application indicates PCSC “will adhere to all state and district mandatory training, but also include professional development that is centered around

⁹⁵ R. at 455.

⁹⁶ R. at 465.

⁹⁷ R. at 271-273.

STEAM practices.”⁹⁸ The application further details that as part of yearly professional development, teachers and staff will receive training on NGSS, standards recognized by DEED as largely the same as the Science Standards for Alaska.⁹⁹

Additionally, PCSC’s application details that professional development decisions are directly connected to the school’s mission, philosophy, and goals, and provides that “[o]ver the course of the year, the PCSC principal and APC will determine which district trainings are beneficial to the school’s teachers and provide for NGSS training on in-service days.”¹⁰⁰ And PCSC’s application indicates both that “[m]any STEAM training programs are available for staff members including ‘fostering STEAM in the classroom’ and through partnerships with the NASA GLOBE project” and that the charter school “will seek grants to fund these training sessions.”¹⁰¹ PCSC’s application also indicates that the school will utilize NASA’s Research Opportunities in Space and Earth Science (ROSE) for STEM professional development.¹⁰²

The Board faults PCSC for providing in one section that the school will host three professional development days “to further teacher/staff’s professional development journey”¹⁰³ and in another section that professional development opportunities will be provided quarterly “for staff to continue to build skills in STEAM integration, novel technologies, and current space and art trends, drawing from our extensive existing partnerships and future partners,” because quarterly “would be four times per year, not three.”¹⁰⁴ But a minor inconsistency in the frequency of professional development trainings in a proposal should not be a basis for a denial, especially when an application to establish a charter school should be the starting point in negotiations and especially when no provision of Alaska law requires denial for a minor inconsistency in a charter school application.

For these reasons, the Board’s finding that PCSC’s application lacks a clear plan for professional development is not supported by the evidence. Indeed, substantial

⁹⁸ R. at 328-329.

⁹⁹ R. at 329.

¹⁰⁰ *Id.*

¹⁰¹ R. at 328.

¹⁰² R. at 335.

¹⁰³ R. at 328.

¹⁰⁴ R. at 272.

evidence indicates PCSC included a description and schedule for staff development activities as required by 4 AAC 33.110(a)(7). In Alaska, school districts, educators, and DEED all share the responsibility for providing, or, from the educator's perspective, obtaining, professional development training. As such, the Board's decision to deny PCSC's application to establish a charter school in the district because of a minor inconsistency in a charter school application regarding how many days professional development will be offered has no basis in law.

VIII. Admission Procedures

The eighth reason given by the Board in denying PCSC's application is based on a finding that its proposed admission procedures are not compliant with AS 14.03.265. Under AS 14.03.265(a)(1)-(2), a charter school's program "may be designed to serve students within an age group or grade level [or] students who benefit from a particular teaching method or curriculum." Under AS 14.03.265(b), a charter school is required to "enroll all eligible students who submit a timely application, unless the number of those applications exceeds the capacity of the program, class, grade level, or building." This provision further provides that if application numbers exceed program, class, grade, or building capacity that "the charter school and the local school board shall attempt to accommodate all of those applicants by considering providing additional classroom space and assigning additional teachers from the district to the charter school."¹⁰⁵ Finally, this provision requires a charter school to accept applicants by random drawing *only when* "it is not possible to accommodate all eligible students who submit a timely application."¹⁰⁶ In other words, under Alaska law a charter school must enroll all eligible students that apply, but if the school's capacity is exceeded in some way, the first step is for the charter school and local school board to work together to accommodate additional applicants by adding classroom space and teachers to the school's faculty. Only when those accommodations fail to serve all eligible applicants is a charter school required to accept applicants by random drawing.

Indeed, no provision of Alaska law prohibits reasonable categories of automatic or priority admission to a charter school as the Board suggests. This is bolstered by the fact that the legislature explicitly indicated that charter schools *can* be designed to serve a specific set of students.¹⁰⁷

¹⁰⁵ AS 14.03.265(b).

¹⁰⁶ *Id.*

¹⁰⁷ See AS 14.03.265(a).

The Board's finding that PCSC's application procedures do not comply with AS 14.03.265 is rooted in the fact that PCSC's charter school application proposes to prioritize the admission of students based on certain categories. However, the Board overlooks that a random drawing for charter school applicants is the last resort, before which a charter school and local school board are under a legal obligation to work together to accommodate the number of students that exceed what a program, class, grade level, or school building can serve.¹⁰⁸

PCSC's application, as noted, proposes to utilize the school building at 700 Auburn Drive where Pearl Creek Elementary operated from until the end of the 2025-2026 school year. According to the District, this building has a capacity of 614.¹⁰⁹ PCSC's application indicates the charter school hopes to enroll a minimum of 150 students and a maximum of 468 students, with a targeted goal of 352 students in the 2026-2027 school year.¹¹⁰ But as noted the Board has taken issue with this enrollment target based on its assertion that data has shown "large out migration from Alaska by families with young children."¹¹¹

If PCSC's enrollment goals are met or exceeded, the law requires PCSC and the Board to work together to accommodate those excess enrollments. The Board concedes this much earlier in its decision regarding PCSC's facility plan when it notes that "[i]f there were excess applications for the first year of operation, or any subsequent year, the charter school and the Board would be required by AS 14.03.265(b) to attempt to accommodate the excess applicants by considering assigning additional teachers from the district to the charter school."¹¹² Why it has overlooked this provision of law when discussing PCSC's admissions policies is unclear.

As AS 14.03.265(b) provides, proceeding to a random drawing to admit excess applicants would be required only if the charter school and Board were somehow unable to accommodate excess applicants. There is no evidence in the record, however, that

¹⁰⁸ AS 14.03.265(b).

¹⁰⁹ See <https://www.k12northstar.org/departments/facilities-management/building-rentals/gymnasiums/elementary-gymnasiums/pearl-creek>.

¹¹⁰ R. at 321.

¹¹¹ R. at 260.

¹¹² R. at 261.

indicates that the charter school and the Board would be unable to accommodate excess applicants.

Finally, Alaska law does not prohibit reasonable categories of automatic or priority admission. To the contrary, by allowing charter schools to be designed to serve “students within an age group,” “students who will benefit from a particular teaching method or curriculum,” or even “nonresident students, including providing domiciliary services for students who need those services, if approved by the board,”¹¹³ prioritizing or making admission automatic for a specific type of student is permissible, so long as those prioritizations or admissions are not discriminatory or violate state or federal law. Interpreting this statute as the Board suggests in this section of its decision would mean that the permissions outlined under AS 14.03.265(a) would be functionally unachievable. Moreover, it would run contrary to recent Board precedent since the charter school contracts the Board approved on June 3, 2025, all prioritize applicants in some way, such as for siblings of students enrolled in the charter school and for children of charter school staff, much like what PCSC has proposed.

For these reasons, the Board erred by denying PCSC’s application because PCSC’s proposed admission procedures do not violate AS 14.03.265(b) as the Board asserts here. As provided, neither AS 14.03.265(b) nor any other provision of law prohibits giving priority admission to specific categories of students. As such, Board’s decision on this issue is contrary to law and runs counter to Board precedent.

IX. Budget

The ninth reason given by the Board in denying PCSC’s application is based on a finding that the application’s budget contains material errors and does not reflect a sound fiscal plan.¹¹⁴ Under 4 AAC 33.110(a)(13), an application to establish a charter school must include “a written budget summary and financial plan, including a statement of the charter school’s funding allocation from the local school board and costs assignable to the charter school program budget” along with “the method by which the charter school will account for receipts and expenditures.” Under AS 14.03.255(c)(5)-(6), the contract between a charter school and local school board must contain both “a statement of the charter school’s funding allocation from the local school board and costs assignable to the

¹¹³ AS 14.03.265(a)

¹¹⁴ R. at 282.

charter school program budget” and “the method by which the charter school will account for receipts and expenditures.”

At some point before issuing its decision denying PCSC’s application to establish a charter school, the Board appears to have required PCSC to prepare a full spreadsheet of predicted revenue and expenses that includes all estimated full-time employees and the District’s retained administrative costs.¹¹⁵ The budget document PCSC prepared at District administration’s request was based on a PDF provided by the District.¹¹⁶ Although the District appears to have committed to providing PCSC with a functional spreadsheet for preparing its budget at the Board’s request, the evidence demonstrates this never occurred.¹¹⁷

Regardless, it does appear that PCSC prepared – at District direction – a budget for the proposed charter school modeled after the District’s FY26 approved budget for the District’s operating fund and Special Revenue Funds.¹¹⁸

The Board, however, was unsatisfied with the program budget PCSC prepared at its request because without a salary for a principal, a nurse, and a custodian it contained “a significant mathematical error.”¹¹⁹ And the Board faulted PCSC’s proposed budget because it contained “very little transportation funding,” inadequately budgeted costs for the building at 700 Auburn Drive, and specific expenses identified by PCSC, such as for nutrition services, equipment, furniture, and technology were, in the Board’s opinion, insufficient.¹²⁰

This level of detail and granularity the Board demands from PCSC is not required in an application to establish a charter school. As provided above, 4 AAC 33.110(a)(13) requires a charter school application to include a budget summary showing the school’s funding allocation from the District, costs assignable, and a plan for how the charter school will account for receipts and expenditures. Instead of a summary, the Board’s decision indicates it expected a detailed program budget from PCSC. Under AS 14.03.260, however, it is the local school board that is responsible for preparing the

¹¹⁵ R. at 57-58.

¹¹⁶ R. at 60-61.

¹¹⁷ *Id.*

¹¹⁸ R. at 60-61.

¹¹⁹ R. at 283.

¹²⁰ R. at 282-290.

annual program budget for an approved charter school¹²¹ to use for “operating expenses of the educational program of the charter school, including purchasing textbooks, classroom materials, and instructional aids.”¹²²

As the entity responsible for all of the public schools within its district, the Board is best suited to understand the funding that would be allocated to the charter school and specific costs, including for staff salaries, transportation, and leasing the facility at 700 Auburn Drive. Indeed, had the District offered PCSC the “right of first refusal of a lease of space in an existing school district facility” pursuant to AS 14.03.255(d), the District would have also been required to “negotiate a lease agreement with the charter school for an amount that does not exceed the true operational costs calculated on a square foot basis for space leased.”

The law places the responsibility for preparing an annual program budget for charter schools on a local school board and the responsibility for understanding the true operational costs of existing school district facilities on a school district. Of a charter school applicant, the law requires merely a budget summary and financial plan that satisfies 4 AAC 33.110(a)(13).

Substantial evidence supports a finding that PCSC went above and beyond its obligations by providing the Board with a detailed “actualized” line-item budget reflecting the structure and figures District administration demanded. For these reasons, the Board erred as a matter of law when it denied PCSC’s application to establish a charter school because Alaska law does not require a line-item budget at the charter school application stage.

X. Financial and Operational Impacts on the District and Likelihood of Success

The final two reasons given by the Board in denying PCSC’s application are that “[a]pproval of the application would have significant financial and operational impacts on the District and the students it serves”¹²³ and because “[t]he plans in the application do not demonstrate likelihood of success.” On these points the Board highlights its concerns with PCSC’s proposed budget and notes costs presented “do not reflect figures that would be expenditures of the District” and the “assessment of impacts to the District by [PCSC]

¹²¹ AS 14.03.260(a).

¹²² AS 14.03.260(b).

¹²³ R. at 290.

were far from accurate.”¹²⁴ Further, the Board noted that its “approval of the proposed charter school would not be revenue-neutral or create a net increase in funding available for operation of neighborhood schools” and that “[t]here are significant costs associated with standing up a new charter school.”¹²⁵

But the Board contradicts these findings by also providing that “[a]dditional revenues by the addition of a new school due to the operation of the school size multiplier in the Foundation formula,” and estimates these additional revenues to amount to \$846,153.¹²⁶ And the Board notes that “standing up a new charter school would enable the District to reduce by 8 the number of classroom teachers in neighborhood schools” and “would reduce personnel costs by approximately \$1 Million.”¹²⁷

Regarding a charter school’s budget, as noted in the previous section at the application stage a written budget summary and financial plan that satisfies 4 AAC 33.110(a)(13) are all that is required. This requirement allows a charter school applicant to demonstrate to a local school board that its proposed charter school will operate responsibility within its allocated resources. However, nothing requires a charter school applicant to predict or estimate a charter school’s impact on a school district’s financial viability.

The Board’s findings on this issue are not based on state law but appear instead to be based on Board Policy 935.1, which was revised on September 2, 2025.¹²⁸ This policy allows the Board to deny a charter school application “based on the anticipated detrimental impact on the District’s budget and/or operations” or when an application “is not submitted sufficiently far in advance of operation for the proposed charter school to be reasonably anticipated to be successful.”¹²⁹ When the District informed PCSC about this revision to Board Policy 935.1, it also clarified that since PCSC’s application had already been submitted, no action was needed.¹³⁰ Implied in this message was that the

¹²⁴ R. at 291.

¹²⁵ R. at 292.

¹²⁶ R. at 297.

¹²⁷ R. at 297.

¹²⁸ R. at 73.

¹²⁹ R. at 591.

¹³⁰ R. at 73.

Board would not apply the new policy to PCSC's application because it had been submitted on August 22, 2025, eleven days before the revision.

During the appeal review process, the following sequence of events raised concerns: On September 17, 2025, PCSC sent an email to the Board informing members that “[b]ased on the recommendations made in our previous email conversations and meetings, we have carefully modified sections of our application as suggested” and outlining a list of attached addendums as revisions to the existing charter school application in response to District and DEED feedback and to reflect the District’s most current form contract, which the District provided to PCSC on September 10, 2025.¹³¹ Two days later, on September 19, 2025, Superintendent Meinert informed PCSC via email that “[t]he district confirms receipt of the *new application* submitted for the Pearl Creek STEAM Charter on September 17.”¹³² Unlike the Board’s earlier practice of treating revisions to PCSC’s underlying application as amendments to a pending application reflecting the parties’ negotiations, the Board treated these revisions as a new application, thereby restarting the application review timeline.

By treating revisions to its August 22nd application as an entirely new application and uncharacteristically restarting the application review timeline on PCSC’s charter school application, the Board appears to have empowered itself to utilize its revised Board Policy 935.1 as a basis for denial. Whether this was done intentionally is unclear. What is clear, however, is that while the Board is not explicit in its decision that its denial is based on Board Policy 935.1, the decision itself demonstrates this is exactly what the Board did. Specifically, the Board denied PCSC’s application based on a finding that “[a]pproval of the application would have a significant financial and operational impacts on the District and the students it serves” and based on another finding that “plans in the application do not demonstrate a likelihood of success.”¹³³ These are the same grounds for denial the Board added to Board Policy 935.1 when it was revised on September 2, 2025.¹³⁴

Setting aside the fact that changing the rules in the middle of the charter school application process raises due process concerns and the fact that Alaska law may preempt Board Policy 935.1, Alaska law does not require charter school applicants to demonstrate

¹³¹ R. at 74.

¹³² R. at 78 (emphasis added).

¹³³ R. at 290-302.

¹³⁴ See R. at 591.

either that a proposed charter school would not negatively impact a school district's finances or operations or that the school has a likelihood of success. And it is unclear what success looks like to the Board because that term has not been defined. As such, the Board's decision to deny PCSC's charter school application by finding (1) that approval of it would have significant adverse financial and operational impacts on the District and its students and (2) that the application does not demonstrate a likelihood of success is contrary to law.

XI. Conclusion

The role of the commissioner or commissioner's designee in a charter school application appeal is to determine whether a local school board's findings of fact are supported by substantial evidence and whether its decision is contrary to law. For the reasons set out above, the Board's concerns reflected in its decision denying PCSC's application, regardless of how well-founded, do not as a matter of law justify a decision by the commissioner or her designee to uphold the board's denial. As such, PCSC's application to establish a charter school is approved, pursuant to AS 14.03.255(a)(2).

This decision is not a final decision subject to judicial review by the superior court. Pursuant to AS 14.03.250(e) and 4 AAC 33.110(i), PCSC's charter school application and record will be forwarded to the State Board of Education for evaluation and consideration at its next meeting. Under 4 AAC 33.110(k), a decision of the State Board of Education granting or denying PCSC's charter school application is a final agency action for purposes of an appeal to the superior court.

Signed,

/s/Courtney Preziosi
Courtney Preziosi
ESEA Administrator