



November 11, 2025

Heidi Wood, APC Chair
APC@pearlcreeksteam.org
(907) 978 - 4744

Commissioner Deena M. Bishop, Ed.D.
Alaska Department of Education & Early Development
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, AK 99811-0500
deed.commissioner@alaska.gov

Re: Notice of Appeal of the FNSBSD Board of Education Decision Denying Pearl Creek STEAM Charter School for the 2026-2027 School Year

Dear Dr. Deena Bishop,

On behalf of the Academic Policy Committee (APC) of the Pearl Creek STEAM Charter School (PCSC), I submit this Notice of Appeal of the Fairbanks North Star Borough School District Board of Education's November 4, 2025, decision denying the PCSC application for the 2026–2027 school year.

PCSC respectfully requests that the Alaska Department of Education & Early Development (DEED) reverse the denial and approve the charter as substantially compliant with Alaska Law. If any element requires refinement, we request state-level conditions precedent to opening rather than a remand to avoid further delay and ensure a timely, orderly launch.

The grounds for the appeal are detailed in the document labeled "Attachment A." The denial rests on legal errors and extra-statutory standards. The record shows a complete, standards-aligned application: a defined educational program; assessment plan; admissions/lottery procedures; administrative policies; a balanced budget and accounting method; identified facility and leasing plan; staffing with an experienced principal; and specified PTR and enrollment. Each alleged deficiency is either incorrect as a matter of law or concerns curable implementation details typically addressed during contract finalization.

This Notice of Appeal includes the following attachments and links to materials to be considered:

1. PCSC's Complete Application Submitted to the FNSBSD School Board for the 2026-2027 School Year
2. The written FNSBSD Board of Education Decision Denying Application to Establish Pearl Creek STEAM. Charter School for the 2026-2027 School Year
3. Attachment A - PCSC Grounds for Appeal
4. The October 6, 2025, PCSC Presentation during the School Board Work Session Materials, including the agenda and meeting minutes. Recorded here:
<https://www.youtube.com/live/W6IKM0Ztygc?si=gkjRc5wAU5FRsHc7>
5. The October 14, 2025, Administration Presentation School Board Work Session Materials, including the agenda and meeting minutes. Recorded here:
https://www.youtube.com/live/8PogzyPaGP4?si=DF_eNK-GJAKVbd5d
6. The November 4, 2025, Board Vote Denying PCSC Application School Board Meeting Materials, including the agenda. Recorded here:
<https://www.youtube.com/live/AZf6oC31nmY?si=lwQ6Ri0qrewxcPSW>
7. All written communications between PCSC and FNSBSD about the PCSC Application for the 2026-2027 School Year that have not been previously provided.
8. Exhibit 1 - Budget with Principal
9. FNSBSD Charter Contracts
10. 'What brings you Joy?' Borough to seek input on Joy building's future, by Jack Barnwell, Fairbanks Daily-Newsminer.
11. U.S. Department of Education Charter, Schools Program, Title V, Part B of the ESEA, Nonregulatory Guidance (January 2014).

Not attached, but will be provided as soon as they are available, are the minutes of the local school board meeting at which the application was denied on November 4, 2025.

Please let us know if you require additional information. Thank you for your time and consideration.

Sincerely,



Heidi Wood
Chair, Academic Policy Committee
Pearl Creek STEAM Charter School

Pearl Creek STEAM Charter School Appeal

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cc:

schoolboard@k12northstar.org

superintendent@k12northstar.org

Enclosures:

PCSC Application

FNSBSD Decision

Attachment A - PCSC Grounds for Appeal

Exhibit 1 - Budget with Principal

10/06/25 PCSC Presentation Work Session Materials

10/14/25 Administration Presentation Work Session Materials

11/04/25 School Board Denial School Board Meeting

All Written Communications not previously provided.

FNSBSD Charter Contracts

‘What brings you Joy?’ Borough to seek input on Joy building’s future, by Jack Barnwell, Fairbanks Daily-Newsminer.

U.S. Department of Education Charter, Schools Program, Title V, Part B of the ESEA, Nonregulatory Guidance (January 2014).

ATTACHMENT A - PCSC GROUNDS FOR APPEAL

I. INTRODUCTION

The Academic Policy Committee (APC) of the Pearl Creek STEAM Charter School (“PCSC”) respectfully appeals the November 4, 2025, decision of the Fairbanks North Star Borough School District Board of Education (“the Board” or “the FNSBSD”) denying its application to establish a public charter school for the 2026-2027 school year. This appeal is brought under AS 14.03.250(d), AS 14.03.253, and 4 AAC 33.110. The APC contends that the denial was arbitrary, capricious, and unsupported by substantial evidence, and that the Pearl Creek STEAM Charter application substantially complied with all legal requirements under Alaska law.

The denial itself acknowledges that the PCSC differs from other Fairbanks charter schools. Those differences are not defects—they are deliberate and necessary. PCSC’s strength lies in its innovation: it aims to elevate and renew public education in the Fairbanks North Star Borough School District by offering a model rooted in scientific, cultural, and environmental expertise unique to Interior Alaska. The very purpose of Alaska’s charter school law is to expand learning opportunities, improve outcomes, and empower teachers and communities to innovate within the public system. That purpose echoes the original vision of educators such as Albert Shanker, former president of the American Federation of Teachers, who proposed charter schools as a way to free educators from rigid bureaucracy, allow experimentation with new teaching and governance models, and share successful practices across the broader public school system. PCSC embodies that founding intent—conceived by Fairbanks educators and families to provide hands-on, place-based education that connects students to local knowledge, sustainability, and real-world problem solving.

Despite this alignment with both legislative and historical purpose, the Board’s decision rests on misinterpretations of Alaska’s charter statutes and procedural overreach. It elevates curable pre-opening details into grounds for rejection, imposes local policy preferences as legal standards, and disregards the iterative, collaborative process envisioned by statute. The record shows that PCSC submitted a complete, standards-aligned application: a detailed educational program, a defined enrollment and staffing plan, an identified facility with a plan to lease, compliant admissions and lottery procedures, a transportation plan consistent with the FNSBSD policy, a balanced budget, and a governance framework expressly subject to state and federal law. The Board refused to work with the applicant to address minor corrections or consider conditional approval contrary to the cooperative spirit that Alaska’s charter framework requires.

For these reasons, the Commissioner and the State Board should reverse the denial and approve the Pearl Creek STEAM Charter School, honoring the legislative intent behind Alaska’s Charter School Act: to empower teachers, engage communities, and strengthen public education through innovation rather than uniformity.

II. ARGUMENT

A. The Board Erred in Finding the Application Lacked a Facility Plan

The Pearl Creek STEAM Charter School’s facility plan fully satisfies the statutory requirements of AS 14.03.255(c)(7), which mandates that a charter application include “*a location and description of the facility.*” The statute does not require an executed lease at the time of application. The legislative and regulatory framework emphasizes planning and feasibility, not binding legal commitments, recognizing that a finalized lease becomes relevant at the contracting stage after approval, not before. Requiring otherwise would impose an unnecessary financial burden on applicants and discourage innovation, contrary to the purpose of Alaska’s Charter School Act.

PCSC identified a specific, existing, and purpose-built public school facility—the former Pearl Creek Elementary at 700 Auburn Drive—and provided a detailed description and a written plan for its use, operations, and maintenance. The FNSBSD is giving the building over to the Fairbanks North Star Borough (“FNSB” or “Borough”) on December 1, 2025. PCSC has been working with the Borough to do as much as possible without formal approval to ensure it can operate out of 700 Auburn Drive. The Borough and PCSC cannot fully execute a lease until it is an approved charter school and until December 1, 2025. It would be unrealistic to require a fully executed lease with an entity that cannot yet exist. Despite this, PCSC and the Borough are working together to prepare for PCSC's approval and the handover on December 1, 2025, to make the transition as smooth as possible.

The Fairbanks Daily News-Miner recently reported on this appeal and the facility, noting Borough Mayor Grier Hopkins’ explicit public commitment to supporting Pearl Creek STEAM Charter School’s access to the building. Mayor Hopkins stated:

“I’ve been meeting with them (Pearl Creek charter academic policy committee) to make sure if that charter school moves forward, they can get access to that building through a lease with us.” He noted the Assembly must sign off on the lease, “but I would certainly push for that long-term lease as my top priority.”¹

This explicit commitment from the Borough underscores that a facility lease is not speculative but anticipated and administratively supported. PCSC has worked with Borough officials to lease the 700 Auburn Drive building and continues to do so. The proposed lease arrangement adheres to the governing authorities of AS 14.03.255(d) (allowing charter schools to use available public facilities under lease or other arrangements by paying operational costs), the FNSB Code of Ordinances, Title 20 (authorizing public property leasing for public purposes), and Article IX, Section 6 of the Alaska Constitution (prohibiting public assets from being used for private gain). Under these provisions, any lease with the Borough will be limited to reimbursement of actual operational costs necessary for operation and preservation.

The Board’s claim that the Auburn Drive facility is “speculative” or that projected costs are “understated” misstates the facts. First, the PCSC budget used realistic cost allocations for leasing and maintenance based on direct conversations with Borough staff and historical cost data for the same building.²

Second, the Board relies on materially different caretaker figures and hypothetical costs from unrelated private leases while ignoring that other Fairbanks charter schools have been approved without executed leases and at far higher costs from private landlords. Those examples are irrelevant and do not demonstrate any legal deficiency in PCSC’s facility plan. Moreover, while the Board presumes no alternative site exists, PCSC expressly stated its willingness to consider other suitable facilities should Borough approval be delayed or denied, demonstrating flexibility and good faith.

In substance, the facility plan is detailed, credible, and grounded in empirical public data. It references a building purpose-built for education, with established operational costs and overwhelming community support for its renewed use as a school. The uncertainty surrounding Borough approval is a political matter, not a statutory defect, and cannot lawfully serve as a basis for denial. The record shows that PCSC

¹ ‘What brings you Joy?’ Borough to seek input on Joy building’s future, by Jack Barnwell, Fairbanks Daily-Newsminer,

https://www.newsminer.com/news/local_news/what-brings-you-joy-borough-to-seek-input-on-joy-buildings-future/article_13ca4ad8-8fa3-4a24-8486-05eeff3e72c0.html (11/10/2025).

² The projected costs will be more fully addressed in the budget section.

has done everything within its legal and practical authority to secure a suitable facility, exceeding the level of readiness historically accepted for other approved charters within the FNSBSD.

Accordingly, the Board's conclusion that the application lacked a facility plan is unsupported by law or by the facts. The application fully meets the statutory requirement of identifying a location and providing a facility description. In addition to these requirements, PCSC presented a sound written plan for use and maintenance. The Commissioner should reverse this finding and affirm that PCSC's facility plan complies with AS 14.03.255(c)(7) and the governing intent of Alaska's Charter School Act.

B. The Board Erred in Finding That the Application Lacks Clarity Regarding Enrollment and Class Size

The Board's conclusion that the PCSC's Application "lacks clarity regarding enrollment and class size" is unfounded. The application plainly states that PCSC will open with an initial enrollment of 352 students in the first year of operation, sets out a clear student-teacher ratio (PTR) target, and provides a transparent framework for gradual, contract-based growth subject to District review and approval. Nothing in Alaska law prohibits a charter school from planning for growth, and the statute (AS 14.03.255(c)(10)) requires only that an application specify the number of students the school will serve, not that it adhere to a static enrollment model. Furthermore, active charter school contracts in FNSBSD provide a range of target enrollments.

The Pearl Creek application meets that standard and goes further, providing a practical, responsive plan that addresses genuine community demand. Although district-wide enrollment has declined in recent years, every existing school of choice in Fairbanks maintains a waiting list, some with more than 400 students. The community's clear interest in alternative public education options demonstrates both feasibility and necessity. PCSC's proposed enrollment plan includes sufficient flexibility to accommodate this demand over time while maintaining high educational quality and fiscal soundness.

The Board's discomfort with the school's growth model is not a matter of statutory compliance but of preference. The model intentionally differs from other charter schools in the FSNBSD 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. PCSC's approach to welcoming new students in upper grades broadens access and strengthens the educational environment. Educational research supports this structure: students exposed to varied peers, new perspectives, and evolving social settings show higher engagement, stronger critical-thinking skills, and greater academic motivation. (e.g., Coleman Report 1966).

In sum, PCSC's enrollment and class-size plan is clear, lawful, and educationally sound. It articulates precise targets, aligns with Alaska statutory requirements, and is grounded in both research and demonstrated community demand. The Board's contrary finding lacks factual or legal support and should be reversed.

C. The Board Erred in Finding That The Proposed Contract is Flawed

The Board's assertion that the "proposed contract is flawed" is both inaccurate and procedurally unreasonable. The proposed contract submitted with the PCSC application was based directly on the FNSBSD's own charter contract template, incorporating the same structure, format, and waiver list used by other approved and currently operating charter schools within the FNSBSD. The waivers included were not novel or unilateral—they were identified and included at the FNSBSD administration's own direction to review previous charters' contracts and replicate them. Please see the attached "FNSBSD Charter School Contracts," which demonstrate that all the waivers included in the proposed PCSC

contract were copied from these 2025 approved charter contracts. Each waiver follows the FNSBSD’s naming convention and mirrors those that the Board itself approved earlier in 2025 for other charter renewals.

Many of the Board’s critiques mischaracterize ordinary application content as “errors.” For example, the Board requires applicants to identify a proposed principal and teachers willing to serve, yet it then lists the inclusion of those names as a “flaw.” The Board thus objects to provisions that appear in its own template and that it has previously endorsed. These inconsistencies highlight the absence of a good-faith, collaborative process—one that is expressly required by Board Policy 935.2, which envisions constructive negotiation and refinement between applicants and the Board rather than adversarial rejection.

Moreover, the contract accompanying the application is a proposed contract, a starting point for discussion, not a finalized agreement. Under AS 14.03.255(c)(15), the charter law explicitly authorizes “other requirements or exemptions agreed on by the charter school and the local board.” The statute contemplates negotiation and mutual adjustment, not pre-emptive disqualification. Any perceived inconsistencies or minor drafting errors could readily have been resolved through conditional approval or amendment during contract review, as has been routinely done for other Fairbanks charter schools.

In short, PCSC submitted a contract that is complete, consistent with statutory authority, and entirely within the range of documents the FNSBSD has approved before. The Board’s finding that the proposed contract is “flawed” has no basis in law or fact and should be reversed.

D. The Board Erred in Finding That The Application Lacks a Transportation Plan

The Board’s finding that the Pearl Creek STEAM Charter School application “lacks a transportation plan” is unsupported by Alaska law or regulation. Neither AS 14.03.255 nor 4 AAC 33.110 requires a finalized or detailed transportation plan prior to charter approval. The PCSC application’s adoption of the FNSBSD’s transportation policy and its commitment to coordination and flexibility fully satisfy all applicable legal requirements. The law contemplates that transportation, like facilities and contracts, will be formalized during implementation, not pre-approval.

The transportation plan included in the PCSC application directly adopts the FNSBSD’s own transportation policy, Board Policy 3540, which governs charter schools. That policy, consistent with AS 14.09.010, provides transportation for charter school students on a “space-available” basis.³ The PCSC plan faithfully reflects this framework: it commits to collaborating with the FNSBSD on bell times to maximize use of existing routes. It explicitly acknowledges that if the FNSBSD elects to provide transportation funding rather than direct service under the statute, the APC will adjust its operations accordingly. In short, the plan mirrors the FNSBSD’s governing policy and state law, nothing more, nothing less.

The Board’s critique rests on speculation rather than statutory authority. It faults the application for failing to identify shuttle capacity or assign specific route costs, matters that only the FNSBSD can authorize and control. A charter school cannot design or contract for bus routes before approval, nor can it compel the FNSBSD to expand transportation infrastructure. By penalizing PCSC for following the very policy framework that the FNSBSD itself adopted, the Board effectively objects to its own procedures. If there is

³ Under AS 14.09.010, when a district provides transportation services, it must also provide transportation to charter school students pursuant to a district-adopted policy. That policy—developed with charter input and approved by the Department of Education and Early Development—must provide transportation on a “space-available” basis along regular district routes. The statute does not require new routes or guaranteed transportation for all charter students.

disagreement about the meaning of “space-available,” that is a question for clarification by the Department of Education and Early Development (DEED), not grounds for denial.

4 AAC 27.057 directs local school boards to adopt a charter school transportation policy describing the services the FNSBSD will provide if it operates or has pending charter applications. This reinforces that the responsibility for defining and administering transportation services lies with the FNSBSD, not the charter applicant.⁴

The charter application requirements under 4 AAC 33.110 call for “a plan for student transportation and the district’s transportation policy,” but the regulation does not specify the level of detail required, nor does it require finalized routes or cost projections. Likewise, AS 14.03.255, governing charter school contracts, contains no requirement for a finalized transportation plan as a precondition to approval.

Other transportation-related regulations, 4 AAC 27.011, 4 AAC 27.032, and 4 AAC 27.086, address implementation and operational procedures (such as establishing routes or contracting for services), not pre-authorization requirements. These provisions collectively confirm that transportation details are intended to be formalized after a charter’s approval, in cooperation with the district.

Far from being deficient, PCSC’s transportation approach demonstrates compliance, flexibility, and collaboration. The plan provides for coordination with existing routes, supports community-based solutions, and contemplates pursuing grant funding to supplement access where feasible. This approach is precisely what Alaska’s charter framework envisions: locally responsive, cooperative planning within the bounds of district policy and law.

Alaska law and regulation require a charter application to include a transportation plan and the district’s transportation policy, but do not mandate a finalized or detailed plan before approval. The PCSC application fully satisfies AS 14.09.010, AS 14.03.255, 4 AAC 27.057, and 4 AAC 33.110 by adopting the FNSBSD’s policy, committing to collaboration, and reflecting the statutory “space-available” standard.

The Board’s demand for greater specificity exceeds legal requirements and misapplies the statute. The Board’s contrary interpretation sets an impractical and inequitable precedent, as no charter could ever pre-secure transportation services before approval. The PCSC plan satisfies every applicable statutory and policy requirement, and the finding that it “lacks a transportation plan” should be reversed.

E. The Board Erred in Finding That The Application’s Plans for Educating Students are Deficient

⁴ Alaska precedent confirms that transportation responsibilities rest primarily with the district. In *Girves v. Kenai Peninsula Borough*, the court recognized that school districts are responsible for the administration, supervision, and operation of pupil transportation systems (536 P.2d 1221 (Alaska 1975)). While the case was later limited in precedential value, the principle it articulated remains consistent with current law. Similarly, *Hootch v. Alaska State-Operated School System* emphasized that the state and school districts bear primary responsibility for establishing and maintaining schools—including necessary transportation (536 P.2d 793 (Alaska 1975)). *Matthews v. Quinton* further explained that the legislative intent of Alaska’s transportation provisions is to ensure student access and safety, not to impose pre-approval burdens on applicants (362 P.2d 932 (Alaska 1961)). Together, these cases affirm that it is the district and state, not the charter applicant, that hold ultimate responsibility for transportation planning and implementation.

The Board’s finding that the PCSC application “fails to provide an adequate plan for educating students” is arbitrary, unsupported by the record, and contrary to Alaska law. The application fully satisfies all educational program requirements under AS 14.03.255(c) and 4 AAC 33.110(a)(5)–(7), (10).⁵

The PCSC application presents a robust, standards-aligned, and inquiry-based STEAM curriculum consistent with Alaska State Standards. It emphasizes problem-solving, project-based learning, and the application of science and engineering principles. The plan identifies specific instructional materials: Open Up, Heggerty, and UFLI. And assessment systems, including MAP, AK STAR, and mClass, are demonstrating coherence, rigor, and readiness for implementation.

The program integrates STEAM across all core subjects through structured models such as *Walk-to-STEAM* and *Friday Lab*, and includes a sample curriculum for kindergarten through grade six. The critique that the application omits curriculum for grades seven and eight is misplaced: the proposal clearly identifies PCSC as opening grades K–6, with any expansion contingent upon future contract amendments.

The educational plan also includes detailed mechanisms for student assessment beyond those required by law, including performance-based tasks, portfolios, exhibitions, and family showcases, satisfying 4 AAC 33.110(a)(5). The inclusion of these tools demonstrates a comprehensive system for measuring student growth and engagement aligned with 4 AAC 33.110(a)(6) and (a)(7).

The PCSC application explicitly commits to full compliance with IDEA, Section 504, and all state requirements under AS 14.30.180 and 4 AAC 52.090–.140. It details procedures for accommodations, individualized supports, and collaboration with families and community agencies. The school will employ certificated special education teachers and paraprofessionals in accordance with actual IEP numbers once enrollment is finalized. Requiring pre-hiring before identifying student needs would be impractical and contrary to sound fiscal and educational practice. The proposed staffing model is flexible and fully compliant with federal and state law; if caseloads exceed projections, staffing will adjust accordingly. These implementation details are not lawful grounds for denial.

The plan also addresses gifted education, incorporating the FNSBSD’s Extended Learning Program (ELP) and providing enrichment, differentiation, and social-emotional support consistent with 4 AAC 52.800. For bilingual and multilingual learners, the application includes a plan for language support and equitable participation in accordance with 4 AAC 33.110(a)(10).

The proposed contract provides that certificated staff will remain within FNSBSD evaluation and bargaining frameworks unless specific exemptions are negotiated, ensuring both accountability and flexibility in hiring. This approach fully aligns with AS 14.03.255(a)–(c) and reinforces that PCSC will operate under the same oversight, compliance, and evaluation systems that govern all public schools.

The PCSC application meets every element of 4 AAC 33.110(a)(5)–(7), (10) and AS 14.03.255(c):

1. Describes a comprehensive, inquiry-based, and standards-aligned educational program;
2. Provides a written instructional plan consistent with Alaska standards and statewide assessments;

⁵ Alaska law requires that a charter school application: (1) Describe the educational program and mechanisms for student assessment beyond those required by state law (4 AAC 33.110(a)(5)); (2) Provide a written instructional program aligned to Alaska’s academic standards and statewide assessment system (4 AAC 33.110(a)(6)); and (3) Include plans for serving special education, vocational education, gifted, and bilingual students (4 AAC 33.110(a)(10)). Compliance with these elements is required under AS 14.03.255(c) at the charter contract stage.

3. Details assessment mechanisms beyond those required by law; and
4. Includes lawful and practical plans for serving students with disabilities, gifted students, and multilingual learners.

PCSC's educational program is comprehensive, research-based, and legally compliant, and developed by educators who have already advanced STEAM instruction across Alaska. The Board's contrary conclusion disregards the statutory standard, misinterprets flexibility as a flaw, and ignores the depth of professional expertise supporting the application. The finding that the application's educational plans are deficient should therefore be reversed.

F. The Board Erred in Denying the Application Based on Finding That The Application Does Not Provide for Student Nutrition

No Alaska statute or regulation requires a nutrition plan at the application stage; by contrast, transportation planning is expressly required, confirming that nutrition is not a condition of approval. The governing statute, AS 14.03.255, and the implementing regulation, 4 AAC 33.110, make no mention of nutrition or food service planning in connection with charter authorization. This silence is significant: when the Legislature and Department of Education intend to impose an application requirement, they do so expressly, as demonstrated by the explicit mandate for a transportation plan in 4 AAC 33.110(a)(19). The absence of any corresponding provision for nutrition confirms that no such requirement exists.

The PCSC application nonetheless demonstrates operational readiness. The administrative manual identifies on-site kitchen facilities "that could be used to provide lunch," consistent with District practice and the National School Lunch Program (NSLP). Following a verbal request from administrators, the APC confirmed that it will utilize District Nutrition Services—the same arrangement used by nearly all existing FNSBSD charter schools. Under that system, District Nutrition Services provides menus, delivers state-reimbursable meals, and ensures that students eligible for free or reduced lunch receive those services without interruption.

The Board's insistence on pre-approval staffing plans and budget lines for nutrition operations misapplied the law and contradicts standard practice. Those operational details are addressed after authorization during contract implementation and are neither required by statute nor included in the approved contracts of other district charters. By treating post-approval administrative coordination as a condition precedent to authorization, the Board imposed an extra-statutory barrier inconsistent with both legislative intent and its own precedent.

In short, there is no legal requirement for a nutrition plan in a charter school application, and the Pearl Creek STEAM Charter School nonetheless provided a reasonable, cooperative plan aligned with the FNSBSD's existing systems. The Board's finding of deficiency should therefore be reversed as contrary to law and unsupported by substantial evidence.

G. The Board Erred in Finding That The Application Lacks a Clear Professional Development Plan.

The Board's assertion that the PCSC application "lacks a clear plan for professional development" is both overstated and unsupported by law. The application fully satisfies 4 AAC 33.110(a)(8), which requires only "a description of and schedule for staff development activities," a standard that includes but does not mandate detailed professional development scheduling or vendor identification.

The APC readily acknowledges a minor clerical inconsistency in the application: at one point, it referred to professional development occurring “quarterly,” and elsewhere to “three professional development days.” This is a non-substantive variance: both reflect the same intent—to provide structured, recurring professional development aligned with the FNSBSD calendar and collective bargaining agreements. Such a clerical inconsistency cannot reasonably form the basis for denial of an otherwise complete application.

The charter expressly commits to providing STEAM-specific professional development for staff, in full compliance with negotiated agreements and district standards. The application identifies multiple professional development pathways, Next Generation Science Standards (NGSS) alignment, NASA GLOBE, and Project One Tree, and commits to annual, high-quality training opportunities. These are well-recognized, evidence-based frameworks consistent with the proposed instructional model and Alaska’s statewide academic standards.

Further, no statute or regulation requires a charter applicant to identify specific program names, presenters, or funding sources at the time of application. Such details are inherent to implementation and are routinely developed post-approval in collaboration with the district. By demanding a level of specificity beyond what Alaska law requires, the Board imposed an unauthorized and arbitrary standard inconsistent with its treatment of other approved charter schools.

In sum, the PCSC application provides a transparent, compliant, and reasonable plan for professional development. The clerical inconsistency cited by the Board is immaterial, and the identified STEAM-focused training opportunities exceed statutory expectations. The finding of deficiency should therefore be reversed.

H. The Board Erred in Finding That the Proposed Admissions Procedures are Not Compliant with AS 14.03.265(b)

The Board’s conclusion that the proposed admissions policy violates AS 14.03.265(b) reflects an arbitrary and inconsistent interpretation of the statute. Alaska law requires a random drawing only when the number of eligible applicants exceeds available seats; it does not prohibit reasonable categories of automatic or priority admission that advance a charter school’s mission, stability, and accessibility.

The FNSBSD, its legal counsel, the Department of Education and Early Development, and the State Board of Education have all consistently applied this interpretation. Every charter renewed or approved in 2025—including Boreal Sun, Discovery Peak, Watershed, Chinook Montessori, and Effie Kokrine—includes categories of automatic or priority admission for siblings,⁶ children of staff,⁷ Academic Policy Committee members, and returning students.⁸ Boreal Sun further includes a neighborhood preference.⁹ Through collective bargaining, the FNSBSD has also executed agreements

⁶ Watershed Charter School, Admissions, <https://wsd.k12northstar.org/admission>, “Siblings are admitted as a unit so that families can attend the same school. (ie: when one child in a family is admitted through the lottery, the other siblings will move up to the next available spot in their respective grade). Although all new applicants must meet application requirements, future students who already have siblings enrolled in the school are given priority to enroll in the Watershed School, given that space is available at the sibling’s grade level. Siblings are defined as permanent, immediate family members.”

⁷ See Attached *FNSBSD Charter Contracts*, Fairbanks North Star Borough School District Charter Contract 2025 - 2030 5-year Contract Denali Peak Charter School, subsection for *Selection Process* “children of staff members and of the Academic Policy Committee are given preference, per Discovery Peak Bylaws and Fairbanks Education Association Contract.”

⁸ See Attached *FNSBSD Charter Contracts*.

⁹ See Attached *FNSBSD Charter Contracts*, Fairbanks North Star Borough School District Charter Contract 2025 - 2030 5-year Contract Boreal Sun Charter School, subsection (3) “The following shall be given preference for

guaranteeing admission for certified staff assigned to all FNSBSD charter schools.¹⁰ Each of these contracts was reviewed, approved, and found compliant with AS 14.03.265(b).¹¹

Our proposed admissions policy reflects that same understanding. It was informed in part by federal nonregulatory guidance under Title V, Part B of the Elementary and Secondary Education Act, which explicitly recognizes that charter schools may establish reasonable categories of automatic or prioritized admission consistent with state law.¹² Reliance on that guidance was both appropriate and prudent. The United States Department of Education's interpretation of federal charter school policy has long guided Alaska's charter framework, including charters approved by this same District. That guidance reinforces, rather than contradicts, the legality of our approach.

The Board's decision to treat these identical provisions as unlawful in our application, while simultaneously approving them in every other charter, constitutes selective enforcement. It reflects not a genuine statutory conflict but a shifting standard applied uniquely to this school.

The proposed admissions process was developed in good faith to ensure equitable and transparent access to a community-based public school and, like all charter policies, would remain subject to refinement. The finding of noncompliance with AS 14.03.265(b) is unsupported by law, precedent, or consistent administrative practice and should therefore be reversed.

I. The Board erred in Finding That the budget contains material errors and does not reflect a sound fiscal plan.

The Board's claim that the Pearl Creek STEAM Charter School budget "contains material errors and does not reflect a sound fiscal plan" is unfounded and contrary to both the record and Alaska law.

The application fully complies with AS 14.03.255 and 4 AAC 33.110(a)(14), which require only a "written budget summary and financial plan" identifying (A) the school's anticipated funding allocation and assignable costs, and (B) the method by which receipts and expenditures will be tracked. Nothing in statute or regulation requires a finalized or line-item "actualized" budget at the application stage.

The Academic Policy Committee (APC) developed the budget using multiple verified sources:

- Prior-year utility, maintenance, and operational expenditure records from the FNSBSD;
- Publicly available charter school budgets within FNSBSD and across Alaska;
- Direct consultation with DEED charter finance staff;
- CPA-level fiscal review; and
- Guidance from experienced Alaska school administrators.

The FNSBSD administration repeatedly stated that it would assist in reviewing and refining the budget. The APC made multiple requests to meet with the COO to review the financial model, but the meetings

admission to the school in the event a lottery becomes necessary: ... Children whose family lives within the defined neighborhood of Boreal Sun Charter School."

¹⁰ See Attached *FNSBSD Charter Contracts*, Fairbanks North Star Borough School District Charter Contract 2025 - 2030 5-year Contract Boreal Sun Charter School, subsection (3) "The following shall be given preference for admission to the school in the event a lottery becomes necessary: ...Children of staff of the school staff."

¹¹ See Attached *FNSBSD Charter Contracts*.

¹² U.S. Department of Education Charter, Schools Program, Title V, Part B of the ESEA, Nonregulatory Guidance (January 2014).

never took place because the COO failed to agree on a time or place. Instead, the COO provided a single PDF that contained limited financial information. In the absence of collaboration, the APC utilized the best available data and standard charter budgeting methods. Any future numerical adjustments are routine and correctable and do not constitute grounds for denial under AS 14.03.250 or 4 AAC 33.110.

The PCSC budget is fiscally responsible and transparent. It reflects realistic assumptions grounded in current data, not conjecture.

This is further supported by the Borough's current fiscal data, which shows that Pearl Creek's building costs are consistent with, and substantially below, PCSC's projected lease budget. Mayor Hopkins stated:

“The Assembly will be asked to approve an ordinance appropriating \$122,000 for Pearl Creek Elementary utility and IT/security costs when it takes over the school on Dec. 1. The 62,982-square-foot building's utility costs alone are estimated at \$12,000 a month.¹³”

These figures align precisely with PCSC's budgeted lease and maintenance projections and confirm the prudence of the application's fiscal assumptions. The budgeted \$271,250 line item for facility lease and maintenance, therefore, provides ample cushion for actual operating expenses, further refuting any claim of material error or fiscal unsoundness.

The omission of the principal's salary in the draft budget is immaterial and easily corrected. The attached Exhibit 1 is an updated budget including this line item, which remains balanced and fiscally sound. A single administrative salary within a \$4 million budget does not affect overall viability.

The Board's suggestion that the school would rely on volunteers for staffing is factually incorrect and misleading. The final operational model does not depend on volunteers to fill any staff positions. All required positions (teachers, aides, administrative support, and custodial services) are fully budgeted and funded. Like all charter schools within FNSBSD, PCSC encourages community involvement as a cultural strength, not as a substitute for professional labor. The assertion that volunteerism compromises fiscal or operational stability is a conclusory claim made by Board members who either misunderstood or misrepresented the budget. The PCSC plan is fully staffed, fiscally responsible, and operationally sound.

The personnel plan aligns with district practice. Many FNSBSD schools operate with trained health aides rather than full-time nurses. PCSC's plan follows this model and includes all required medical training and compliance with state medication rules. Custodial services are fully funded within the facilities budget and will be contracted consistent with other district charters.

The Board's criticism that the application lacks sufficient “wiggle room” or reserves is misplaced and contrary to Alaska law. Under AS 14.17.505 and 4 AAC 09.160, school districts, including charter schools, may not maintain an unreserved year-end fund balance exceeding 10% of expenditures, with only narrow exceptions. PCSC's budgeting approach complies with these legal limits. Demanding a larger reserve would be inconsistent with state law and could expose the FNSBSD itself to compliance risk. The budget includes reasonable flexibility within supply, services, and contingency lines to address variable costs while remaining consistent with statutory reserve restrictions.

¹³ “What brings you Joy?” Borough to seek input on Joy building's future, by Jack Barnwell, Fairbanks Daily-Newsminer, https://www.newsminer.com/news/local_news/what-brings-you-joy-borough-to-seek-input-on-joy-buildings-future/article_13ca4ad8-8fa3-4a24-8486-05eef3e72c0.html (11/10/2025).

The Board's criticisms apply standards that are not used in its own schools. Many FNSBSD schools function without full-time nurses, share custodial staff, and operate within tighter budgets. To hold PCSC to a higher threshold is inequitable and inconsistent with state law governing charter authorization.

The PCSC budget is complete, transparent, and fiscally sound. It was built using verified data, professional review, and best fiscal practices. The record demonstrates a responsible, evidence-based plan that meets every statutory and regulatory requirement. The Board's finding of "material deficiency" is unsupported by evidence and should be reversed.

J. The Board erred in denying the Application based on the mistaken assertion that approval would have significant adverse financial and operational impacts on the FNSBSD and the students it serves.

The Board's decision to deny the Pearl Creek STEAM Charter School based on alleged "significant adverse financial and operational impacts" is both legally impermissible and unsupported by substantial evidence. Neither AS 14.03.255 nor 4 AAC 33.110 authorizes a school board to deny a charter school application on the grounds that approval might negatively affect the FNSBSD's finances or operations.

Under 4 AAC 33.110, a school board's responsibility is to review whether the charter school itself is financially viable and operationally sound. The regulation requires applicants to submit a *written budget summary and financial plan* that identifies (A) the charter school's funding allocation and assignable costs, and (B) the method by which the school will account for receipts and expenditures. The purpose of this requirement is to ensure that the proposed charter can operate responsibly within its allocated resources—not to shield the district from perceived fiscal inconvenience or competition.

The regulatory framework makes this distinction clear. While a school board has discretion to request additional information, its authority to deny an application is limited to circumstances where the charter fails to meet the specific statutory and regulatory requirements. The regulation's focus is on the charter school's viability, not on potential impacts on district budgets or staffing. If the Legislature had intended to allow denials based on perceived adverse financial or operational implications to a district, it would have said so explicitly. The absence of such language confirms that those considerations fall outside the lawful scope of review.

Despite this, the Board relied on speculative and subjective claims such as the suggestion that PCSC might cause a "two-student increase in PTR districtwide" to justify its denial. These assertions are unsupported, inflammatory, and irrelevant. PCSC's application contains a complete, balanced budget based on publicly available data, prior charter budgets, and expert input from DEED fiscal staff, former school board members, and education finance professionals. The Board's insistence on "actuals" for a school not yet authorized to operate is both unreasonable and contrary to the very nature of budgeting, which by definition reflects projections and priorities, not finalized expenditures.

Moreover, the factual record undermines the Board's narrative of financial harm. By the Board's own later admission, the proposed charter would generate approximately \$850,000 in additional revenue and reduce staffing costs by roughly \$1 million. The application also includes clear enrollment limits (352 students in Year 1), defined teacher-student ratios, and contractual mechanisms allowing the FNSBSD to manage any growth through annual review and approval, tools routinely used in other FNSBSD charter contracts.

Finally, the procedural history reveals troubling irregularities. After PCSC filed its initial application on July 1, 2025, the earliest permissible date, District administrators requested its withdrawal under the guise of collaboration, yet provided no substantive assistance. Then, on September 5, 2025, the Board hastily

amended Policy 935.1 to add “anticipated detrimental impact on the district’s budget and operations” as a new basis for denial, an extra-statutory standard applied retroactively to PCSC’s resubmission. This policy change was inconsistent with state law and contrary to legislative intent, favoring the creation of innovative public charter options.

In summary, Alaska law requires school boards to evaluate the financial and operational viability of the proposed charter school, not to protect the district’s administrative interests or existing funding streams. The Board exceeded its legal authority by treating speculative district impacts as a basis for denial. The finding should therefore be reversed as arbitrary, capricious, and contrary to law.

K. The Board Erred in Finding That the Application Does Not Demonstrate a Likelihood of Success

The Board’s assertion that the Pearl Creek STEAM Charter School “does not demonstrate a likelihood of success” is unfounded, duplicative, and legally irrelevant. This conclusory statement merely restates earlier critiques already addressed elsewhere in this appeal and adds no new substantive issue. Neither AS 14.03.255 nor 4 AAC 33.110 authorizes the denial of a charter application based on speculative opinions about “likelihood of success.” The statute establishes clear, objective criteria that the PCSC application meets in full.

The Pearl Creek STEAM Charter School’s application satisfies every statutory element: a standards-aligned educational program; defined achievement levels and assessment mechanisms; a compliant admissions and lottery plan; administrative and governance policies; a balanced budget and accounting method; an identified facility with a plan to lease consistent with statute; a full slate of teachers and a principal with decades of leadership experience in the FNSBSD; specified pupil–teacher ratios and enrollment; and complete contractual and legal compliance provisions. The record is unambiguous, the application is thorough and detailed, and meets every requirement under AS 14.03.255(c).

Beyond the paper record, the community support for this charter is overwhelming and demonstrative of its likely success. The application is backed by 345 committed students and families, a team of certified teachers, one of the FNSBSD’s most senior principals, and advisors representing every STEAM discipline. The Academic Policy Committee includes parents, tribal members, professionals, and educators working collaboratively to expand opportunity and improve public education in the Fairbanks North Star Borough. This is not a weakness; it is the source of the charter’s strength.

The Board’s conclusion of “unlikely success” is speculative and subjective, substituting its own preferences for the objective standards established by law. Alaska’s charter framework envisions a collaborative process of correction and refinement, not rejection based on conjecture. The PCSC team has demonstrated sustained organization, expertise, and an unwavering commitment to student-centered innovation. Success is not hypothetical; it is already visible in the depth of planning, professionalism, and public support that brought this application forward.

Accordingly, the finding that the Pearl Creek STEAM Charter School lacks a likelihood of success is contrary to the evidence, beyond the Board’s lawful authority, and should be reversed.

III. CONCLUSION

The Pearl Creek STEAM Charter School fully satisfies Alaska’s legal requirements. It embodies the intent of Alaska’s Charter School Act: to empower educators, families, and communities to innovate within the

public school system. The Board's denial reflects resistance to that innovation, not a failure of compliance.

The record shows that the Pearl Creek Academic Policy Committee submitted a complete, standards-aligned, and fiscally sound application developed through collaboration among educators, experts, and community members. Every element—educational program, budget, facility plan, admissions, and governance—meets statutory requirements. The cited “deficiencies” are either legally unfounded or minor implementation details that could have been resolved through the ordinary contracting process. The Board instead relied on non-statutory concerns and procedural irregularities, contrary to Alaska law and the collaborative spirit that charter review requires.

This charter was built through thousands of volunteer hours by teachers, parents, and community members who believe in strengthening—not abandoning—public education. We are ordinary Alaskans who have worked in good faith to create a school aligned with our region's scientific, cultural, and environmental character, and the petition with over 415 signatures gathered in under 12 hours affirms both the feasibility of this school and the substantial community demand behind it.

We believe deeply in local control of education, and there is nothing more local than parents, teachers, and students working together to design a school that meets community needs. The Pearl Creek STEAM Charter School represents that ideal and is rooted in collaboration, focused on student success, and aligned with Alaska's educational values.

Accordingly, DEED should reverse the Fairbanks North Star Borough School Board's denial and approve the Pearl Creek STEAM Charter School as substantially compliant with Alaska law. If any minor clarifications are needed, they can be directed as state-level conditions precedent to opening, not as barriers to authorization.

A remand to the same Board would only prolong the delay and undermine legislative intent. We respectfully request that the Commissioner reverse the denial and approve the charter as substantially compliant with Alaska Law to ensure that Alaska's charter framework operates as intended. To expand opportunity, inspire innovation, and strengthen public education for all students.