

ESSAY QUESTION No. 2

Answer this question in booklet No. 2

Molly and John Godchild were born and raised in Fishville a small town in southeast Alaska. For the last 20 years they have lived on a commune near the edge of town. The commune is known as the Community of God's Children. One of the Community's principle beliefs is that all of its members are the children of God and, as such, any attempt to register births with any of man's authorities is disrespectful to the ultimate parent—God. All members who were not born into the Community undergo a ceremonial destruction of any government-issued registration of birth.

Five years ago, Molly and John had a son, Zeb Godchild. Zeb was born at the Community and has lived there his entire life. Per Community doctrine, Zeb's birth was not registered with the state Bureau of Vital Statistics and Zeb has no birth certificate.

This year Molly and John decided to enroll Zeb in public kindergarten.

The Fishville School District denied enrollment to Zeb because Molly and John could not provide the school district with a birth certificate for Zeb.

The Fishville School District's stated reason for requiring a birth certificate is that the district uses birth certificates: "to efficiently, and with as little administrative costs as possible, establish an accurate head count of students." It is important to the district to have an accurate headcount as the state distributes funding to schools on a per student basis. State funding is critical to a small rural school district such as Fishville as it provides \$6500 per child per year of the estimated cost of \$8000 per child per year. Recently, the district's budget has been stretched very thin and the district has had to eliminate much of its clerical staff and non-essential programs such as art, music and physical education.

Molly and John explained to the school district that Zeb has no birth certificate because of their religious beliefs. They further offered to sign a notarized affidavit establishing Zeb's date and place of birth. The Fishville School District determined that such an affidavit was insufficient and told Molly and John that the only proof of birth that it would accept is a state-issued birth certificate.

Discuss what claims Molly and John or Zeb might raise under the Alaska Constitution concerning the school district's refusal to enroll Zeb in kindergarten.