

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

CAMPBELL STEM PRESERVATION  
& EDUCATION FOUNDATION,  
ALASKA CORPORATION,

Plaintiff,

v.

ANCHORAGE SCHOOL DISTRICT  
& ANCHORAGE SCHOOL BOARD,

Defendants.

Case No. 3AN-26-06081CI

**ORDER GRANTING PRELIMINARY INJUNCTION AND LIMITED  
EXPEDITED DISCOVERY**

**I. INTRODUCTION**

Before the Court is Plaintiff Campbell STEM Preservation & Education Foundation's *Motion for Temporary Restraining Order, Preliminary Injunction, and Limited Expedited Discovery*. Campbell STEM requests injunctive relief to stop Defendants Alaska School District (ASD) and Alaska School Board (ASB), and all persons acting in concert with them, from taking any action to implement, advance, or facilitate the closure of Campbell STEM Elementary School, along with other restrictive provisions set forth in the *Complaint and Motion*.

On April 8<sup>th</sup>, 2026, Plaintiff filed a *Complaint* and *Emergency Motion* in response to Defendants' recent decision to close Campbell STEM Elementary School. The Court

denied the motion without prejudice due to a statutory requirement<sup>1</sup> that an organization must be represented by an attorney. Plaintiff obtained counsel and filed an amended *Complaint*, an *Emergency Motion for A Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, and a *Motion for Expedited Consideration for Temporary Restraining Order* on April 15<sup>th</sup>, 2026. The Court granted expedited consideration on April 16<sup>th</sup>, 2026. Defendants immediately filed a *Motion for Reconsideration* of that order, which was denied after the case was reassigned to the undersigned Superior Court Judge. Defendants have since filed an *Opposition to the Emergency Motion* (537 pages including attachments) on April 21<sup>st</sup>, 2026.<sup>2</sup>

On April 27<sup>th</sup>, 2026, the Court held a hearing to address Plaintiff's *Motion*. Both parties appeared in person and were represented by counsel. Having considered Plaintiff's motion, Defendants' opposition, Plaintiff's oral reply, and the record<sup>3</sup>, the Court now denies Plaintiff's *Motion* for a *Temporary Restraining Order* and grants Plaintiff's *Motion for a Preliminary Injunction and Expedited Discovery*.

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<sup>1</sup> A.S. § 22.20.040.

<sup>2</sup> Plaintiff addressed its reply during oral argument at the hearing on April 27, 2026.

<sup>3</sup> The parties agreed to the admission of their attachments as exhibits for purposes of this motion. Defendants also asked the Court to consider listening to the audio record, which time did not permit.

## II. FACTUAL BACKGROUND

The facts of this case are largely undisputed. By way of background, this year the Anchorage School Board faced a \$90 million budget deficit and a legal requirement to pass a balanced budget no later than March 1<sup>st</sup>, 2026.<sup>4</sup> In response, ASD identified three (3) of over fifty (50) elementary schools in the Anchorage school district for possible closure.<sup>5</sup> One of the schools identified for closure was Campbell STEM Elementary<sup>6</sup>. Campbell STEM Elementary is a specialized STEM-focused elementary program and, at the time relevant to this order, the only school in Alaska holding a national STEM accreditation at the elementary school level.<sup>7</sup> Campbell STEM seeks to enjoin the Anchorage School District (ASD) and the Anchorage School Board (ASB) from implementing the closure of their elementary school pending further proceedings.<sup>8</sup>

On February 13<sup>th</sup>, 2026, ASD issued a formal notice identifying Campbell STEM Elementary as a proposed elementary school closure.<sup>9</sup> The notice directly preceded a

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<sup>4</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Opposition to Emergency Motion for Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, see at 1\* (Apr. 21, 2026).

<sup>5</sup> *Id.*

<sup>6</sup> For clarity, the Court refers to Plaintiff as “Campbell STEM” and the school as “Campbell Stem Elementary.”

<sup>7</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction*, see at 2\* (Apr. 15, 2026).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1\*.

three-day weekend for President's Day.<sup>10</sup> The email to the Campbell STEM parents read as follows.<sup>11</sup>

Dear Campbell STEM Families,

I am writing to share an important and difficult update regarding Campbell STEM Elementary School. After completing the analysis directed by the Anchorage School Board in Resolution #25-26-01(S.1), I will be recommending that the Board approve the closure of Campbell STEM Elementary School at the end of this school year as part of the Rightsizing ASD project.

I recognize this news may come as a shock and may bring concern, frustration, and many questions. I want you to know that this recommendation was not made lightly, and that our highest priority moving forward is supporting every Campbell STEM student and family through this transition with care and stability.

This recommendation follows direction from the School Board to review prior rightsizing analyses and identify additional options that address enrollment trends, building utilization, academic programming and long-term financial sustainability. In response, the District conducted a review of enrollment patterns, staffing, facility conditions, and operational costs across our schools.

As part of this analysis, the District also had to consider facility reliability and long-term maintenance needs across the District. This year, Campbell STEM experienced facility-related disruptions that resulted in missed instructional time. I understand how disruptive those interruptions were for students and families.

These challenges are not the result of any actions by staff or students; they reflect the broader reality of aging facilities and increasing deferred maintenance pressures districtwide. As resources become more constrained, sustaining every building at the level our students deserve becomes increasingly difficult.

Like many districts across Alaska, ASD is facing enrollment declines combined with rising operational costs. Next year, the District is projected to face a structural deficit of approximately \$90 million. When enrollment decreases, but the number of buildings remains the same, resources are spread more thinly across facilities, staffing and programs. Combining school communities allows us to better stabilize staffing, protect academic offerings, and maintain consistent services for our students.

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<sup>10</sup> See Plaintiff's Exhibit D at 1\*.

<sup>11</sup> *Id* at 1-2.; *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction*, see at 2\* (Apr. 15, 2026).

If the Board approves this recommendation, students would be reassigned as follows:

- Approximately 120 students who reside north of 76th Avenue would attend Willowcrest Elementary School
- Approximately 84 students would attend Gladys Wood Elementary School
- Approximately 45 students would attend Klatt Elementary School

In addition:

- Three developmental preschool classrooms would relocate to Taku Elementary School
- Three developmental preschool classrooms and one general education Preschool classroom would relocate to Sand Lake Elementary School

If approved by the School Board, our immediate focus will be ensuring a smooth and intentional transition for every Campbell STEM student. Families will receive clear information regarding school assignments, transportation eligibility, timelines, and opportunities for students to visit and become familiar with their new school communities. Our goal is that every student continues to feel known, supported, and safe, and that academic continuity is preserved.

The School Board will review this recommendation on Tuesday, Feb. 17, beginning with a work session at 3 p.m. and a regular meeting at 6 p.m. The Board is scheduled to vote on Tuesday, Feb. 24. Families may provide public testimony on Feb. 17 at the regular meeting and submit written feedback before the vote on the 24th. Your voice and perspective are important.

The financial and operational constraints that ASD faces reflect long-term funding and cost pressures, not a lack of care or commitment to ensuring student success. Still, these conditions require decisions that carry very real impacts for students and communities.

Please know this above all: this recommendation is centered on sustaining stable, high-quality learning environments and academic opportunities for students in the years ahead. It is not a reflection of the quality of Campbell STEM's educators, or the strength of this school community. Campbell STEM has served children well, and that legacy will always matter to ASD.

Thank you for the trust you have placed in our schools and for the care you show your children each day.

With sincerity and respect,

Jharrett Bryantt, Ed.D.  
Superintendent  
Anchorage School District

In accordance with the above notice, on February 17<sup>th</sup>, 2026, Campbell STEM Elementary families were given an opportunity to provide public testimony at ASB's regular meeting.<sup>12</sup> At that meeting, ASB permitted public testimony on various topics, including input on Campbell STEM Elementary's closure. The meeting began at 6:00 p.m. and concluded at 11:59 p.m.<sup>13</sup> Members of the public were allotted no more than two (2) minutes per person to speak, and over 110 people testified. As the record and the representations of counsel at oral argument reflect, no one testified in support of the school closure.<sup>14</sup> ASB also received over 330 written statements before their next public meeting on February 24<sup>th</sup>, 2026. At that meeting, ASB voted 4 - 3 to approve the closing of Campbell STEM Elementary. Following this decision, ASB held its next regular meeting on March 17<sup>th</sup>, 2026, where ASB members identified additional funding that had not been considered in their decision of February 24<sup>th</sup>, 2026. Campbell STEM's request for a temporary restraining order and preliminary injunction relief followed on April 8<sup>th</sup>, 2026.

Campbell STEM alleges that this closure decision results in immediate academic harm<sup>15</sup> to them by implementing closure actions, reassignment planning, and logistical preparations; disrupts individualized education plans (IEPs) and program continuity;

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<sup>12</sup> *Id.*

<sup>13</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction*, see at 2\* (Apr. 15, 2026).

<sup>14</sup> See Plaintiff's Exhibit I at 1-2\*.

<sup>15</sup> *Id.*

and dissolves student-teacher relationships.<sup>16</sup> Campbell STEM further alleges that Defendants have violated the Alaska Open Meetings Act (OMA), have violated due process under the United States and Alaska Constitutions, and have taken arbitrary and capricious action under Alaska agency law. Defendants argue that the closure of Campbell STEM Elementary was based on an analysis of enrollment trends, building utilization, academic programming, and long-term sustainability. Defendants also point to Campbell STEM Elementary's low enrollment patterns, staffing, facility conditions, and operational costs.<sup>17</sup>

Campbell STEM seeks immediate relief in the form of a preliminary injunction, enjoining Defendants from any action to implement, advance, or facilitate the closure of the school and to maintain the status quo, and for the Court to issue other protection to preserve the school pending a final determination in this matter.

### **III. LEGAL STANDARD**

#### **a. PRELIMINARY INJUNCTION STANDARD**

AS 09.40.230 sets the standard governing authorization of injunctions. Under the statute, a court may authorize an injunction when it finds that (1) the plaintiff is “entitled to the relief demanded, and the relief or any part of it includes restraining the commission or continuance of some act injurious to the plaintiff; or (2) the defendant

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<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

is committing, threatening to commit, or about to commit an act in violation of the plaintiff's rights.”<sup>18</sup> Plaintiff must establish these elements to succeed on a petition for injunction.<sup>19</sup>

Courts have broad discretion when determining whether to authorize an injunction.<sup>20</sup> Under *Galvin*, the Alaska Supreme Court stated two tests to determine whether a party meets the standard and should be granted a temporary restraining order or a preliminary injunction.<sup>21</sup> Where these motions are presented *ex parte*, then additional requirements must be met.<sup>22</sup> The nature of the plaintiff's injury determines whether the court will apply the balancing of hardships test or the probable success on the merits test.<sup>23</sup>

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<sup>18</sup> A.S. § 09.40.230.

<sup>19</sup> *State v. Galvin*, 491 P.3d 325, 334 (Alaska 2021). “To obtain a preliminary injunction, the party seeking relief must establish certain predicate elements. Unless the party establishes these required elements, the superior court has no discretion to grant the requested relief.”

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> In the instant case, this standard no longer applies, as both parties have received notice. See Alaska R. Civ. Proc 65(b); [w]hen a temporary restraining order is sought without notice to the adverse party, Alaska Civil Rule 65(b) imposes additional requirements. The movant must show by specific facts in an affidavit or verified complaint that immediate and irreparable injury will result before the adverse party can be heard. The movant must also certify in writing the efforts made to give notice and the reasons why notice should not be required; see also *State v. Arctic Vill. Council*, 495 P.3d 313, 319-320 (Alaska 2021) (citing *State, Div. of Elections v. Metcalfe*, 110 P.3d 976, 978 (Alaska 2005)).

<sup>23</sup> *State Division of Elections v. Metcalfe*, 110 P.3d 976, 978 (Alaska 2005); see also *A.J. Indus., Inc. v. Alaska Public Service Comm’n*, 470 P.2d 537 (Alaska 1970) (establishing the three-part analysis courts must conduct when assessing a motion for preliminary injunction).



The balance of the hardships test applies where the plaintiff faces the danger of ‘irreparable harm,’ and the opposing party is adequately protected.<sup>24</sup> Irreparable harm is defined as an injury that cannot be adequately compensated by monetary damages or redressed through legal remedies.<sup>25</sup> Specifically, irreparable harm refers to harm that is either so significant or so unique that no pecuniary standard exists for its measurement, making it impossible to provide reasonable redress in a court of law.<sup>26</sup> The Alaska Supreme Court has consistently emphasized that irreparable harm must be immediate and substantial.<sup>27</sup>

Adequate protection exists where the party opposing the injunction can be indemnified by a bond when financial harm is at stake; can be otherwise protected by some action; or, at a minimum, is facing only “relatively slight” harm compared to the potential harm facing the party seeking relief.<sup>28</sup> Where the injury that will result from awarding the preliminary injunction is relatively slight compared to the injury the petitioner will suffer, the “serious and substantial question” standard is applied to the balance of hardships test.<sup>29</sup> Under this standard, the plaintiff “must raise serious and

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<sup>24</sup> *State Division of Elections v. Metcalfe*, 110 P.3d at 978 (quoting *State v. Kluti Kaab Native Vill. of Copper Ctr.*, 831 P.2d 1270, 1273 (Alaska 1992)).

<sup>25</sup> *State v. Galvin*, 491 P.3d 325, 333 (Alaska 2021).

<sup>26</sup> *Id.* For example, it may include harm that is “. . .so large or so small, or is of such constant and frequent occurrence, or because no certain pecuniary standard exists for the measurement of damages, cannot receive reasonable redress in a court of law.” (quoting *Kluti Kaab*, 831 P.2d at 1273 n.5).

<sup>27</sup> *Id.*; see also *Lee v. Konrad*, 337 P.3d 510, n.11 (Alaska 2014).

<sup>28</sup> *State v. Galvin*, 491 P.3d 325, 333 (Alaska 2021).

<sup>29</sup> *Id.*; see also *North Kenai Peninsula Rd. Maint. Serv. Area v. Kenai Peninsula Borough*, 850 P.2d 636, 639 (Alaska 1993) (citing *State v. United Cook Inlet Drift Ass’n*, 815 P.2d 378, 378-79 (Alaska 1991)).

substantial questions going to the merits of the case; that is, the issues raised cannot be frivolous or obviously without merit.”<sup>30</sup> Thus, the court must assess whether the impact of a preliminary injunction outweighs the injury the movant would suffer if the court denied the injunction.<sup>31</sup>

“In contrast, if the party requesting preliminary injunctive relief does not face irreparable harm or if the opposing party cannot be adequately protected against injury threatened by the requested relief, then the standard of probable success on the merits applies.”<sup>32</sup> Under this standard, the petitioner must “make a clear showing of probable success on the merits of the dispute before a court may grant the preliminary injunction.”<sup>33</sup> When a trial court considers injunctive remedies, the Alaska Supreme Court has cautioned courts to “avoid extensive involvement” in the merits of the issues because a preliminary injunction decision is usually based on an incomplete record.<sup>34</sup> Quite simply, the goal of a preliminary injunction is merely to ensure a fair playing field for full litigation of the case's merits later.<sup>35</sup>

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<sup>30</sup> *State Division of Elections v. Metcalfe*, 110 P.3d at 978 (quoting *Kluti Kaah*, 831 P.2d at 1273).

<sup>31</sup> *Id.*

<sup>32</sup> *State v. Galvin*, 491 P.3d 325, 333 (Alaska 2021); see also *State Division of Elections v. Metcalfe*, 110 P.3d at 978 (quoting *A.J. Indus. Inc., v. Alaska*, 420 P.2d at 540).

<sup>33</sup> *State v. Galvin*, 491 P.3d 325, 333 (Alaska 2021).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

## b. NOTICE STANDARDS

Under the Alaska Open Meetings Act, A.S. § 44.62.310, notice for open meetings of governmental bodies must be “reasonable,” and must include the date, time, and place of the meeting.<sup>36</sup> Alaska’s Administrative Code requires that the district or regional school board provide at least ten (10) days’ written notice to the parents or guardians of affected students before a school can be permanently or temporarily closed.<sup>37</sup> Finally, the Anchorage Municipal Code mandates that the agenda for regular school board meetings must be published on the school district’s website at least 32 hours before the meeting.<sup>38</sup>

Under Alaska law, the calculation of time for public notice requirements, including those applicable to Anchorage School Board meetings or similar public meetings, is governed by general principles of time computation in A.S. § 01.10.080: the time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.

## c. ONE-DIRECTIONAL TESTIMONY AND PUBLIC ACCESS TO INFORMATION

Alaska law emphasizes the public’s right to participate and be informed, and imposes certain obligations on governmental bodies to ensure transparency and public

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<sup>36</sup> A.S. § 44.62.310(e).

<sup>37</sup> 4 AAC § 05.090.

<sup>38</sup> Anchorage, Alaska Code of Ordinances Sec. 29.10.050(C); Anchorage, Alaska Code of Ordinances Sec. 1.25.010(C)(e)(iii) “The school board agenda shall be published according to section 29.10.050, meetings.”

access to information. Specifically, A.S. § 44.62.310 requires that all meetings of a governmental body of a public entity, including school boards, be open to the public unless an exception applies. The OMA is intended to ensure that the public has an opportunity to observe and participate in governmental decision-making processes. But there is no explicit legal requirement mandating that the Anchorage School Board engage in two-way communication with the public during regular meetings.

Further, the OMA does not explicitly require the school boards to disclose their methodology, criteria, or data to the public before deciding on school closures. However, the law does impose procedural requirements that indirectly promote transparency. For example, if ASB or ASD intends to discuss matters in an executive session, they must first convene a public meeting and clearly and specifically describe the subject of the proposed executive session without undermining the purpose of addressing the subject in private. As required by statute, each school district must provide an annual report to the public and the legislature on the performance of public schools, including information on school operations and performance.<sup>39</sup> While this statute does not directly address school closures, it underscores the broader obligation of school districts to maintain transparency and accountability in their operations.<sup>40</sup> Further, as stated above, reasonable public notice must be given for all meetings,

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<sup>39</sup> A.S. § 14.03.120(e).

<sup>40</sup> *Id.*

including information about the date, time, and place of the meeting, as well as the topics to be discussed.<sup>41</sup> This requirement ensures that the public is informed about the issues under consideration and has an opportunity to provide input. Finally, any exceptions to the OMA are construed narrowly to maximize transparency and public access to information.<sup>42</sup>

#### d. ARBITRARY AND CAPRICIOUS STANDARD FOR AGENCY ACTION

In Alaska, cases concerning administrative expertise as to either complex subject matter or fundamental policy formulations are reviewed by the court only to the extent necessary to ascertain whether the decision has a reasonable basis.<sup>43</sup> To demonstrate that an agency's actions were arbitrary and capricious, the Plaintiff must establish that the decision of the agency lacked such a reasonable basis or that the agency failed to consider an important factor in making its decision. An agency decision will be deemed arbitrary and capricious if it lacks a "reasonable basis."<sup>44</sup>

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<sup>41</sup> A.S. § 44.62.310.

<sup>42</sup> A.S. § 44.62.312(b).

<sup>43</sup> *Hammond v. North Slope Borough*, 645 P.2d 750 (Alaska 1982); see also *Laidlaw Transit, Inc. v. Anchorage Sch. Dist.*, 118 P.3d 1018, 1025 (Alaska 2005). "Laidlaw starts from the mistaken premise that an agency's actions can give rise to an administrative appeal in the superior court only if the agency takes those actions in a formal administrative proceeding. But our cases uniformly point to the opposite conclusion. We have frequently emphasized that, 'however denominated, a claim is functionally an administrative appeal if it requires the court to consider the propriety of an [administrative] determination.' . . . . In such cases, although the applicable procedures are sometimes improvised, the superior court typically bases its ruling on the administrative record; the court usually confines its consideration to asking whether the agency has taken a 'hard look' at the disputed issue, whether it has decided the case on a rational basis; or whether its decision was arbitrary and capricious. . . ."

<sup>44</sup> *Trustees for Alaska v. Department of Natural Resources*, 795 P.2d 805, 808 (Alaska 1990).

Reasonable basis is defined as one that is “supported by facts and has a reasonable basis in law.”<sup>45</sup> To do this, the court reviews whether the agency has taken a “hard look” at the relevant problems and has genuinely engaged in reasoned decision-making.<sup>46</sup> If the decision fails to consider an important factor, it will be regarded as arbitrary.<sup>47</sup> Under this standard, deference is given to the agency’s determination as long as it is reasonable, supported by the evidence in the record as a whole, and does not constitute an abuse of discretion. This standard ensures that the agency undertakes decisions in the manner required by law and is not arbitrary, unreasonable, or capricious.

#### e. NON-JUSTICIABLE POLITICAL QUESTION

In Alaska, the Alaska Constitution mandates that the legislature establish and maintain a system of public schools open to all children in the state.<sup>48</sup> To fulfill this mandate, this legislature has defined three types of school districts, including borough districts, which are managed and controlled by local school boards.<sup>49</sup> Specifically, borough school boards, such as the Anchorage School Board, are vested with the

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<sup>45</sup> *State v. Alaska State Emples. Association / AFSCME Local 52*, 923 P.2d 18, 25 (Alaska 1996).

<sup>46</sup> *Id.*; see also *Trustees*, 795 P.2d 805 at 808.

<sup>47</sup> *Id.*; see *Sitka Tribe of Alaska v. State*, 540 P.3d 893, 901 (Alaska 2023). “When an agency decision. . . involves ‘administrative expertise as to either complex subject matter or fundamental policy formulations,’ the reviewing court need only determine whether the decision had a ‘reasonable basis’ and was not ‘arbitrary, capricious, or unreasonable.’ An agency decision is arbitrary if the agency ‘fail[ed] to consider an important factor in making its decision.’”; see also *Trustees for Alaska v. Department of Natural Resources*, 795 P.2d 805, 808 (Alaska 1990) “Where an agency fails to consider an important factor in making its decision, the decision will be regarded as arbitrary.” (citing *State v. 0.644 Acres, More or Less*, 613 P.2d 829, 833 (Alaska 1980)).

<sup>48</sup> Alaska Const. Art. VII, § 1.

<sup>49</sup> *State v. Ketchikan Gateway Borough*, 366 P.3d 86, 89 (Alaska 2016).

authority to manage and control schools on a district-wide basis.<sup>50</sup> While the borough assembly determines the location of school buildings and provides for major construction and rehabilitation, the school board retains authority over routine maintenance, custodial services, and the design criteria for school buildings.<sup>51</sup> The statute does not explicitly grant the borough assembly authority over school closures, leaving such decisions within the purview of the school board.<sup>52</sup>

#### IV. ANALYSIS

##### A. CAMPBELL STEM HAS NOT SHOWN IRREPARABLE HARM STEMMING FROM ANY OF ITS CLAIMS.

The Court finds that the Plaintiff has not shown evidence of irreparable harm with regard to violation of the OMA or due process. As stated above, irreparable harm is defined as an injury that cannot be adequately compensated monetarily or redressed legally. Here, Plaintiff alleges three harms. First, Plaintiff alleges the Defendants have violated the Alaska Open Meetings Act by providing inadequate and compressed notice, limiting public participation to one-directional testimony, and failing to disclose the methodology of their decision, resulting in immediate academic harm<sup>53</sup> by and

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<sup>50</sup> A.S. § 14.12.020(b).

<sup>51</sup> A.S. § 44.62.060.

<sup>52</sup> *Id.*; *Homeward Bound v. Anchorage Sch. Dist.*, 791 P.2d 610, 613 (Alaska 1990) “In *Tunley* . . . [w]e ruled that as between the School Board and the Municipal Assembly, the Board has ultimate authority to decide whether to close a school.”

<sup>53</sup> *Id.*

through implementing closure actions.<sup>54</sup> Second, Plaintiff alleges that Defendants have violated due process under the United States and Alaska Constitutions by failing to provide such notice and disclose evaluation criteria.<sup>55</sup> Third, Plaintiff alleges that Defendants have taken arbitrary and capricious action under Alaska agency law.<sup>56</sup>

The parties do not dispute the facts regarding the notice that Defendants provided to Plaintiff. On February 13<sup>th</sup>, 2026, at 3:30 pm, before a three-day weekend, the Anchorage School District provided public notice and notice to parents of enrolled students, identifying Campbell STEM Elementary as a proposed school for closure. On February 17<sup>th</sup>, 2026, at 6:00 pm, ASB held a regular meeting, in which participants testified, and ASB members discussed the potential closure of Campbell STEM Elementary until 11:59 pm. On February 24<sup>th</sup>, 2026, ASB held a Special School Board Meeting, where ASB heard additional public testimony before voting 4 - 3 to close Campbell STEM Elementary.

Plaintiff cites *Tunley v. Municipality of Anchorage School District*, alleging a similar notice issue. In *Tunley*, the elementary schools recommended for closure were “publicly disclosed on March 7<sup>th</sup>, 1979, *five (5) days* before the school board’s March 12<sup>th</sup> meeting.”<sup>57</sup> On March 12<sup>th</sup>, 1979, the Anchorage School Board voted to adopt the

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<sup>54</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Complaint for Injunctive Relief*, see at 4\* (Apr. 15, 2026).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Tunley v. Municipality of Anchorage Sch. Dist.*, 631 P.2d 67, 80 (Alaska 1980) (emphasis added).



administration’s recommendation of closing Woodland Park and Government Hill.<sup>58</sup>

Parents of students at the affected schools filed for a preliminary injunction.

The *Tunley* Court identified issuance of the notice, its proximity to the hearing date, the structure and duration of the public meeting as raising substantial concerns for whether the public was afforded a meaningful opportunity to review, prepare, and participate in the decision-making process.<sup>59</sup> Ultimately, the Court held that “[f]ive days is not sufficient time for appropriate preparation of opposition concerning an issue of this complexity and importance. Further, such short notice lessens the likelihood of a fair hearing before the school board and of the school board reaching a reasoned administrative decision.”<sup>60</sup>

The Court finds both parallels and distinctions between *Tunley* and the instant case. In this case, Defendants provided notice, two hearings,<sup>61</sup> and considered additional written input up to the time of their decision on February 24<sup>th</sup>, 2026. The critical difference between this case and *Tunley* is the time between the notice and the ASB vote on the school’s closure. Here, the notice of the closure of Campbell STEM Elementary exceeds the five-day timeframe identified in *Tunley*. Specifically, Plaintiff had notice on February 13<sup>th</sup>, four (4) days before the regular meeting on February 17<sup>th</sup>,

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<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 81.

<sup>61</sup> One hearing on February 17, 2026 and one on February 24, 2026.

but eleven (11) days before the Special School Board meeting on February 24<sup>th</sup>, at which the vote to close Campbell STEM Elementary occurred. Because Plaintiff received notice of the proposed Campbell closure four (4) days before the regular meeting, the notice provided exceeds the 32-hour requirement for publishing the agenda. Further, because Plaintiff received notice on February 13<sup>th</sup>, eleven (11) days before ASB voted at the special meeting on February 24<sup>th</sup>, the notice provided exceeds the requirement that the district or regional school board must provide at least ten (10) days' written notice to the parents or guardians of affected students. Because Plaintiff received notice that exceeds legal requirements, there is no apparent irreparable harm stemming from inadequate notice for the Court to redress.

Additionally, over 110 members of the public<sup>62</sup> were afforded a reasonable opportunity to be heard and provided hours of testimony to ASB at the regular meeting on February 17<sup>th</sup>, in addition to over 335 written comments<sup>63</sup> before the special meeting and final vote on February 24<sup>th</sup>. As stated, Alaska law does not explicitly require two-way discourse or interactive communications between ASB and the public during school closure processes. While OMA does not explicitly mandate two-way discourse, it does require that meetings be conducted openly, and public participation is a key

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<sup>62</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Opposition to Emergency Motion for Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, see at 7\* (Apr. 21, 2026).

<sup>63</sup> *Id.*

component of this openness. Here, the public received an opportunity to testify at not one, but two hearings before ASB's vote.

The Court acknowledges that the parents and students of Campbell STEM Elementary have strong feelings about their school, but as Defendants noted, all cuts to educational programs feel like irreparable harm to those experiencing the effect of those cuts. And a factual dispute exists regarding the certainty of the loss of the STEM program altogether; Defendants allege that the program will be relocated to Klatt Elementary, although certification will not be completed before the start of the next school year. Plaintiffs disagree. But the nature of the irreparable injury must be certain enough for the Court to rely on it as a basis for injunctive relief, and here it is not.

Because Plaintiff received this opportunity, the Court is unable to find that Plaintiff faces a failure of due process that constitutes irreparable harm.

Finally, Plaintiff alleges that Defendants have taken arbitrary and capricious action under Alaska agency law that causes irreparable academic and structural harm. Specifically, Plaintiff alleges that Defendants failed to consider additional funding provided to Campbell STEM Elementary by a private donor, and that this was admitted on record at a later meeting by Anchorage School Board Members.<sup>64</sup> However, this harm is not irreparable, because Defendants could feasibly go back and reconsider the information. Because Defendants could be ordered to incorporate this information into

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<sup>64</sup> *Infra* at 23.

their analysis, the Court is unable to find that Plaintiff faces irreparable harm from Defendants' refusal to consider the funding.

B. CAMPBELL STEM HAS NOT SHOWN DEFENDANTS CAN BE ADEQUATELY PROTECTED

Plaintiff has not shown that Defendants can be adequately protected. As stated above, adequate protection is defined as protecting the opposing party through indemnification by bond for financial harm, by some court action, or by facing a relatively slight harm, compared to the potential harm facing the petitioner. On balance, where the opposing party's harm is slight compared to that of the petitioner, the court must find that the petitioner raised meritorious claims.

Here, Defendants argue that either the repercussions of a preliminary injunction or a 30-day stay to hold another ASB Meeting would cause both tangible and intangible harm. The School District faces a shrinking student population, buildings in need of repair, and a significantly depleted budget. Additionally, ASB has a legal responsibility to pass a budget no later than March 1<sup>st</sup>, 2026, which required closing a \$90M budgetary gap. The closure of Campbell STEM Elementary accounts for \$3.1 million in budgetary savings. Granting a preliminary injunction means that ASD would need to find an additional \$3.1 million to cut from other staff or programs. Cutting other staff or programs at this juncture not only impacts staff who have been reassigned to other

positions for the next school year,<sup>65</sup> it affects the public interest<sup>66</sup> and leaves ASD in the position of reopening a school for which there are not enough staff left to reopen appropriately, as ASD has already reduced its staff by nearly 500 employees.<sup>67</sup> In either its briefing or its argument, Plaintiff did not address how Defendants could be adequately protected. Because Defendants have articulable and substantial harms beyond a financial deficit of \$3.1 million, and because these harms are pervasive and not slight, there is no way to provide adequate protection. As Defendants pointed out, the closure of any school is devastating to that school's community.

For these reasons, the Court finds that Plaintiff has not demonstrated that Defendants can be adequately protected.

C. CAMPBELL STEM HAS RAISED SERIOUS AND SUBSTANTIAL ISSUES GOING TO THE MERITS OF THE CASE.

As stated, the balance of the hardships test applies where the plaintiff faces the danger of 'irreparable harm,' and the opposing party is adequately protected. Where the injury that will result to the opposing party is slight compared to the harm the petitioner would suffer on the grant of a preliminary injunction, the Court must also find that the Plaintiff pled a serious and substantial question.

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<sup>65</sup> *Id.* at 10\*.

<sup>66</sup> *Infra* at page 25.

<sup>67</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Opposition to Emergency Motion for Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, see at 9\* (Apr. 15, 2026).

In the instant case, the Court has found neither irreparable harm nor the possibility of protection for the Defendant. Thus, the balancing of harms standard does not apply, and the Court does not need to reach this factor.

**D. PLAINTIFF HAS SHOWN A LIKELIHOOD OF SUCCESS ON THE MERITS OF THEIR CLAIM OF ARBITRARY AND CAPRICIOUS DECISION-MAKING.**

The Court next looks to the application of the heightened standard of probable success on the merits, which requires that, where the petitioner does not face irreparable harm or where the opposing party cannot be adequately protected, the petitioner must make a clear showing of success on the merits of the underlying dispute. In the instant case, as reasoned above,<sup>68</sup> at this juncture, the Court cannot find that Defendants violated Alaska's Open Meetings Act (OMA)<sup>69</sup> and Constitutional due process by failing to provide reasonable notice and a meaningful opportunity for public participation.<sup>70</sup> With the facts currently before it, however, the Court finds a likelihood of success on the merits of Plaintiff's third claim, that Defendants engaged in arbitrary and capricious action.

In its pleadings, Campbell STEM alleges that Defendants have taken arbitrary and capricious action under Alaska agency law. Specifically, Plaintiff alleges that ASD failed to produce any scoring methodology, comparative rankings of schools,

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<sup>68</sup> *Supra* at 16.

<sup>69</sup> Alaska Statute § 44.62.310(a).

<sup>70</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Emergency Motion for Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, see at 4\* (Apr. 8, 2026).

documented weighing of decision factors, analysis incorporating Campbell STEM Elementary’s unique designation, and any evidence of a complete district-wide evaluation.<sup>71</sup> However, as stated above, the public has no statutory right to review the information that ASB relied on in making decisions before school closures. The proper review standard in evaluating the actions of ASB is a review of whether their decision had a reasonable basis.

Here, Plaintiff alleges ASB received new information on March 17<sup>th</sup>, 2026, during public testimony. At that meeting, two ASB members, Dave Donley and Pat Higgins, acknowledged that they were unaware at the time of the closure vote of critical funding that had been earmarked for Campbell STEM Elementary maintenance and repair. Those ASB members informed the Board of this concern and moved to rescind the Campbell STEM Elementary closure, allowing time to review the decision.<sup>72</sup> Specifically, Dave Donley stated that there was “new information that I wasn’t aware of tonight regarding an outstanding significant grant from the private sector to Campbell STEM” and that he thought it was a “very significant fact that lends to the reconsideration of the eventual decision here.”<sup>73</sup> Pat Higgins also stated that he “learned information tonight that I didn’t know that I think the administration should have provided us....” and that “we didn’t have all the information and what we’re asking for

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<sup>71</sup> *Id.* at 12\*, Exhibit G, I\* (Apr. 8, 2026).

<sup>72</sup> *Id.* at 5\*, Plaintiff’s Exhibit G, I.

<sup>73</sup> *Id.* at Exhibit G at 5\*.

is to have that reconsideration.”<sup>74</sup> Ultimately, the vote to rescind the action on the closure of Campbell STEM Elementary failed 3 - 3.<sup>75</sup>

Plaintiff alleges that this failure to properly consider this funding is fatal to Defendants’ decision, because Alaska’s standard requires agencies to consider important factors before making decisions, and failure to consider important factors renders the decision arbitrary. Defendants argue that they considered factors such as enrollment levels and trends, use of facilities, academic programs, student support services, staffing models, transportation considerations, equity implications, and fiscal effects.<sup>76</sup> However, the record does not clearly reflect that Defendants considered pertinent funding sources for Campbell STEM Elementary, and does reflect that board members expressed concern about lack of consideration of this important factor. The Court understands that Defendants bear no burden of proof regarding Plaintiff’s requests. But at this early stage, the Court finds the weight of the facts<sup>77</sup> before it to favor Plaintiff on this issue.

Accordingly, given the information currently before it, the Court finds that Plaintiff has shown probable success on the merits of its arbitrary and capricious claim.

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<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Campbell STEM v. ASD & ASB*, 3AN-26-06081 CI, *Emergency Motion for Temporary Restraining Order, Preliminary Injunction and Limited Expedited Discovery*, see at Exhibit 1-2\* (Apr. 8, 2026).

<sup>77</sup> The Alaska Supreme Court has not set a specific standard of proof for evidence in a request for a preliminary injunction.



#### d. PUBLIC INTEREST

Finally, the Court gives serious and necessary consideration to the public interest factor. Defendants argue that trial courts have discretion to deny relief even under the probable success on the merits standard if granting relief would imperil the public interest.<sup>78</sup> The Court is deeply mindful of the many interests at stake here. Campbell STEM parents are members of the public, but the outcome of this case, and the impact of a preliminary injunction, also has a significant impact on the Anchorage School District and the entire state of Alaska. The Court also recognizes the need for the judicial branch to tread lightly and carefully in deciding whether to impose extraordinary measures this early in a case.

Turning to just a few of the potentially competing larger public interests at stake, the public has a strong interest in the fair administration of public education and in the stability and continuity of educational programming in general, but certainly during the pendency of legal proceedings. The public also has a strong interest in expecting and ensuring that decisions made by elected officials comply with statutory requirements governing public meetings and governmental decision-making processes. And of course, the Court acknowledges the very real financial impact on the public – both of budgets needing to be balanced and the tangible and intangible costs of upheaval to educators, to parents, to students, and to all Alaskans.

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<sup>78</sup> *Galvin* at 339.

After taking into consideration these many competing public interests, the Court cannot find that the public interest is imperiled by a brief pause for Defendants to review their decision and address all of the important factors involved in the decision to close a school.

## **V. CONCLUSION**

In sum, Campbell STEM has not shown that the harm from the school closure is irreparable. Additionally, the impact on Defendants of issuing a temporary restraining order cannot be adequately remedied by a bond or other monetary compensation, nor has Campbell STEM posted such a bond to date. However, while Plaintiff has not shown that they are likely to succeed on the merits of their due process claims regarding a lack of notice, they have shown a likelihood of success on their claim that the actions of ASB were made arbitrarily.

Accordingly, it is ORDERED:

1. Plaintiff's *Motion for Preliminary Injunction* is GRANTED as follows:
  - a. Defendants are enjoined from taking any further steps toward closure, consolidation, reassignment of students or staff, repurposing of the facility, or administrative transition of Campbell STEM Elementary School;
  - b. Defendants must preserve all documents, communications, and electronically stored information related to the closure decision, including

but not limited to text messages, internal memoranda, financial analyses, meeting materials, and draft reports, and certify compliance in accordance with Alaska Civil Rules 26 and 37;

- c. Defendants must address their decision regarding Campbell STEM Elementary in light of this order at a public hearing to be held by no later than May 15, 2026, with notice to be provided as required by law.

2. Plaintiff's Motion for *Limited Expedited Discovery* is GRANTED.

3. Plaintiff's *Emergency Motion for a Temporary Restraining Order* is MOOT.

A telephonic hearing is set for **May 14, 2026, at 8:30 AM for thirty minutes** to address the scheduling of any further court proceedings.

SO ORDERED on 05/01/2026 at Anchorage, Alaska.

  
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UNA S. GANDBHIR  
Superior Court Judge

# Alaska Trial Courts

## Certificate of Distribution

**Case Number:** 3AN-26-06081CI

**Case Title:** CAMPBELL STEM PRESERVATION & EDUCATION FOUNDATION, VS. ANCHORAGE SCHOOL DISTRICT

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