

Alaska State Legislature

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Office of Senator Bettye Davis

MEMORANDUM

DATE: February 11, 2010
TO: Senator Bettye Davis
FROM: Thomas S. Obermeyer
RE: Comments concerning SB 109, 26-LS0527\A "An Act repealing the secondary student competency examination and related requirements; and providing for an effective date."

I cannot anticipate the final disposition of the Senate Community and Regional Affairs Committee regarding SB 109, as it will be continued next Tuesday, 2/16/2010 at 3:30 p.m., but I have noted that there has been no discussion on record of the impact on the exit exam of the continuing *Moore v. State* decision and order by Judge Gleason (See 3AN-04-9756 CI). You will find pertinent parts of this decision in your (S)CRA hearing package. It seems counterintuitive that DEED and the Board of Education continue to require the exit exam in rural or sub-standard districts identified in violation of Constitutional Due Process and failing to provide students an adequate education under *Moore* – at least while a final decision is pending. Marcy Herman, EED Legislative Liaison, said she would ask Deputy Commissioner Les Morse about the time and effect of a new ruling which should be issued by the Court shortly.

Furthermore, I am also concerned that there has been no discussion by the Department about accommodations or waivers for rural or sub-standard districts in violation of *Moore*, or for disadvantaged minorities and English Language Learners, which may or may not be offered, similar perhaps to students with severe disabilities. Also, I am unaware of any alternatives offered by the Department concerning the repeal which might allow the exit exam to be continued for assessment purposes throughout the state without denying diplomas – at least until the expiration of the present contract with Data Recognition Corporation (DRC) in 2015-2016.

Cc: Senate Community & Regional Affairs Committee per Senator Davis