

Sec. 14.03.075. Secondary student competency testing.

(a) A student may not be issued a secondary school diploma unless the student passes a competency examination in the areas of reading, English, and mathematics or receives a waiver from the governing body. A governing body may not grant a waiver to a student before the student's final semester of attendance. The department shall determine the form and contents of the examination and shall score completed examinations.

(b) A student who fails the examination required under this section shall be retested at least once during a school year on those portions of the examination that the student has not passed.

A student who passes any portion of the test may not retake that portion of the test. A student who, when retested, passes the portions of the test not previously passed and who meets any other graduation requirements shall receive a diploma from the school district. This subsection does not apply to a student who is a child with a disability if the student's individualized education program team recommends that the student not be retested.

(c) Notwithstanding (a) of this section,

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section, with or without accommodation, is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section; this paragraph does not apply to a student unless the department determines that the student has taken and failed to pass the competency examination with or without accommodations and the department approves the student's alternative assessment program described under this paragraph; and

(2) a student who transfers into a public high school in this state shall receive a diploma if the student

(A) meets graduation requirements imposed by the governing body and the state; and

(B) has passed a competency examination in the state from which the student transferred.

(d) A student who fails to qualify for the issuance of a diploma under (a) of this section or a retest under (b) of this section by the end of the student's final semester of attendance, but who has met all other graduation requirements of a governing body and the state, shall be awarded a certificate of achievement. A certificate of achievement may include the following information:

(1) the portions of the examination described under (a) of this section that were passed;

(2) the student's attendance record; and

(3) other information indicating the qualifications of the student that the governing body determines appropriate.

(e) The department shall by regulation establish uniform standards for

(1) pre-examination study materials; and

(2) procedures to be followed during administration of an examination.

(f) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program required under (c)(1) of this section applicable to an individual student may not be changed after February 1 of the student's junior year of study.

(g) In this section,

(1) "child with a disability" has the meaning given in AS 14.30.350;

(2) "individualized education program team" means a group of people that translates child assessment information regarding a child into a practical plan for specially designed instruction and delivery of services for the child, consisting of the persons necessary to qualify the team under appropriate federal regulations applicable to a child with a disability who is eligible for special education services under AS 14.30.

((1 ch 58 SLA 1997; am 2 ch 94 SLA 2001; am 24 ch 35 SLA 2003; am 14 ch 41 SLA 2009))

Administrative Code. - For statewide student assessment, see 4 AAC 6, art. 4.

Effect of amendments. The 2001 amendment rewrote subsections (a) and (b) and added subsections (c)-(g). The amendment to subsections (a) and (b) by section 2, ch. 94, SLA 2001 amended those subsections before they became effective. Sections 7 and 11, ch. 94, SLA 2001 amend 3, ch. 58, SLA 1997 to make this entire section effective February 1, 2004.

The 2003 amendment, effective February 1, 2004, at the end of paragraph (1) of subsection (g), substituted "in AS 14.30.350" for "'children with disabilities' in AS 14.30.350".

The 2009 amendment, effective June 21, 2009, in (g), rewrote (g)(2), which read, "'individualized education program team' has the meaning given in AS 14.30.350."

Effective dates. Section 3, ch. 58, SLA 1997 made this section effective January 1, 2002. However, 7, ch. 94, SLA 2001 changes the effective date of the section to February 1, 2004.

Editor's notes. AS 14.30.350, cited in (g)(2) of this section, was repealed by 41, ch. 67, SLA 2001.