

**HOUSE CS FOR CS FOR SENATE BILL NO. 133(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/12/01  
Referred: Finance

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to a two-year transition for implementation of the public high school**  
2 **competency examination and to establishing a secondary student competency**  
3 **examination as a high school graduation requirement; relating to certain reports**  
4 **regarding academic performance of schools; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 PURPOSE AND INTENT. (a) As part of the state's quality schools initiative, the  
9 purpose of this Act is to maximize the opportunity for the success of all public school students  
10 by (1) continuing to measure student performance through appropriate testing based on  
11 specific standards; (2) allowing the Department of Education and Early Development to  
12 continue to develop and perfect the competency examination to allow measurement of  
13 minimum competency in essential skills and to perfect the testing method; (3) ensuring that  
14 school districts and families receive performance data from standards-based assessments of

1 students; and (4) encouraging schools and school districts to develop and promote  
 2 endorsements and awards that document high levels of academic, artistic, and vocational  
 3 achievement by graduating students. The performance data is to be used to better determine  
 4 appropriate academic intervention and support for students.

5 (b) The purpose of the change of date made by sec. 7 of this Act is to

6 (1) allow for specific high standards to be set and maintained for public  
 7 schools in the state; and

8 (2) ensure maximum opportunity for all students to learn and for school  
 9 districts to improve.

10 (c) It is the intent of sec. 2 of this Act to establish a secondary student competency  
 11 examination that focuses on the minimum competencies in essential skills in the areas of  
 12 reading, English, and mathematics that a student should have to know in order to function in  
 13 our society.

14 \* **Sec. 2.** AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended to read:

15 **Sec. 14.03.075. Secondary student [PUPIL] competency testing.** (a) A  
 16 **student** [PUPIL] may not be issued a secondary school diploma unless the **student**  
 17 [PUPIL] passes a competency examination in the areas of reading, English, and  
 18 mathematics **or receives a waiver from the governing body. A governing body**  
 19 **may not grant a waiver to a student before the student's final semester of**  
 20 **attendance.** The department shall determine the form and contents of the examination  
 21 and shall score completed examinations. [A PUPIL WHO FAILS TO PASS THE  
 22 EXAMINATION REQUIRED UNDER THIS SUBSECTION AND WHO IS NO  
 23 LONGER IN ATTENDANCE SHALL RECEIVE A CERTIFICATE OF  
 24 ATTENDANCE FROM THE SCHOOL DISTRICT INDICATING THE YEARS OF  
 25 ATTENDANCE AND THAT THE PUPIL HAS NOT PASSED A COMPETENCY  
 26 EXAMINATION OR RECEIVED A DIPLOMA.]

27 (b) A **student** [PUPIL] who fails the examination required under this section  
 28 **shall be retested at least once during a school year on those portions of the**  
 29 **examination that the student has not passed. A student who passes any portion**  
 30 **of the test may not retake that portion of the test** [MAY BE REEXAMINED. A  
 31 REEXAMINATION MAY NOT BE OFFERED MORE OFTEN THAN ONCE

1 EVERY THREE MONTHS AND MUST OCCUR WITHIN THREE YEARS AFTER  
 2 THE DATE THE PUPIL IS NO LONGER IN ATTENDANCE]. A student [PUPIL]  
 3 who, when retested, passes the portions of the test not previously passed  
 4 [REEXAMINATION] and who meets any other graduation requirements shall receive  
 5 a diploma from the school district. This subsection does not apply to a student who  
 6 is a child with a disability if the student's individualized education program team  
 7 recommends that the student not be retested.

8 \* **Sec. 3.** AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended by adding new  
 9 subsections to read:

10 (c) Notwithstanding (a) of this section,

11 (1) a child with a disability who is receiving educational services  
 12 through an individualized educational program under AS 14.30.278 may qualify for  
 13 the issuance of a secondary school diploma by

14 (A) passing all portions of the examination described under (a)  
 15 of this section;

16 (B) passing all portions of the examination described under (a)  
 17 of this section with the accommodations approved by the student's  
 18 individualized education program team; or

19 (C) demonstrating, through a portfolio of work, mastery of  
 20 state performance standards established by the board; and

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

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

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

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

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

3 (2) the student's attendance record; and

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

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

7 (1) pre-examination study materials; and

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

9 (f) In this section,

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

12 (2) "individualized education program team" has the meaning given in  
13 AS 14.30.350.

14 \* **Sec. 4.** AS 14.03 is amended by adding a new section to read:

15 **Sec. 14.03.078. Report.** The department shall provide to the legislature by  
16 February 15 of each year an annual report regarding the progress of each school and  
17 school district toward high academic performance by all students. The report required  
18 under this section must include

19 (1) information described under AS 14.03.120(d);

20 (2) the number and percentage of students in each school who pass the  
21 examination required under AS 14.03.075, and the number who pass each section of  
22 the examination;

23 (3) progress of the department

24 (A) toward implementing the school accountability provisions  
25 of AS 14.03.123; and

26 (B) in assisting high schools to become accredited;

27 (4) a description of the resources provided to each school and school  
28 district for coordinated school improvement activities and staff training in each school  
29 and school district;

30 (5) each school district's and each school's progress in aligning  
31 curriculum with state education performance standards;

1 (6) a description of the efforts by the department to assist a public  
2 school that receives a designation of deficient or in crisis;

3 (7) a description of intervention efforts by each school district and  
4 school for students who are not meeting state performance standards;

5 (8) the number and percentage of turnover in certificated personnel and  
6 superintendents;

7 (9) the number of teachers by district and by school who are teaching  
8 outside the teacher's area of endorsement but in areas tested by the high school  
9 competency examination.

10 \* **Sec. 5.** AS 14.03.120(d) is amended to read:

11 (d) Annually, before the date set by the district under (e) of this section, each  
12 public school shall provide, in a public meeting of parents, students, and community  
13 members, a report on the school's performance and the performance of the school's  
14 students. The report shall be prepared on a form prescribed by the department and  
15 must include

16 (1) information on accreditation;

17 (2) results of norm-referenced achievement tests;

18 (3) results of state standards-based assessments in reading, writing, and  
19 mathematics;

20 (4) a description, including quantitative and qualitative measures, of  
21 student, parent, community, and business involvement in student learning;

22 (5) a description of the school's attendance, retention, dropout, and  
23 graduation rates, **including the number and percentage of students who received a**  
24 **diploma under a waiver from the competency examination required under**  
25 **AS 14.03.075(a)**, as specified by the state board;

26 (6) the annual percent of enrollment change, regardless of reason, and  
27 the annual percent of enrollment change due to student transfers into and out of the  
28 school district; and

29 (7) if Native language education is provided, a summary and  
30 evaluation of the curriculum described in AS 14.30.420.

31 \* **Sec. 6.** AS 14.07.165 is amended to read:

1                   **Sec. 14.07.165. Duties.** The board shall adopt

2                   (1) statewide goals and require each governing body to adopt written  
3 goals that are consistent with local needs;

4                   (2) regulations regarding the application for and award of grants under  
5 AS 14.03.125;

6                   (3) regulations implementing provisions of AS 14.11.014(b);

7                   (4) regulations requiring approval by the board before a charter school,  
8 state boarding school, or a public school may provide domiciliary services;

9                   (5) regulations implementing the secondary school student  
10 competency examination provisions of AS 14.03.075, including the criteria and  
11 procedure under which a governing body uses a waiver to grant a diploma to a  
12 student; criteria regarding granting a waiver must include provisions that a  
13 waiver may only be granted for students who enter the system late or have rare  
14 or unusual circumstances meriting a waiver and must require that a student  
15 satisfy the performance standards developed under AS 14.07.020(b) to the  
16 maximum extent possible.

17 \* **Sec. 7.** Section 3, ch. 58, SLA 1997, is amended to read:

18                   Sec. 3. Section 1 of this Act takes effect **February 1, 2004** [JANUARY 1,  
19 2002].

20 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22                   INTERIM STUDENT COMPETENCY TESTING. (a) Beginning February 1, 2002,  
23 and ending January 31, 2004, and as directed by the state Board of Education and Early  
24 Development, the governing body of each school district in the state shall give the  
25 competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school  
26 year. The results of the examination of a student under this section shall be reflected (1) in  
27 that student's transcript in a manner that indicates which sections of the examination were  
28 passed; and (2) as endorsements on the student's diploma that reflect the sections of the  
29 examination that were passed, as directed by the state Board of Education and Early  
30 Development.

31                   (b) A student shall be retested at least once during a school year on those portions of

1 the competency examination described in sec. 1, ch. 58, SLA 1997, that the student has not  
 2 passed. This subsection does not apply to a student who is a child with a disability if the  
 3 student's individualized education program team recommends that the student not be retested.

4 In this subsection,

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

7 (2) "individualized education program team" has the meaning given in  
 8 AS 14.30.350.

9 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
 10 read:

11 **REQUIRED REPORT.** The Department of Education and Early Development shall,  
 12 by February 15, 2002, report back to the Alaska State Legislature with recommendations for

13 (1) an appeals process for a student who is denied a high school diploma;

14 (2) establishing a process that allows issuance of a high school diploma to a  
 15 child with a disability based on a portfolio of work, as described under  
 16 AS 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

17 (3) evaluating the process described under (2) of this section.

18 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
 19 read:

20 **REPORT.** The Department of Education and Early Development shall, by  
 21 February 15, 2002, deliver a report to the Alaska State Legislature that describes the proposed  
 22 criteria and procedure under which a school district could use a waiver to grant a diploma to a  
 23 student and that recommends statutory changes to the competency examination waiver  
 24 requirements that the department determines are necessary to maintain the school  
 25 accountability provisions of AS 14.03.123.

26 \* **Sec. 11.** Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA  
 27 1997, as amended by this Act.

28 \* **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect immediately under  
 29 AS 01.10.070(c).