

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON EDUCATION**

March 28, 2001

8:10 a.m.

**MEMBERS PRESENT**

Representative Con Bunde, Chair  
Representative Brian Porter  
Representative Joe Green  
Representative Peggy Wilson  
Representative Gary Stevens  
Representative Reggie Joule  
Representative Gretchen Guess

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 94

"An Act relating to initiatives for quality schools; relating to pupil competency testing and the issuance of secondary school diplomas; relating to certain reports regarding academic performance of schools; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 166

"An Act relating to the year in which public school student competency testing begins."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 105

"An Act relating to the base student allocation used in the formula for state funding of public education; and providing for an effective date."

- BILL POSTPONED

**PREVIOUS ACTION**

BILL: HB 94

SHORT TITLE:PUPIL COMPETENCY TEST;ANNUAL

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
01/26/01	0171	(H)	READ THE FIRST TIME - REFERRALS
01/26/01	0171	(H)	EDU, HES
01/26/01	0172	(H)	FN1: ZERO(EED)
01/26/01	0172	(H)	GOVERNOR'S TRANSMITTAL LETTER
01/26/01	0172	(H)	REFERRED TO EDU
02/14/01		(H)	EDU AT 8:00 AM CAPITOL 106
02/14/01		(H)	Heard & Held
02/14/01		(H)	MINUTE(EDU)
02/28/01		(H)	EDU AT 8:00 AM CAPITOL 106
02/28/01		(H)	Heard & Held
02/28/01		(H)	MINUTE(EDU)
03/07/01		(H)	EDU AT 8:00 AM CAPITOL 106
03/07/01		(H)	Heard & Held
			MINUTE(EDU)
03/14/01		(H)	EDU AT 8:00 AM CAPITOL 106
03/14/01		(H)	Scheduled But Not Heard
03/21/01		(H)	EDU AT 8:00 AM CAPITOL 106
03/21/01		(H)	Heard & Held
			MINUTE(EDU)
03/28/01		(H)	EDU AT 8:00 AM HOUSE FINANCE

**WITNESS REGISTER**

BRUCE JOHNSON, Deputy Commissioner  
 Department of Education and Early Development  
 801 West Tenth Street, Suite 200  
 Juneau, Alaska 99801-1894  
 POSITION STATEMENT: Provided information related to HB 94.

KAREN McCARTHY, Staff to Representative Bunde  
 Alaska State Legislature  
 Capitol Building, Room 501  
 Juneau, Alaska 99801  
 POSITION STATEMENT: Provided information related to conceptual  
 amendments to HB 94.

**ACTION NARRATIVE**

TAPE 01-18, SIDE A  
 Number 0001

CHAIR CON BUNDE called the House Special Committee on Education  
 meeting to order at 8:10 a.m. Representatives Bunde, Porter,

Green, Wilson, Stevens, Joule, and Guess were present at the call to order.

HB 94-PUPIL COMPETENCY TEST;ANNUAL EDUC. REPORT

Number 0069

CHAIR BUNDE announced that the meeting would be a work session on HOUSE BILL NO. 94, "An Act relating to initiatives for quality schools; relating to pupil competency testing and the issuance of secondary school diplomas; relating to certain reports regarding academic performance of schools; and providing for an effective date." He noted that the committee had before it a work draft of HB 94 and that there were proposed amendments for the committee's consideration.

Number 177

REPRESENTATIVE PORTER moved to adopt CSHB 94(EDU) Version F as the working document before the committee. There was no objection.

CHAIR BUNDE directed committee members' attention to a sheet in their packets, a side-by-side analysis comparing the governor's proposed HB 94 and the proposed CS. There is no change proposed in Section 1, the intent language.

Number 0279

CHAIR BUNDE noted that Section 4 of the CS requires reporting of seven indicators that would show the progress of schools toward high academic performance. He said Section 3 in both versions addresses the special education Individual Education Program (IEP) diploma. Someone who is on an IEP with accommodations can achieve a high school diploma using those accommodations. Section 3 also allows for reciprocity between school districts.

Number 0383

REPRESENTATIVE WILSON asked what would happen if a student were to transfer from a state where there are no competency requirements.

CHAIR BUNDE said that would be addressed in one of the amendments.

CHAIR BUNDE then turned attention to Section 3 of the CS, which allows a special education student to earn a diploma in one of three ways: pass all three sections of the competency test without accommodations, pass with accommodations called for in the student's IEP, or demonstrate mastery through a portfolio. If the student does not pass in any of those ways, the CS calls for awarding a certificate of achievement (instead of a diploma or a certificate of attendance) which shows the portions of the test that the student has passed, his or her attendance record, and any employment-related skills.

CHAIR BUNDE pointed out that Sections 5 of the CS changes the beginning date from January 1, 2006, to February 1, 2004. Section 5 of the governor's bill has been deleted.

CHAIR BUNDE noted that Section 6 in both versions deals with interim measures for testing. The CS calls for the test scores to be shown on a student's diploma as well as on his or her transcript. In addition, the test will be given once a year (to a student who has not yet passed it) unless the student's IEP team recommends against doing so.

Number 0735

CHAIR BUNDE then noted that Section 2 of the CS differs from the original HB 94, reflecting a change made in the Senate deleting the number of years limiting when a student can take the test. The change allows a person who left school without a diploma to come back and take the test and get a high school diploma instead of a General Equivalency Diploma.

Number 0812

REPRESENTATIVE GREEN asked about the portfolio.

CHAIR BUNDE said the portfolio is an option that he would like to make available to school districts to allow one more way in which students can demonstrate mastery. The portfolio would be applicable to students who are unable to take tests for whatever reason.

REPRESENTATIVE GREEN voiced concern about a student coming from another school district and bringing a portfolio that shows he has proficiency when in reality he does not.

CHAIR BUNDE explained that the portfolio would be one prepared in Alaska and showing mastery of this state's educational requirements.

Number 0906

REPRESENTATIVE WILSON said students in her district's schools now have portfolios that travel with them through the grades. She asked if that was the sort of thing being discussed.

CHAIR BUNDE said that was a classic portfolio, and that "portfolio" connotes work created over a lengthy time, not just in the final two months of a senior year.

REPRESENTATIVE STEVENS clarified that the portfolio being discussed was not for the majority of students, but for those on an IEP.

CHAIR BUNDE saw it as a possible tool, and could not anticipate how it might be used in every situation.

Number 1000

REPRESENTATIVE STEVENS expressed concern about equity for students in the middle range if students at the extremes are being given special dispensation.

CHAIR BUNDY said he thought the committee wants to make the testing as fair and equitable as possible, but "there is always someone somewhere who's going to find a loophole, and we want to close as many obvious ones as possible."

REPRESENTATIVE STEVENS wanted to know who gets an IEP, and wondered if there would be a wholesale movement of students into that type of program. He also wondered whether the process involved was controlled by the school district.

CHAIR BUNDE said he would ask the Department of Education and Early Development (DOE) for the answers. It is his understanding that for an IEP to be established, it takes both the district personnel -- teacher, principal, guidance counselor -- and the parent's approval. He shared Representative Stevens' concern that some districts might try to push hard-to-educate kids into an IEP "to take the pressure off." "With the requirement for parental approval and the reporting that we're going to get back, if all of a sudden there is a huge bump in IEP ..., then it's incumbent on us to have a serious talk with

that district," he said. He thinks that parents of children who are not "classic special ed students" are unlikely to sign off on an IEP.

Number 1158

REPRESENTATIVE WILSON said there are many people involved, testing and "tons of paperwork" that accumulate to support an IEP. If the IEP system were being used inappropriately, a bulge would show up in the system long before graduation time.

CHAIR BUNDE said it would also be apparent if students were being put into IEPs in the middle of their senior year.

Number 1209

REPRESENTATIVE PORTER observed that as HB 94 is constructed now as relates to portfolios, are we asking DOE ... [indisc.]

CHAIR BUNDE said he wants more input from DOE about the portfolio. It is an option that some schools use very effectively, he said, and he did not want to preclude its use although he didn't think many people would opt for it because it requires a great deal of work.

Number 1251

REPRESENTATIVE GREEN sought clarification, saying:

I think I got a different answer from you than what you gave to Representative Stevens when I asked about portfolio from [a district outside the state], you said it was our portfolio. But what I heard you say to him was, they'll come in with some sort of a portfolio because you can't establish one overnight, and we have a very big transient population which means we'll probably have a lot of people coming in mid-four-year-period in the high school, and a lot of those will be coming in from places that may not hold the same standards we do. How do we establish that with a portfolio that may be flawed by our standards?

CHAIR BUNDE noted that was a concern he had heard from military families who come to Alaska with children who are in their junior or senior years. "That is part of the waiver option we have to talk about because ... we're granting them a diploma that says they are functionally literate, ... and if they have come from an area or background where they are not functionally

literate, we're telling the world they're something they're not; and, even worse, we're telling the students they have abilities that they may not have." Others have expressed very strong concern about average students coming in who have not been asked to demonstrate their knowledge the way our students will be. That's what the waiver is talking about, he said.

CHAIR BUNDE said a question to which he does not yet have an answer is who does the evaluation of the portfolio and what is the mechanism for doing so. The State School Board wants to weigh in on this, but is unable to do so at this time. Chair Bunde said he has drafted an amendment that would give the board until next January to give DOE strong recommendations. "Then DOE gives us its recommendation, and then we pick and choose in our wisdom which is the right way to go," he said

Number 1414

REPRESENTATIVE GREEN wondered if thought had been given "to the fact that here comes Johnson from Hickory Ridge, Arkansas, and he is a first- or second-semester senior. Would it be possible that we continue his education and let those records be known in Hickory Ridge so that he can graduate from there rather than graduating from here and having to ... waive or do other things ...[to give him] an Alaska diploma?"

CHAIR BUNDE said he had not thought about that. "It would be highly dependent upon the cooperation of Hickory Ridge."

REPRESENTATIVE GREEN thought there is some point in the high school career at which more of the high school work has been done in a different high school.

CHAIR BUNDE noted that the typical military youngster has been in three schools. "Who's going to accept responsibility?" he asked. "And think of the paperwork involved ...."

REPRESENTATIVE GREEN said his concern is that if Alaska is trying to raise the standards so that it really means something to graduate from high school in Alaska, "and here comes Johnson who has got one of those [Alaska diplomas] and he can't even read."

Number 1488

REPRESENTATIVE GUESS asked if a student can take the exam either with accommodations or modifications.

CHAIR BUNDE said the student can take it with accommodations only.

REPRESENTATIVE GUESS concluded that only those accommodations listed in the booklet, "Participation Guidelines for Alaska Students in State Assessments" are allowable.

CHAIR BUNDE explained that accommodations allow a student to take the test but do not affect the outcome of the test. An accommodation might be someone reading a math question to the student, but a modification would be using a calculator to do the math test if it is skill in basic calculation that is being tested.

Number 1560

REPRESENTATIVE GUESS observed that the language does not provide any allowance for modifications.

CHAIR BUNDE said that was correct.

REPRESENTATIVE GUESS said she thought the provision for a portfolio "is great language because it's giving an alternative to non-special ed kids and I think we need to do that; we need to give two roads."

CHAIR BUNDE noted that a classic portfolio requires school participation, not just a student's individual effort.

REPRESENTATIVE GUESS asked for clarification about the certificate of achievement, specifically, is the school district going to decide what information is printed on it?

CHAIR BUNDE said there are two things the school district must include, the portions of the test passed and the attendance record. Then, if there is additional information that the district wants to add, such as to make the student more employable, that option would be available.

REPRESENTATIVE GUESS suggested that the CS not just refer to the number of students in each school who have passed the competency test, but also to each benchmark as well.

CHAIR BUNDE said the Quality Schools Initiative already requires that.

REPRESENTATIVE GUESS suggested that in addition to reporting "each school district's progress," also reporting the progress of each school within the district.

Number 1709

REPRESENTATIVE JOULE concurred, "because you want [reporting] individually as well as collectively."

Number 1715

CHAIR BUNDE suggested making a conceptual amendment [Amendment 1] so that Page 4, line 10 requires reporting of each school district's and school's progress. He clarified that what is wanted is a total report for the district and then a report by school. In summary, Amendment 1 was:

On page 4, line 10, add "and each school's" after "each school district's" so it will read, "each school district's and each school's progress in aligning curriculum ..."

There being no objection, Amendment 1 was adopted.

Number 1749

REPRESENTATIVE GUESS suggested making a similar change on page 4, line 14 regarding intervention efforts, saying that those who come from large districts especially want to know what each school is doing. She moved that as a conceptual amendment [Amendment 2]. In summary, Amendment 2 was:

On page 4, line 14, add "each school" before "each school district" so it will read, "a description of intervention efforts by each school and school district ..."

There being no objection, Amendment 2 was adopted.

Number 1788

REPRESENTATIVE GUESS asked, "Is it the intent that we are going to require a new student to take the exam in tenth grade?"

CHAIR BUNDE said every student who is on a diploma track is expected to do so.

REPRESENTATIVE GUESS expressed concern about possibly "setting our kids up for failure" if they are not ready for the exam. She wanted to make sure that taking the test would be a valuable experience for a student and not a setback.

Number 1858

CHAIR BUNDE reminded the committee that taking the test in the tenth grade is intended to be diagnostic, telling students, "This is what you ought to be able to do as a senior."

Number 1877

REPRESENTATIVE GUESS wanted to clarify that page 4, line 25 meant that the examination scores are going to be shown on student transcripts.

CHAIR BUNDE said that was the intent.

REPRESENTATIVE GUESS suggested adding language that says if you pass, you can't go back and take the test again. She envisioned high-achieving kids who would want to take the test again to raise their scores, thereby increasing some costs for the school districts.

CHAIR BUNDE noted that it says students are to take the test if they have not successfully passed it.

REPRESENTATIVE GUESS concluded, "So once you've passed it, you can't go back."

CHAIR BUNDE stressed that the purpose of the test is to document minimum competencies.

REPRESENTATIVE PORTER asked, "If that is the goal, why are we putting the score on the transcript?"

CHAIR BUNDE said the intent of that is to reward those who have worked hard at achieving the minimum. He clarified that the score goes on the transcript, not on the diploma.

REPRESENTATIVE GUESS noted that it said, "and diploma."

CHAIR BUNDE said that was right; when he replied before, he had been thinking about the reading and writing endorsements on the diploma.

REPRESENTATIVE PORTER said he thought language was needed to clarify.

CHAIR BUNDE summarized that the committee wanted an amendment [Amendment 3] clarifying that the scores to go on the transcript and the endorsements to go on the diploma. In summary, Amendment 3 was:

On page 4, line 26, add "as endorsements" before "on the pupil's diploma" and add "to show which sections were passed" after "diploma" so it will read, "The results of the examination of a pupil under this section shall be reflected in that pupil's transcript and, as endorsements on the pupil's diploma, to show which sections were passed, as directed by..."

There being no objection, Amendment 3 was adopted.

Number 1960

REPRESENTATIVE STEVENS observed that the CS changes the effective date of HB 94 from 2002 to 2004. He wanted to know when the tests would be redone by DOE.

CHAIR BUNDE noted that the high school competency test is not intended to be static, but a dynamic thing. Currently, DOE is in the process of rewriting the math section of the test, making it more arithmetic than higher math. Apparently, that will be done by 2004. But all three sections will be under constant review and new questions will be added and taken out. Alaska will be something like Texas, which is not only rewriting its test, but making it more difficult as students become more proficient.

BRUCE JOHNSON, Deputy Commissioner, Department of Education and Early Development, confirmed that what Chair Bunde had said was "right on target."

Number 2046

REPRESENTATIVE JOULE said he had heard throughout the testimony about the high rate of teacher turnover in many districts. He wondered if it might be of benefit to address the issue of turnover by having it reported. "I see that directly correlated to the outcome of how students do," he said.

CHAIR BUNDE agreed that would be useful information.

Number 2100

REPRESENTATIVE JOULE moved conceptual Amendment 4, "that we ... include in the reporting the rate of turnover in certificated personnel and superintendents" (who do not have to be certificated). In summary, Amendment 4 was:

On page 4 after line 15, add "(7) number and percentage of turnover in certificated personnel and superintendents", which would add a report requirement.

There being no objection, Amendment 4 was adopted.

Number 2141

REPRESENTATIVE JOULE also noted that when teachers had testified, one of the things that came through loud and clear was the emphasis that they thought needed to be ...[placed on] teacher training. He suggested that the committee also should keep track of how the districts are working on in-service teacher training related to the standards.

Number 2178

KAREN McCARTHY, Staff to Representative Bunde, Alaska State Legislature, noted that on page 4, line 9 of the work draft, where it calls for a description of the resources provided, the committee could clarify that it wants to know not just what's going in to the districts, but what they're doing with it.

CHAIR BUNDE said that should provide the information to which Representative Joule had referred.

Number 2203

REPRESENTATIVE GREEN asked if the committee was going to be hearing testimony from DOE.

CHAIR BUNDE said DOE personnel were present to answer specific questions and that their testimony would be taken at the next meeting.

REPRESENTATIVE GREEN asked if the committee was requiring that anything be reported back from those places where teachers are teaching classes that they have not been certificated to teach.

CHAIR BUNDE said he thinks that is covered under "aligning curriculum and performance standards" on page 4, items 3,4, and 5.

REPRESENTATIVE GREEN noted, "It doesn't say in either of those [items] that you're going to make sure that a math major is teaching math rather than somebody else."

CHAIR BUNDE said he didn't think the state could require the local district to do that. "They have an option to let us know that if ... they feel that's a problem for them," he said. He then referred the question to Mr. Johnson.

MR. JOHNSON said that information would be reported by all schools pursuing accreditation, but that it is not mandatory that schools pursue accreditation.

REPRESENTATIVE GREEN pointed out that it is going to be difficult to achieve competence in key subjects if the state does not make sure those teaching the subject have that competence. He asked how the state is going to know that.

MR. JOHNSON said that at present, the state does not require school districts to provide that information.

REPRESENTATIVE GREEN asked if the committee wanted to know that.

CHAIR BUNDE asked the will of the committee.

REPRESENTATIVE STEVENS expressed concern about making compliance too onerous on the districts, noting that there are some schools in which one teacher is teaching across several disciplines and there wasn't much the district could do to change that.

REPRESENTATIVE GREEN said that he was not asking the district to do anything about it, just to report that it has only one teacher. "If we find out that students in four schools are doing poorly and that those schools don't have the teaching staff, that would be good to know," he said.

CHAIR BUNDE agreed.

TAPE 01-18, SIDE B

Number 0001

REPRESENTATIVE GREEN noted that the state has a problem [with education] that it is trying to solve, and he thinks part of that problem may be that teachers are teaching the wrong subjects. "That's not the fault of the school; the school can't hire those kinds of people. But we ought to know that," he emphasized.

CHAIR BUNDE summarized the proposed conceptual amendment [Amendment 5] as, "We would add under the reporting requirements a report on the number of teachers teaching out of their area of endorsement."

REPRESENTATIVE PORTER suggested adding specific reference to the subject matter areas covered by the high school competency test: reading, writing, and math.

MS. McCARTHY asked if the committee wanted the information reported by school or by district.

CHAIR BUNDE suggested drawing up the Amendment 5 to mirror Amendment 4, requiring reporting both by school and by district.

Number 0175

REPRESENTATIVE STEVENS asked what the state would do with the information. He noted that the state couldn't send the district a teacher or require that they hire one, and said he thought "we're just getting really too involved in the district job, and we need to stay out of that and let the district do [it] ...."

CHAIR BUNDE warned, "This will be further ammunition to increase [the] foundation formula or do something to add more teachers."

REPRESENTATIVE GREEN took issue, saying:

Math is one of our glaring deficiencies ... [and] if we find that there is a direct correlation [between student proficiency and teacher training], then maybe it's incumbent upon the legislature to say, "OK, we've got a problem, [and this is what it is]. Do we want to solve it or not?" ... We're trying to get to the bottom of the problem and solve it. So let's get the information ...

Number 0313

REPRESENTATIVE WILSON pointed out that there might be no correlation, but it could be that schools that have only one teacher should have two.

CHAIR BUNDE acknowledged that there is always the danger of asking questions and finding that they come in large numbers of dollars, but in that case, at least the state would have the information. Again, he stated Representative Green's conceptual amendment that would require an additional report of the number of teachers in each district and school teaching core courses out of the area of their endorsement.

REPRESENTATIVE GREEN offered that conceptual amendment [Amendment 5].

MS. McCARTHY asked if the committee wanted to say, "in core courses," or to specify "reading, writing, and mathematics".

CHAIR BUNDE suggested that it be linked to the fields covered by the competency test, and that those could change, so it might be good to say, "in areas tested by the high school competency exam".

Number 0466

REPRESENTATIVE WILSON thought it might be hard to define the areas in which a person is teaching because so much teaching today integrates subject matter from two or more fields of study.

CHAIR BUNDE noted that the committee was asking not just about high school teachers, but also in grades K-12.

REPRESENTATIVE STEVENS referred to the nationwide teacher shortage and wondered "if we're not really shooting ourselves in the foot here by requiring that only certain teachers be hired and others not be hired." He thought what the committee was effectively saying is that schools were to hire only people who had certain qualifications, and "that we're micro-managing what is the district's responsibility, and I don't think we should go there."

Number 0613

CHAIR BUNDE suggested agreeing to disagree, and called for a vote on Amendment 5. In summary, Amendment 5 was:

On page 4, after Amendment 4, add: "(8) number of teachers in districts and schools who are teaching outside of their area of endorsement in areas tested by the High School Competency Test." which would add a report requirement.

A roll call vote was taken. Representatives Joule, Guess, Green, Wilson, Porter, and Bunde voted for Amendment 5. Representative Stevens voted against Amendment 5. Therefore, Amendment 5 passed.

REPRESENTATIVE PORTER wished to state for the record that certification or an endorsement in math doesn't mean a person can teach it.

CHAIR BUNDE recalled college professors who were very knowledgeable in their fields and "more of an impediment to learning than they were an asset." Just having the knowledge is not enough; one needs the pedagogical skills, too, he observed. He said from what he has seen, the best predictor of [student] success is a caring, talented teacher.

Number 0678

REPRESENTATIVE WILSON asked to return to Representative Joule's amendment [Amendment 4] concerning the turnover of certificated personnel and superintendents. She suggested asking for not only the number, but also for the percentage.

CHAIR BUNDE viewed that as a technical amendment. There being no objection, the change was adopted.

Number 0762

REPRESENTATIVE GUESS mentioned that there was not language on whether or not the committee wants the results of the examination on the transcripts or diplomas after 2004.

REPRESENTATIVE BUNDE said the legislation does not call for showing scores after that date, but only for showing the endorsement. He added that districts wishing to do so could include scores on transcripts. The fact that a student has a diploma shows that he or she had demonstrated competence in all three areas.

Number 0918

REPRESENTATIVE GUESS observed that it doesn't actually prohibit a student who has passed the test from taking it again. She did not want to burden school districts with extra costs.

Number 0939

CHAIR BUNDE stated for the record that once a student has passed the test, that student is not allowed to take the test again.

Number 0956

MS. McCARTHY said she thought she had found the answers to Representative Guess's questions on page 2, lines 16 and 17, where it says, "a pupil who fails the examination required under this section shall be re-tested at least once." "What we're getting at there is that you can't re-test just because you want a higher score," she said.

REPRESENTATIVE GUESS said that language doesn't say to her that a person who has passed the test can't take it again.

REPRESENTATIVE PORTER suggested adding "and may not re-take the test" at the end of the sentence on page 23.

CHAIR BUNDE said with the committee's permission, that amendment [Amendment 6] would be made. In summary, Amendment 6 was:

On page 2, line 18, add: "A student who passes any portion of the test may not re-take that portion of the test," after "portions of the examination that the pupil has not passed." so it will read, "A pupil who fails the examination required under this section shall be retested at least once during a school year on those portions of the examination the pupil has not passed. A student who passes any portion of the test may not re-take that portion of the test."

There was no objection. Therefore, Amendment 6 was adopted.

CHAIR BUNDE re-emphasized that what was being tested was minimum competency, basic literacy.

Number 1061

REPRESENTATIVE JOULE observed, "Times change, things change .... Are we ... going to come back and re-assess what minimum competency would be?"

CHAIR BUNDE replied, "No, but the board will." He clarified that he meant the state school board and DOE. He noted that it was already on the record that these tests are a living creature and are revamped. He again mentioned that Texas has moved up its minimum requirement, and pointed out that the education his teachers thought prepared him for life would not prepare today's student.

Number 1135

REPRESENTATIVE STEVENS said he was having trouble with the concept of minimum competencies and at the same time, reporting test scores. "If they achieve a minimum competency, that's good, they're done," he said. "On the other hand, why are we bothering with what the scores are and placing them on the transcript?"

CHAIR BUNDE reminded him that would be done only for the intervening two years, from 2002 to 2004, and said it was being done only to reward those students who are currently working hard to pass the tests.

REPRESENTATIVE STEVENS noted that the endorsement would do that, and the score was not needed.

Number 1201

CHAIR BUNDE expressed concern about students who worked hard to pass the test, which was then postponed as a requirement for graduation.

REPRESENTATIVE WILSON said she thought that putting down that they have passed the competency test is sufficient reward.

REPRESENTATIVE PORTER concurred. Putting the scores on transcripts might be appropriate because that document also shows grades for the various courses.

REPRESENTATIVE GREEN pointed out that if a person applies for a driver's license, the applicant is graded but the grade never shows after he or she has passed.

CHAIR BUNDE reiterated that his goal was to give some kind of temporary reward for students who have prepared for the test; but, he acknowledged, "Maybe that is just expressing my frustration about the districts that have chosen not to take it

seriously up to this point." He asked the will of the committee.

Number 1332

REPRESENTATIVE GUESS summarized, "So the choice is whether or not we put scores on the transcripts or whether it [the transcript] just indicates that the student has passed or not passed.

CHAIR BUNDE said it could be the same basic endorsement that goes on the diploma, which will list the sections of the exam the student passed.

REPRESENTATIVE PORTER observed that this only pertains to the two years before the test goes into effect, and he thinks "pass" or "not pass" is enough. He offered the conceptual amendment [Amendment 7] that during this interim period, the transcript and the diploma only indicate that the student passed or did not pass each individual competency test.

REPRESENTATIVE JOULE sought clarification about what was going to be done after that two-year period. He then exclaimed, "They have to pass all three [as opposed to the scores]! That's fine; that's good!"

Number 1404

CHAIR BUNDE added that for those who do not pass the competency test, the certificate of achievement would indicate the attendance record and portions of the test that had been passed. There would be no scores shown there.

CHAIR BUNDE asked if there was any objection to Amendment 7. In summary, Amendment 7 was:

On page 4, line 25-27, add: "to show which portions of the examination were passed and which were not passed" after "pupil's transcript" so that it will read, "The results of the examination of a pupil under this section shall be reflected in that pupil's transcript, to show which portions of the examination were passed and which were not passed, and as endorsements on the pupil's diploma, to show which sections were passed, as directed by the state Board of Education and Early Development".

There being no objection, Amendment 7 was adopted.

Number 1449

REPRESENTATIVE PORTER wished to say for the record that there is a lot that has to happen before the standard is raised for passing the test.

CHAIR BUNDE added that the State Board of education has to endorse any changes.

REPRESENTATIVE JOULE wanted to make sure that dropout rates would be reported.

REPRESENTATIVE GUESS said yes, they are required.

Number 1497

CHAIR BUNDE offered Amendment 8 [22-LS036\J.1], copies of which were distributed. Amendment 8 was:

Page 5, following line 5:

Insert a new bill section to read:

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

REQUIRED REPORT. The Department of Education and Early Development shall, by January 14, 2002, report back to the Alaska State Legislature with recommendations for

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

(2) evaluating the process described under (1) of this section."

Renumber the following bill sections accordingly.

Page 5, line 8:

Delete "sec. 7"

Insert "sec. 8"

REPRESENTATIVE PORTER moved Amendment 8.

CHAIR BUNDE explained that Amendment 8 addresses something in the Senate version that is causing concern in the educational

community. He said he is offering two options. One is a waiver that under "extraordinary and exceptional circumstances" allows a diploma to be awarded to a student who has not passed the competency test. The other option is to provide an appeals process that would be available to a student who did not get a diploma. He noted that the state school board wants to weigh in on the matter, and because there are two years available, all the amendment says is that the state school board and DOE could give the committee their wisdom on this by next January [2001] and the committee would re-address it then.

REPRESENTATIVE WILSON thought there already are processes in place that allow appeals of decisions made by the schools.

CHAIR BUNDE said that was certainly the case for students with IEPs. He referred the question to Mr. Johnson.

MR. JOHNSON replied that generally speaking, a local school board would have an appeals process for any member of the public or any student.

CHAIR BUNDE raised the question of what the state would do if a local school board were to decide that every student should be granted a diploma.

Number 1647

REPRESENTATIVE WILSON said there is a process now in every district for students who do not get diplomas to appeal. She wondered if the legislature wanted to "put some teeth in it."

CHAIR BUNDE said he thinks there needs to be some kind of outside review either for a waiver or for an appeal "because if it's just the local school board in a small town, can you imagine the pressure on the local school board if it's the boss's kid who is involved?"

REPRESENTATIVE PORTER said he thinks that is where the criteria for the waiver would come in. If the criteria would not allow an exception for the boss's kid, then the local school board is off the hook.

CHAIR BUNDE noted that the amendment suggests that the state school board or DOE come back to the committee with suggestions in these two arenas for students for whom there should be some exceptions.

Number 1747

REPRESENTATIVE WILSON observed that there are likely to be many appeals.

CHAIR BUNDE said that is why he wants it to come back to the committee because, for the record, he envisions that this would be only for very extraordinary circumstances. He called for "very high sideboards" around the process and for review outside the district.

REPRESENTATIVE WILSON cautioned that lawsuits from students denied diplomas could place high expenses on local school districts.

Number 1776

CHAIR BUNDE said the courts could require that a person go through all the procedures provided before coming before the court. He said the state should plan on lawsuits, saying, "I know they're going to sue the state because we've got the deepest pockets."

Number 1792

REPRESENTATIVE STEVENS expressed concern about the vagueness of such terms as "late" and "rare and unusual." He said he wanted to assure equity and due process for all students.

CHAIR BUNDE suggested language such as, "for pupils with rare and unusual circumstances".

REPRESENTATIVE STEVENS wanted to address diplomas for students who enter school late.

CHAIR BUNDE reiterated the concern about students from districts with low standards coming into Alaska schools late in their school careers. He wanted recommendations from the state school board and DOE, but said, "We will be the final arbiters of what is appropriate."

REPRESENTATIVE STEVENS requested tighter definitions of "late" and "rare and unusual."

Number 1878

REPRESENTATIVE GUESS expressed strong support for the amendment, saying there needs to be the kind of public process it establishes.

REPRESENTATIVE PORTER agreed.

CHAIR BUNDE suggested dropping words so the language would be "competency examination waiver process for pupils with rare and unusual circumstances that merit waiver."

REPRESENTATIVE STEVENS wondered if "rare and unusual" encompassed the student entering late.

CHAIR BUNDE thought it would.

Number 1796

REPRESENTATIVE WILSON thought the military made most transfers in summer so that children do not have to enter school mid-year.

CHAIR BUNDE expressed concern about children of non-military families.

Number 1997

REPRESENTATIVE STEVENS said Coast Guard families have a choice about when they are re-assigned, but he didn't want to create barriers to their coming to Alaska. He thought there should be reference to late arrivals that would speak to the military transfers.

CHAIR BUNDE reminded him that current tests put reading at about the seventh grade level. He added that some parents might want to put their students in a district where the diploma really meant something beyond attendance.

Number 2032

CHAIR BUNDE directed attention back to the conceptual amendment before the committee that would delete reference to "late," noting that Representative Stevens had spoken against it. For the record, he said, in his mind, "rare" or "unusual" includes people who enter high school after the start of their tenth grade year. He then mentioned that the tape recordings of committee discussions are used by those seeking a clear understanding of legislative intent.

Number 2087

REPRESENTATIVE WILSON suggested leaving the amendment as it is and letting the state school board and DOE make their recommendations.

REPRESENTATIVE STEVENS said he had no objection so long as it is clear that "rare and unusual" includes "late," and the appeals process is the key thing.

CHAIR BUNDE again noted that the state school board has indicated very strongly that it wants to weigh in on this.

REPRESENTATIVE STEVENS asked if it is the school district and not DOE that awards the diploma.

CHAIR BUNDE said it is the state school board that sets the standards for the diploma. The district must seek any exemption from DOE.

MR. JOHNSON confirmed that DOE sets the minimum standards for a high school diploma and that local school districts may go beyond that.

Number 2158

CHAIR BUNDE announced that Amendment 8 was before the committee. There being no objection, Amendment 8 was adopted with no changes.

CHAIR BUNDE then directed attention to Amendment 9 [22-LS0362\J.2], concerning the portfolio, before the committee. Amendment 9 was:

Page 5, following line 5:

Insert a new bill section to read:

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

REQUIRED REPORT. The Department of Education and Early Development shall, by January 14, 2002, report back to the Alaska State Legislature with recommendations for

(1) a competency examination waiver process for pupils who enter the school system late and for other pupils with rare or unusual circumstances that merit a waiver; and

(2) an appeals process for a pupil who is

denied a high school diploma."

Renumber the following bill sections accordingly.

Page 5, line 8:

Delete "sec. 7"

Insert "sec. 8"

REPRESENTATIVE PORTER moved Amendment 9.

CHAIR BUNDE explained that Amendment 9 would allow issuance of a high school diploma to a child with a disability based on a portfolio of work. What the portfolio would look like would depend upon information forthcoming from the state school board and DOE.

REPRESENTATIVE GUESS asked if this provision was not already in the bill.

CHAIR BUNDE explained that Amendment 9 relates specifically to disabled students. It requires DOE to give the committee recommendations about whether the provision for a portfolio should be included and, if so, what the portfolio might look like.

REPRESENTATIVE GUESS asked if there was a reason for Amendment 9 specifying "child with disability" when in the bill, any child can receive a diploma through a portfolio.

CHAIR BUNDE said this would be an expansion to include those kids with learning disabilities to whom the portfolio might be an appropriate way of demonstrating competency.

REPRESENTATIVE GUESS said she was seeing an inconsistency between the bill and Amendment 9.

CHAIR BUNDE acknowledged that she had a good point and said he would rather delete the specific provision for a child with a disability and just establish a process for issuance of a high school diploma based on a portfolio of work.

CHAIR BUNDE said the portfolio is provided under an IEP.

REPRESENTATIVE GUESS observed that a student who doesn't have an IEP only can take the exam.

CHAIR BUNDE clarified that Amendment 9 would simply require a report back from the school board and DOE regarding the portfolio.

Number 2350

REPRESENTATIVE STEVENS thought it would be interesting in the future to see whether virtually all students with IEPs will be receiving high school diplomas while one-third of all students in the mainstream program are not.

CHAIR BUNDE didn't think that would be the case, as ten percent of high school students are not receiving diplomas now for various reasons, and some districts are reporting that children are rising to the challenge.

TAPE 01-19, SIDE A

Number 0001

CHAIR BUNDE said he wanted to keep the doors open as wide as possible while still maintaining a standard.

Number 0036

REPRESENTATIVE WILSON commented that several committee members thought it was going to be possible for regular students to opt out of the test through a portfolio.

REPRESENTATIVE JOULE wanted to know if it would be possible for a person to use a portfolio to demonstrate a higher level of achievement than through the high school qualifying exit exam.

CHAIR BUNDE said again that he is asking for feedback from DOE on this by January of next year [2002]. He said he could not answer Representative Joule's question now.

Number 0134

REPRESENTATIVE PORTER said there is a category to which he keeps alluding and that is the group of regular, normal students who do not get any special consideration and who do not pass the test. He noted that there are some people who just can't take tests, and he wondered if that is an identifiable category.

CHAIR BUNDE said reading he has done indicates that there are actual but very rare cases of test phobia. There also are

people under IEPs who have to take the test in another room because they are auditory people who need to read questions aloud. He thought this was one more area in which the committee could consider recommendations in January.

REPRESENTATIVE PORTER said if test phobia type is a rare and identifiable condition, then it would fit under the "rare and unusual circumstances." He said he fears setting up so many accommodations that a bright student who doesn't want to work very hard can find a loophole.

CHAIR BUNDE said he was beginning to think Amendment 9 was redundant. Under the "rare and unusual circumstances," a waiver might consist of a portfolio. That might be one waiver process. He said he would like to withdraw the amendment and listen to a wide number of ideas about the mechanism of a waiver, which might include a portfolio.

Number 0374

REPRESENTATIVE GUESS respectfully disagreed.

CHAIR BUNDE indicated willingness to call for a vote on Amendment 9.

Number 0418

REPRESENTATIVE GREEN asked if a student truly had a phobia, wouldn't that be well known in advance?

CHAIR BUNDE said he would guess that the person with a test phobia would be under an IEP.

REPRESENTATIVE STEVENS said he needed to have a better understanding of the IEP. The parents have tremendous power over what that IEP says, and that IEP will determine what is required in this portfolio for this child to get a high school diploma. He expressed concern about two tracks, the IEP process controlled by the parent and the other process that may involve an appeal to DOE, thereby setting up two extremely different levels of requirements for a high school diploma, one with a tremendous amount of influence by the parents.

CHAIR BUNDE said his view of an IEP "is more equal." It doesn't go into effect unless the parent signs off, but it involves the teacher, the school nurse/psychologist, the principal, and whoever on the other side, and there are those who feel it's

weighted toward the district because the parent is having to stand up to "people in suits."

REPRESENTATIVE STEVENS thinks it is legally weighted toward the parents, and would appreciate hearing more about it.

REPRESENTATIVE GUESS reminded the committee that the standards are the same; it is the methodology of assessment that is different. It is not a matter of lowering the standards for the IEP students, but we're having the same standards but allowing a different method of assessment, and that a portfolio is just an alternative way of demonstrating that the students has reached the standards.

REPRESENTATIVE STEVENS noted, "Nowhere does it say what that portfolio is."

CHAIR BUNDE emphasized that Amendment 9 asks DOE to come back and tell the committee what that portfolio will look like, and then the committee can say yes, no, maybe, or whatever.

Number 0647

CHAIR BUNDE announced that Amendment 9 was before the committee. There being no objection, Amendment 9 was adopted.

CHAIR BUNDE then announced that CSHB 94 as amended was before the committee, and that he wished to take public testimony on it before considering sending the bill to the next committee of referral.

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Education meeting was adjourned at 9:52 a.m.