

**ALASKA STATE LEGISLATURE  
JOINT MEETING  
HOUSE SPECIAL COMMITTEE ON EDUCATION  
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES  
STANDING COMMITTEE ALASKA STATE LEGISLATURE**

April 2, 2001  
8:12 a.m.

**EDUCATION MEMBERS PRESENT**

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

**EDUCATION MEMBERS ABSENT**

Representative Brian Porter

**HEALTH, EDUCATION AND SOCIAL SERVICES MEMBERS PRESENT**

Representative Fred Dyson, Chair  
Representative Peggy Wilson, Vice Chair  
Representative John Coghill  
Representative Gary Stevens  
Representative Reggie Joule

**HEALTH, EDUCATION AND SOCIAL SERVICES MEMBERS ABSENT**

Representative Kohring  
Representative Cissna

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 133(HES)

"An Act relating to a two-year transition for implementation of the public high school competency examination and to establishing a secondary student competency examination as a high school graduation requirement; and providing for an effective date."

- HEARD [AND HELD IN EDU]

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."

- NOT HEARD [PART OF HB 94 WAS INCORPORATED INTO HCS for CSSB 133, VERSION B]

HOUSE BILL NO. 204

"An Act relating to the Alaska Commission on Postsecondary Education and the Alaska Student Loan Corporation; relating to student financial aid programs and the financing of those programs; establishing the Alaska Advantage Loan Program and the Alaska Supplemental Education Loan Program; increasing the bonding authorization of the Alaska Student Loan Corporation; providing for liens resulting from a default under AS 14.43 or AS 14.44; relating to the duties of the recorder regarding those liens; relating to defaults under the Western Regional Higher Education Compact; relating to the prohibition on discrimination regarding programs under AS 14.43; relating to fees for the review of certain postsecondary institutions; making conforming amendments; and providing for an effective date."

- BILL HEARING POSTPONED [SCHEDULED IN EDU ONLY]

HOUSE BILL NO. 166

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

- BILL HEARING CANCELED [SCHEDULED IN EDU ONLY]

#### PREVIOUS ACTION

BILL: SB 133

SHORT TITLE: PUBLIC SCHOOL COMPETENCY EXAM

SPONSOR(S): HEALTH, EDUCATION & SOCIAL SERVICES

| Jrn-Date | Jrn-Page |     | Action                                    |
|----------|----------|-----|---|
| 03/09/01 | 0598     | (S) | READ THE FIRST TIME -<br>REFERRALS        |
| 03/09/01 | 0598     | (S) | HES, FIN                                  |
| 03/09/01 | 0600     | (S) | HES WAIVED PUB HEARING<br>NOTICE, RULE 23 |
| 03/10/01 |          | (S) | HES AT 10:30 AM BUTROVICH 205             |
| 03/10/01 |          | (S) | Heard & Held                              |
| 03/10/01 |          | (S) | MINUTE(HES)                               |
| 03/12/01 |          | (S) | HES AT 1:30 PM BUTROVICH 205              |

|          |      |     |  |
|----------|------|-----|--|
| 03/12/01 |      | (S) | Heard & Held                                     |
| 03/12/01 |      | (S) | MINUTE(HES)                                      |
| 03/14/01 |      | (S) | HES AT 1:30 PM BUTROVICH 205                     |
| 03/14/01 |      | (S) | Heard & Held<br>MINUTE(HES)                      |
| 03/16/01 |      | (S) | HES AT 0:00 PM BELTZ 211                         |
| 03/16/01 |      | (S) | Moved CS(HES) Out of<br>Committee<br>MINUTE(HES) |
| 03/20/01 | 0732 | (S) | HES RPT CS 5DP NEW TITLE                         |
| 03/20/01 | 0732 | (S) | DP: GREEN, LEMAN, WILKEN,<br>WARD, DAVIS         |
| 03/20/01 | 0732 | (S) | FN1: (EED)                                       |
| 03/26/01 |      | (S) | FIN AT 6:00 PM SENATE FINANCE<br>532             |
| 03/26/01 |      | (S) | Moved CS(HES) Out of<br>Committee                |
| 03/27/01 | 0819 | (S) | FIN RPT CS(HES) 6DP 1NR                          |
| 03/27/01 | 0819 | (S) | DP: DONLEY, KELLY, HOFFMAN,<br>LEMAN             |
| 03/27/01 | 0819 | (S) | GREEN, OLSON; NR: WILKEN                         |
| 03/27/01 | 0819 | (S) | FN1: (EED)                                       |
| 03/28/01 | 0838 | (S) | RULES TO CALENDAR 3/28/01                        |
| 03/28/01 | 0840 | (S) | READ THE SECOND TIME                             |
| 03/28/01 | 0840 | (S) | HES CS ADOPTED UNAN CONSENT                      |
| 03/28/01 | 0840 | (S) | AM NO 1 ADOPTED UNAN CONSENT                     |
| 03/28/01 | 0841 | (S) | ADVANCED TO THIRD READING<br>UNAN CONSENT        |
| 03/28/01 | 0841 | (S) | READ THE THIRD TIME CSSB<br>133(HES) AM          |
| 03/28/01 | 0841 | (S) | PASSED Y19 N- E1                                 |
| 03/28/01 | 0841 | (S) | EFFECTIVE DATE(S) SAME AS<br>PASSAGE             |
| 03/28/01 | 0844 | (S) | TRANSMITTED TO (H)                               |
| 03/28/01 | 0844 | (S) | VERSION: CSSB 133(HES) AM                        |
| 03/28/01 |      | (S) | RLS AT 10:45 AM FAHRENKAMP<br>203                |
| 03/29/01 | 0767 | (H) | READ THE FIRST TIME -<br>REFERRALS               |
| 03/29/01 | 0767 | (H) | EDU, HES, FIN                                    |
| 04/02/01 |      | (H) | EDU AT 8:00 AM HOUSE FINANCE<br>519              |
| 04/02/01 |      | (H) | HES AT 8:00 AM HOUSE FINANCE<br>519              |

**WITNESS REGISTER**

SENATOR LYDA GREEN  
Alaska State Legislature  
Capitol Building, Room 125  
Juneau, Alaska 99801

POSITION STATEMENT: As chair of the Senate Health, Education and Social Services Standing Committee, sponsor, presented SB 133.

GREG MALONEY, Director  
Special Education  
Department of Education and Early Development  
801 West 10th Street  
Juneau, Alaska 99501

POSITION STATEMENT: Answered question on SB 133.

BRUCE JOHNSON, Deputy Commissioner of Education  
Office of the Commissioner  
Department of Education and Early Development  
801 West 10th Street  
Juneau, Alaska 99801

POSITION STATEMENT: Answered questions on SB 133.

#### **ACTION NARRATIVE**

TAPE 01-20, SIDE A [House EDU tapes]  
Number 0001

CHAIR CON BUNDE called the joint meeting between the House Special Committee on Education and the House Health, Education and Social Services Standing Committee to order at 8:12 a.m. Members present at the call to order from the House Special Committee on Education were Representatives Bunde, Green, Wilson, Stevens, Joule, and Guess. Members present from the House Health, Education and Social Services Standing Committee were Representatives Dyson, Coghill, Wilson, Stevens, and Joule.

#### **SB 133-PUBLIC SCHOOL COMPETENCY EXAM**

[Part of proposed CSHB 94, Version J had been incorporated into the proposed HCS for CSSB 133, Version B]

CHAIR BUNDE announced that the committees would address CS FOR SENATE BILL NO. 133(HES), "An Act relating to a two-year transition for implementation of the public high school competency examination and to establishing a secondary student competency examination as a high school graduation requirement;

and providing for an effective date." [SB 133 was officially before only the House Special Committee on Education.]

Number 0263

REPRESENTATIVE DYSON stated that he would like the House Health, Education and Social Services Standing Committee (HES) to take notice of the following areas of ongoing discussion [for when that committee officially takes up the bill]: whether or not the diploma that is given is the "diploma-plus" or the "diploma-minus"; the degree of accommodation or modification to the test for those with disabilities; the alternative ways those with disabilities can be evaluated; what reports coming from the tests are required of the Department [of Education and Early Development] (EED); and convergence of implementation dates.

Number 0557

SENATOR LYDA GREEN, Alaska State Legislature, came forth as chair of the Senate Health, Education and Social Services Standing Committee, Sponsor of SB 133. She stated that Senate HES spent over eight weeks in hearings and gathering information [for SB 133]. She said there were three or four main issues to [the Senate HES committee's] goal. One was to continue giving the exam in order to not lose the momentum and for the students, faculty, and community to go on believing in the idea of the exam. [The committee] thought it was important to continue the work of the [EED] in retooling the exam to the essential skills subset. [The committee] wanted to work on the addition of language concerning those students with learning disabilities in order for Alaska to comply with federal IDEA [Individuals with Disabilities Education Act] legislation. [The committee] also discussed methods for having a waiver process. Essential skills language, she said, was used in the bill to ensure that the skills students are expected to have mastered are focused on.

SENATOR GREEN stated that [the committee] also noticed that in Alaska state statute there is a fairly weak listing of what courses a student is required to take. Also, in the listing there is no mention of the degree of those courses. She said there is always going to be an occasion when an extraordinary circumstance arises; [the committee] has decided not to handle that in statute but to turn that over to [the EED] and the State School Board. She explained that SB 133 has the addition of endorsements shown on the transcripts and the diploma. She remarked that she thinks it is a good idea for people to be rewarded for good performance and would recommend that there be

endorsements of all sorts on a student's transcript and/or diploma if a district chooses.

Number 0794

SENATOR GREEN stated that it was also discussed that throughout the last couple of years there have been different standards used by those giving the exam. She stated that [the committee] felt it was important that the state be given a prepared script so that the test is given very similarly across Alaska. She added that [the committee] met regularly in order to ensure the test would be defensible and fair and would continue to require accountability and responsibility on the part of every person involved in the education scene.

CHAIR BUNDE stated that he wanted to take note of the Senate's eight weeks of testimony as well. He stated, "Should people feel we're moving too rapidly now, it's been a long time in coming."

Number 0900

REPRESENTATIVE STEVENS asked if this is truly a minimal standard - one either passes or doesn't pass - is there any rationale of putting [the endorsements] on the diploma?

SENATOR GREEN responded that there have been, nationwide, several methods by which students are getting credit for accomplishments on the diploma. Kenai's district, she noted, currently [puts endorsements on the diplomas]. She added that she thinks if a student has done well, it should be shown.

REPRESENTATIVE GREEN stated that this is a requirement expected of all people to graduate. He asked if honor rolls, valedictorians, or football scholarships would also be [put on the diploma]. He said he is concerned that [the diploma] could get cluttered.

SENATOR GREEN replied that the test is the only thing that would be on the diploma. However, placing good performances on the diploma is being encouraged strictly if a district chooses to do so. She said:

There's a mixed message you will receive on the idea of those students who function with the ability to take the exit exam according to their IEP (Individual Education Plan). We would encourage everyone to take

the test and not have anything waived, and certainly have all but those students who are developmentally disabled and already qualify for alternative assessments to take this test and to do the very best. ... It would create less students having to come back and go under their IEP and have accommodations. We would like to see that they come at first (indisc.) and take the exam. ... We all respond to rewards.

Number 1200

REPRESENTATIVE GREEN asked whether there is any "wiggle" room for the House or if the Senate is "fixed" on [CSSB 133(HES)].

SENATOR GREEN responded that she couldn't say that no consideration would be given to the House's input on this. She added that she thinks the Senate's priority is the transcript and that she sees no reason why praise should be withheld on the diploma.

CHAIR BUNDE asked if "Pass" or the actual score would be put on the transcript.

SENATOR GREEN answered that if she had been in the 99th percentile in all three areas, she would want that to show on her transcript. However, with the way the exit exam exists, cut scores could be different from year to year; therefore, it would be a pass or a fail for everyone.

Number 1317

REPRESENTATIVE DYSON suggested that the "present score out of the total score" should be put on the transcript. He stated that he is concerned that in accommodating those students with developmental disabilities, there will be a huge amount [of accommodation]. He asked if there is a way to standardize the accommodation or modification for kids who have FAE (Fetal Alcohol Effects) or Attention Deficit Disorder (ADD).

SENATOR GREEN responded that [Senate HES] had discussed this as well. When an IEP team works with a child and sets up a learning plan there is some sort of justification for the plan chosen: what is the child's need that has to be met through this; what is the goal and how they are going to get there; and could this child function in a regular classroom setting. She stated that this satisfied her and that [the IEP teams] would be doing that anyway. She said there are well-recognized norms of

what could reasonably be expected without there being an anomaly.

REPRESENTATIVE DYSON stated that it is clear that if a child is blind, the test will have to be provided in Braille or with a reader. He asked whether there needs to be a separate accommodation or modification for every child with [ADD], for example, or if there could be a general test for all the kids with [ADD].

SENATOR GREEN responded that these are questions that [IEP teams] answer every day and there would be no incorrect answer. She stated that she doesn't believe [the legislature] should be making those decisions. She remarked that she thinks there are hard decisions that are made with regard to these children every day, knowing full well that some of these children will never take the exam. A student cannot be denied assistance if it is recognized on his or her IEP.

REPRESENTATIVE DYSON asked, if there are 4,000 ADD students in Alaska, whether there will be one general way of accommodating their testing or if there will be 3,000 or 4,000 [separate accommodations] in order to conform to the federal guidelines in IDEA.

SENATOR GREEN stated that she could not answer that.

CHAIR BUNDE clarified that there is a huge difference between accommodations and modifications. He stated that he would share [Representative Dyson's] concern about having modifications for every person with an IEP because there would be as many different tests as there were IEPs. However, if someone has had accommodations all through his or her school career while on an IEP, then legally he or she should be allowed that accommodation when taking the test. An accommodation, he explained, would be one that does not change the basic structure of the test.

Number 1770

REPRESENTATIVE STEVENS remarked that he understands that the IEP [team] is a legally constituted organization that has a tremendous amount of responsibility, authority, and power. He asked if the IEP team could decide that the scores should be lower for a special education student.

SENATOR GREEN responded that she would have to defer to the [EED].

REPRESENTATIVE WILSON remarked that the IEP process is put in place early on when there is need to help a child learn to the best of his or her ability. This process, she said, is reviewed every year. By the time the student takes the exit exam, the schools know how that child is handled and what modifications or accommodations have been taking place all along. She asked if Senator Green is implying that the IEP should be the deciding factor for how the test will be given.

SENATOR GREEN responded that it is her understanding that someone will begin an IEP for a child with the hopes that less will be required as time goes on. She noted that the percentage of a school's population that has IEPs decreases [over time]. She stated that in the Senate version of the bill everyone would be required to take the test except for those students who would automatically qualify for an alternative assessment. It's important for the [EED], the school districts, and [the legislature] to know whether "we" are being successful in teaching. She added that the [EED] and the legislature need to know what the performance of learning disabled children is. According to statistics, there are any number of fairly good statistics and performances on behalf of learning-disabled children who passed the test. There were, however, some who did not pass the test and will probably never pass the test without some accommodation.

REPRESENTATIVE WILSON asked if legally there could be a differentiation of the diploma, since the public is not supposed to be able to tell who is in special education and who isn't.

SENATOR GREEN responded that it is her understanding that because of Alaska's constitution, the recognition that it is a "special IEP diploma" is not allowed.

Number 2055

CHAIR BUNDE stated:

It isn't as if the House majority woke up one morning and said, "How can we make life more difficult for schools and students?" I think all of us have heard that litany of concerns from employers who aren't able to employ people with basic skills. And either the employer has to provide the remediation or they have to let the person go. In any case, people are really frustrated that 46 percent or more of our students

[who have] gone to college are having to take remedial classes, that even our highly talented Alaska scholars program - where the top 10 percent get the scholarships - many of those are struggling and some are failing because of lack of academic preparation. I think while reasonable people can disagree on the route of where we want to go, it is very obvious that [the] status quo is probably not something many people would support.

CHAIR BUNDE stated that the test is a "living document" and that the legislation that created this said the [EED] will provide for a competency test. He remarked that it is currently in the process of being adjusted and that one of the biggest areas of adjustment is the math test. It was decided that [the math test] did not reflect basic competencies. He explained that the House is focusing on the following: accountability so that the schools and the students could be reasonably comfortable saying they need more support from the public; changing the effective date from 2002 to 2004; whether there should be reciprocity for those who transfer in; whether the endorsements on the diploma should only be valid for two years to reward and recognize those who have taken the competency test very seriously; what waivers might look like; whether or not an appeals process is useful; and whether or not modifications are useful.

REPRESENTATIVE WILSON asked if anything will be discussed about the portfolio.

CHAIR BUNDE responded that [the House Special Committee on Education] has also focused on the option of a portfolio as an alternative assessment for people with IEPs. He added that [the committee] also acknowledged that there are students who are on non-diploma tracks, those who experience serious disabilities as well as those who do not always receive a diploma.

Number 2314

REPRESENTATIVE GREEN made a motion to adopt the proposed HCS for CSSB 133, version 22-LS0607\B, Ford, 3/30/01, as the working draft. There being no objection, the proposed HCS for CSSB 133, Version B, was before the House Special Committee on Education.

TAPE 01-20, SIDE B  
Number 0018

CHAIR BUNDE explained that the difference between Version B and the Senate version is that Version B reinstates a certificate of achievement for those students who are not able to pass the test. It includes the sections the student passed, the student's attendance record, and other items that the school district would like to include. He stated that this certificate of achievement may be very useful for a potential employer. Version B discusses that the accommodations provided by IEPs should continue and also be used when taking a competency test. He explained that Version B does suggest that the IEP team should be able to recommend that a student not retake the test if this is not in the student's best interest. He stated that the law requires a student to take the test in tenth grade, but it does not say a student has to continue taking the test until he or she passes it.

CHAIR BUNDE continued explaining the differences. He stated that the House agrees with the Senate that there should be standard implementation language in regard to reciprocity. The House has expanded accountability and suggested that this be a required report to the legislature rather than a report that was simply available if the [legislature] chose to get it. Finally, the implementation date, of 2004, was agreed upon.

REPRESENTATIVE STEVENS stated that he would like to hear from [the EED] concerning accommodations, specifically about whether or not the scores can be lowered for special-education students.

Number 0477

GREG MALONEY, Director, Special Education, Department of Education and Early Development, came forth and explained that under federal IDEA 97 the goal is to have all kids, including those with disabilities, held to high standards. One of the major goals is to have all kids participate in all statewide assessments. He remarked that this also encourages that all appropriate accommodations and modifications, as it reads in the federal law, be provided to students in order to allow them to demonstrate and to be held to the highest standard possible. In addition, he said, part of that is to ensure that the districts are being held accountable for providing appropriate instructional programming to students with disabilities. The goal now is to ensure that students who had been excluded in the past are included in these assessments and for districts to provide for that.

REPRESENTATIVE DYSON asked Mr. Maloney to clarify the difference between an accommodation and a modification.

MR. MALONEY responded that [the EED's] participation guidelines discuss the difference between the two. He explained that an accommodation is something that is provided to a student to enable the student to have an equal playing field. For example, a student with a visual impairment would be provided Braille or some kind of magnification device. This changes nothing about the content that is being measured, but it does provide the student an opportunity to be fairly assessed. A modification, he stated, by definition modifies or changes what is being tested. For example, having the reading test be read to the student would be a modification because reading ability is intended to be measured by that test. Another example would be providing a calculator for the math test.

MR. MALONEY clarified that there are no categorical accommodations. For instance, a student with ADD does not get a certain set of accommodations that are not available to other students. The individualized nature of IEP teams is that appropriate accommodations are determined after assessing the student's performance disability. He stated that these are required to be in place a certain length of time prior to the testing so that accommodations are not introduced just for the test.

Number 0708

MR. MALONEY pointed out that under federal law [the EED] is required to report three things on the assessments: the participation of students with disabilities; the graduation rate of students with disabilities; and the performance of students with disabilities. He added that [the EED] is also required to report dropout rates. He stated that there has been some confusion about the alternative assessments. He explained that the alternate assessment is a portfolio assessment that has been designed and implemented for students with significant disabilities. These are students who have significant cognitive impairments and who are not currently being instructed by using an academic program but are on more of a functional life-skills program. He said this may include students with autism, Down syndrome, or significant retardation for whom taking the traditional assessment would not be meaningful. He added that the [the EED] measures the performance of students with disabilities including the participation rates on a statewide level. The goal is to have kids with disabilities not only take

the test, with or without appropriate accommodations, but also pass the test.

REPRESENTATIVE STEVENS asked if a portfolio specifically deals with having the same knowledge of what is tested in the exit exam.

MR. MALONEY responded that the portfolio is a process, not an outcome. It is one method of assessment in which certain products are collected, held, and compared to the alternate performance standards that were adopted by the State Board of Education. He stated that the collection process is the portfolio and the outcome is how that portfolio is used to evaluate what that progress is.

REPRESENTATIVE STEVENS asked if the standards would be the same as in the exit exam.

Number 0923

BRUCE JOHNSON, Deputy Commissioner of Education, Office of the Commissioner, Department of Education and Early Development, responded that the portfolio currently being discussed is one that is built on a different standard. These are for the 1 or 2 percent of students who are so impaired they are unable to take the written exams meaningfully. He stated that [the work draft] refers to a different set of students and a different approach to the portfolio.

CHAIR BUNDE stated that the discussion was that there would be another portfolio in addition to the one that already exists for the people who are not on a diploma track. This portfolio would require that the students achieve the same minimum competencies as these in the regular test.

REPRESENTATIVE DYSON asked whether the child who has the reading test read to him or her would get a passing grade in reading.

MR. MALONEY answered that that would be a modification, and modifications, by definition, do not allow students to pass the test under the current legislation. He added that [in Version B] it would have to depend on how "portfolio" is defined.

CHAIR BUNDE noted that this was one of the items that was asked of the [EED] and the State Board of Education to give [the legislature] guidance. They have been asked to give guidance on waivers, portfolios, and appeals processes.

Number 1131

REPRESENTATIVE DYSON asked if through this process a person could be given a passing grade in reading if he or she couldn't read.

MR. MALONEY responded that one of the issues that comes up when working with students with disabilities while maintaining standards is to also recognize that disabilities, by definition, change the person's ability to respond. He stated that in the Senate version there is an alternative process to review or assess the students' progress by using a different process than the test. He noted that it is important to keep in mind that the instructional program should be based on standards. Also, in the Senate bill there is the recognition that for some students the different process that would be designed by the IEP team would be appropriate. Under [Version B], there would be a portfolio of work to demonstrate the mastery of state performance standards. He added that he thinks [Version B] holds students with disabilities to the same standard as students without disabilities; therefore, the intention would be to not penalize students unfairly for having a disability.

REPRESENTATIVE DYSON asked if he would be correct in saying that the [EED] wants an alternative way of demonstrating intellectual mastery for the child who can't read. Under the Senate bill that child would get a diploma but would not be recognized as having competency in reading, while under [Version B] that person would get a certificate of achievement.

MR. MALONEY answered that he was correct.

Number 1286

REPRESENTATIVE DYSON asked if looking good on the report that [the EED] is required to send to the federal government means getting more kids with IEPs to graduate.

MR. MALONEY responded that IDEA 97 does not necessarily speak to graduation requirements for kids with disabilities. The goal is to have the kids held to a high standard and to be given every opportunity to demonstrate their achievement. He stated that what is important is to have districts and students move closer and closer to being able to pass the exam with or without appropriate accommodations. He added that he thinks it always looks better if students with disabilities are passing the test

and graduating. He noted that historically, nationally and statewide, there are low graduation rates and high dropout rates for kids with disabilities that are proportionally way out of "whack" compared to rates for students receiving a regular education. At the same time, the goal is to ensure that students with disabilities are receiving an appropriately standards-based curriculum and have every opportunity to pass the test. He added that it is an appropriate role for the IEP team, under federal law, to look at not only an appropriate assessment process but also what the outcomes of that assessment could be.

REPRESENTATIVE DYSON stated that he is concerned with not wanting to pressure [the EED] into doing anything but what is best for the kids.

MR. MALONEY responded that he appreciates Representative Dyson's concern. He stressed that [the EED's] goal is accountability and that the EED wants all kids to participate meaningfully in the assessments. Under both bill versions, kids with disabilities would be expected to take the exam. The question, he said, is for those who don't pass: what are the processes, implications, and consequences going to be?

REPRESENTATIVE DYSON expressed that he doesn't care what is on a piece of paper. He said he is interested in the students' getting the help they need, whether or not they pass the test.

Number 1494

CHAIR BUNDE asked if under the Senate bill, since the IEP team would set the competency test for the students, there would be as many variations of the competency test as there are IEP teams.

MR. MALONEY answered that is not his understanding of the process. Under the Senate bill, once the student has taken the test and has not passed, the IEP team would determine an alternative process for examining student progress; it may be taking the test with modifications. The IEP team, he explained, could also consider having the student retake the test, with or without accommodations. He stressed that [the EED's] focus is on the kids and their success. He added that [the EED] also has to look at what happens to the kids as they leave school.

CHAIR BUNDE stated that, unfortunately, [students] are leaving school now in the same condition as if they didn't receive a

diploma because they are getting a diploma that doesn't indicate ability in these basic areas. He remarked that there is no problem if a student takes the test and passes. However, if a student with an IEP takes the test and fails, the IEP team has the opportunity to modify the test in an attempt to help the student pass. He stated that there indeed could be as many competency tests as the IEP team chooses to create for individual students who failed.

MR. MALONEY replied that is one of the options an IEP team could choose. Another option could be the portfolio assessment. He stated that he thinks one of the differences comes back to what the external standard a student is compared to. Under the Senate bill, the IEP team would have the authority, which is consistent with federal law, to determine not only what the alternative process could be but also what the standard for evaluation could be. If there are IEP goals and objectives, [the EED's] focus is for those objectives to be based on standards. If a student does not pass the tenth-grade competency exam, the IEP team looks at that information and determines whether continuing to take the regular assessment with or without accommodations is appropriate or whether an alternative process that could include modifications [is appropriate].

CHAIR BUNDE remarked that he understands the goals in theory; however, he is afraid that in practical realities there are kids who are condemned to mediocrity because modifications would reduce expectations.

Number 1700

REPRESENTATIVE STEVENS asked again, for clarification, if an IEP team could require a lower score.

MR. MALONEY answered yes.

REPRESENTATIVE WILSON stated that to be fair to the special-education students, the test shouldn't be made easier for them. If the standards are kept the same, then it is up to the school to work extra hard to bring [the special-education] students up to their highest level. By lowering [the score], it is allowing the schools to say that they don't have to work as hard to bring those students up because they only have to be at a [lower level]. She said it is important to be fair to two different sets of students: the students who have to pass the test without accommodations and the special-education students.

CHAIR BUNDE remarked that he has heard this from many parents of special-needs children. They want the standards kept high, and they want their children brought up to the standards; they don't want the standards lowered to their children. He added that this puts pressure on the schools, the parents, and the students.

REPRESENTATIVE WILSON stated that it is necessary to be careful with the amount of changes to the test that are allowed.

CHAIR BUNDE responded that the law is very clear - it requires accommodations. He remarked that he is concerned with allowing modifications.

Number 1858

REPRESENTATIVE COGHILL asked, if students go through high school with an IEP and move from secondary education to postsecondary education, whether they are still working off an individual education plan.

MR. MALONEY answered that most postsecondary universities have programs for students with disabilities, which could include modifications or accommodations in the classroom.

REPRESENTATIVE COGHILL asked if this would be substantially similar to an IEP.

MR. MALONEY responded that it would not be, but that he is not as familiar with postsecondary education as he is with secondary.

REPRESENTATIVE COGHILL asked if a postsecondary education plan would require a diploma.

MR. MALONEY answered that he would think so, depending on the postsecondary institution. He added that most trade schools require either a GED [general equivalency diploma] or high school diploma.

REPRESENTATIVE COGHILL asked if [acceptance] would not be based on demonstrated ability, but on a diploma.

MR. MALONEY replied that he believes the diploma is the standard that most people would use. He added that most people review

the high school transcripts in order to see what the performance level was when getting the diploma.

REPRESENTATIVE COGHILL asked if the transcript level was sufficient to demonstrate competency and whether the student would be accepted, notwithstanding a diploma.

MR. MALONEY answered that he is not aware of alternative entrance requirements.

REPRESENTATIVE COGHILL explained the reason for asking the question. He stated:

We're trying to get a diploma where it says everybody is the same. When things are different, they're not the same. We have, certainly, individual education plans that deal with people with disabilities; that's called special education. There's certainly a great majority of those that could probably get this diploma in competency testing, but there ... are going to be some that can't. There's a significant dissimilarity, and we're trying to fit them into this diploma. ... I'm just wondering if trying to get them a diploma is so important as really trying to find out what they're capable of doing.

Number 2020

CHAIR BUNDE stated his understanding that Representative Dyson has the opinion that the lack of a diploma has virtually no impact on one's total life. He noted that all of the University of Alaska branches have open admissions; one does not need a diploma. He stated that the irony for students who aren't able to get [an Alaskan] diploma is that in order to go to a university or college, one must take a placement test. Therefore, those students will have challenges. He said the remediation at college is non-credit, costly, and not very successful. He added that from his observation "we" want to make everybody equal, but obviously we can't do that. There should be, he said, a minimum standard for everyone. Hopefully people will go far beyond that minimum, depending on their own ambition and abilities.

REPRESENTATIVE GREEN stated:

We're looking at some way to make special education children acceptable in society. And so we make

accommodations for them and then we have this thing called a diploma. In society there are those who can't attain that degree of education - they just can't learn that - and there are those who won't. We don't make special dispensations for those who won't; they can, they just decide not to. But now we are trying to force-feed those who can't, in saying that because of doing this, or that, or lowering standards, or making special dispensations, they have achieved this, and then they'll go out and conquer the world. And I think that does a tremendous disservice to that child.

I think it is far better to say that ... there are certain measures as the education process goes along. They can't spell. Well, then, they finally learn to spell, and so they've accomplished that - maybe far below what's necessary for the diploma, but they have accomplished something. Those kinds of rewards, certainly, we all think those are essential to let that child know that they are escalating up the ladder. But to ... now say that you jumped this bar is a disservice to them and society. So I think what most of us are saying is we shouldn't change the standards for them; we should make every effort to make them available to accomplish that. But don't lower the standards because they then are going to have a false sense of accomplishment.

REPRESENTATIVE GREEN asked if this is going to fit with what [the EED] is working on as far as the state standards.

Number 2179

MR. MALONEY responded that he thinks everyone's goal is to hold kids to high standards and to ensure that the instructional program is standards-based. He stated that there are students with disabilities who are not going to pass the test. The tension that comes in, he said, is whether or not kids with disabilities are being unfairly penalized because they have a disability. He stated that he believes having a standards-based curriculum provided in their instructional programming and allowing the IEP teams to make determinations based on the instructional program can help maintain those standards.

REPRESENTATIVE GREEN shared that as a freshman in high school he became disabled. He stated that he had wanted to be a jet

pilot. He asked if he should have been allowed, since he lost his right eye, to have been given a different test than the other pilots. He also asked if the focus for special education should be on an area in which they can succeed.

MR. MALONEY replied that "we" want what's best for the kids and to give them every opportunity to fulfill their potential.

REPRESENTATIVE DYSON remarked that [Version B] indicates eight or nine different reports that the [EED] should get from the individual schools and then give to the legislature. He said it seemed to him that they came in two broad categories. One is in the reports that demonstrate what's going on with the children, and the other one is the work that the school district is doing in a remedial fashion. He asked if [the EED] would get any useful information from the second category.

Number 2328

MR. JOHNSON responded that he thinks times are changing and that school districts recognize the need for accountability. To date, he said, there hasn't been a lot of accountability. [The EED] gives the money to the local level and says, "Do good work with the young people." He stated that he thinks there will be improvement in the districts in providing evidence for each of the required reporting pieces.

TAPE 01-21, SIDE A  
Number 0070

CHAIR BUNDE stated that it is his understanding under the Senate version that a person with an IEP can get a diploma without passing the competency test.

MR. JOHNSON remarked that he was correct.

CHAIR BUNDE stated that under existing regulations if a student is under an IEP and still doesn't complete all of the existing requirements, he or she is denied a diploma. Therefore, he said, under the new [Version B], if a student with an IEP doesn't complete all of the requirements, that student could also be denied a diploma.

MR. MALONEY remarked that this is his understanding as well.

Number 0171

REPRESENTATIVE GUESS made a motion to adopt Amendment 1, which read:

Section 3

(c) A student shall receive an endorsement on the student's diploma and transcript identifying the areas of the examination successfully passed.

(2) 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 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 USC 794 that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the board; and

(3) The department shall by regulation establish "alternative assessment program" and uniform standards and processes in creating an alternative assessment program.

REPRESENTATIVE GUESS stated that she thought it was appropriate to offer an amendment that is similar to the Senate version in order to make a conscious decision about what approach to take with children with disabilities.

CHAIR BUNDE objected.

REPRESENTATIVE GUESS explained that she thought [the committee] might have overlooked that every child with a disability should be required to take the examination. The other problem she said she had with the House version is that having portfolios puts in statute something that is very narrow, instead of allowing the regulation process to define what an alternative assessment program is. She added that there may, over time, be other assessments that are meaningful and appropriate. She clarified that her amendment does two things regarding the Senate version. She said she kept the broad language that the IEP can determine alternative assessment programs and added the sideboard "that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the

board". She explained the reason for that is because of the concern regarding the broad range of students with disabilities.

REPRESENTATIVE GUESS stated that the goal is to get all of these children up to the competency standards, and that she didn't feel the Senate bill's language was strong enough. She remarked that there is a group of students being discussed who are not going to [reach the standard]. The discussion is whether or not a diploma should be given to those students because they can reach a high standard at a lower rate. On the flip side, she asked, "Should students be denied a diploma who really have met the highest standard that they could have met?" Finally, she explained that the third part of her amendment would put into regulation what an alternative assessment program is.

CHAIR BUNDE stated that in response to his objection he would ask, "What does a diploma mean? Does it mean someone has basic literacy?" He said as he reads the amendment, people would be given a diploma indicating they have a basic literacy when they do not. He added that while his goal is not to make life more difficult for students, he doesn't think it makes life more simple for them if they receive a piece of paper that says they can read if they cannot.

REPRESENTATIVE GUESS responded that the Senate version in some ways shifts that discussion to the endorsements. A student would not receive an endorsement even though he or she may have received a diploma. She stated that employers may be trained to ask about the endorsements. For example, a person could be applying for a job for which reading is not a significant portion of the job.

Number 0678

REPRESENTATIVE STEVENS stated that he supports the amendment; however, he is concerned that continuing with [Version B] might disallow the majority of special-education students from ever getting a diploma.

REPRESENTATIVE GREEN asked, if a child does not get a diploma because of a disability, whether a prospective employer would better know what a person's limitations are through certification.

REPRESENTATIVE GUESS responded that in either case, employers are going to be retrained. Either they will have to understand what a certificate of achievement means or they will have known

what the endorsements on a diploma mean. She stated that if the employer knows that these endorsements exist, then he or she should ask [to see them]. The purpose of this amendment, she stated, relates to whether or not children with disabilities are being treated unfairly.

REPRESENTATIVE JOULE stated that in order to pass the reading test, a person has to be able to read. However, in order to pass, the person must also be able to understand. He remarked that there are times when a student may have trouble reading, but once the questions are read to him or her, the student has comprehension and retention. He stated that employers should know this as well.

Number 1012

CHAIR BUNDE stated that he has worked in special education, and the classes were divided into groups. He said the students, very quickly, knew who the slow students were. He explained that a diploma without endorsements would be a special-education diploma. He reminded the committee that parents have said that they don't want the standards brought down to their special-needs children; they want their children brought up to the standards.

REPRESENTATIVE WILSON stated that she doesn't think there should be adjustments so that every special-education student gets a diploma, because there are going to be kids who are not in special education and are not going to get a diploma. She asked how fair it is for everyone in special education to get a diploma while some of the other kids will not.

REPRESENTATIVE GUESS responded that she was correct. She stated that the IEP team might set standards and the child won't meet those standards or get a diploma. She clarified that this doesn't guarantee that every child with a disability will get a diploma. She added that she agrees with Chair Bunde that every parent with a child with a disability wants their child to reach the same standards as everyone else. However, she said, the question hasn't been asked whether parents whose children can't reach the standard want their children to be denied a diploma.

Number 1150

A roll call vote was taken of House Special Committee on Education members. Representatives Stevens, Joule, and Guess voted in favor of the Amendment 1. Representatives Green,

Wilson, and Bunde voted against it. [Representative Porter was absent.] Therefore, Amendment 1 failed by a vote of 3-3.

[SB 133 was held over in the House Special Committee on Education.]

#### **ADJOURNMENT**

The joint meeting of the House Special Committee on Education and the House Health, Education and Social Services Standing Committee was recessed at 10:00 a.m. to a call of the chair.