

**ALASKA STATE LEGISLATURE  
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES  
STANDING COMMITTEE**

April 10, 2001

3:08 p.m.

**MEMBERS PRESENT**

Representative Fred Dyson, Chair  
Representative John Coghill  
Representative Gary Stevens  
Representative Sharon Cissna  
Representative Reggie Joule

**MEMBERS ABSENT**

Representative Peggy Wilson, Vice Chair  
Representative Vic Kohring

**COMMITTEE CALENDAR**

HOUSE BILL NO. 142

"An Act relating to the Alaska temporary assistance program; and providing for an effective date."

- MOVED CSHB 142(HES) OUT OF COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 14

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 133, relating to high school competency testing.

- MOVED HCR 14 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 133(HES) am

"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."

- MOVED HCS CSSB 133(HES) OUT OF COMMITTEE

HOUSE BILL NO. 180

"An Act requiring child services providers to obtain criminal background checks for child services workers."

- BILL HEARING POSTPONED TO 4/19

HOUSE BILL NO. 197

"An Act relating to directives for personal health care services and for medical treatment."

- BILL HEARING POSTPONED TO 4/17

**PREVIOUS ACTION**

BILL: HB 142

SHORT TITLE:AK TEMP. ASSISTANCE PROGRAM AMENDMENTS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
02/23/01	0414	(H)	READ THE FIRST TIME - REFERRALS
02/23/01	0414	(H)	HES, FIN
02/23/01	0414	(H)	FN1: ZERO(HSS)
02/23/01	0414	(H)	GOVERNOR'S TRANSMITTAL LETTER
03/22/01		(H)	HES AT 3:00 PM CAPITOL 106
03/22/01		(H)	Heard & Held MINUTE(HES)
03/27/01		(H)	HES AT 3:00 PM CAPITOL 106
03/27/01		(H)	Moved CSHB 142(HES) Out of Committee MINUTE(HES)
03/29/01		(H)	HES AT 3:00 PM CAPITOL 106
03/29/01		(H)	Scheduled But Not Heard
04/10/01		(H)	HES AT 3:00 PM CAPITOL 106

BILL HCR 14

SHORT TITLE:HCR 14-SUSPEND UNIFORM RULES FOR SB 133

SPONSOR(S): REPRESENTATIVE(S)BUNDE

Jrn-Date	Jrn-Page		Action
04/05/01	0860	(H)	READ THE FIRST TIME - REFERRALS
04/05/01	0860	(H)	HES, FIN
04/10/01		(H)	HES AT 3:00 PM CAPITOL 106

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 -

			REFERRALS
03/09/01	0598	(S)	HES, FIN
03/09/01	0600	(S)	HES WAIVED PUB HEARING 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 MINUTE(HES)
03/16/01		(S)	HES AT 0:00 PM BELTZ 211
03/16/01		(S)	Moved CS(HES) Out of Committee MINUTE(HES)
03/20/01	0732	(S)	HES RPT CS 5DP NEW TITLE
03/20/01	0732	(S)	DP: GREEN, LEMAN, WILKEN, WARD, DAVIS
03/20/01	0732	(S)	FN1: (EED)
03/26/01		(S)	FIN AT 6:00 PM SENATE FINANCE 532
03/26/01		(S)	Moved CS(HES) Out of Committee MINUTE(FIN)
03/27/01	0819	(S)	FIN RPT CS(HES) 6DP 1NR
03/27/01	0819	(S)	DP: DONLEY, KELLY, HOFFMAN, 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 UNAN CONSENT
03/28/01	0841	(S)	READ THE THIRD TIME CSSB 133(HES) AM
03/28/01	0841	(S)	PASSED Y19 N- E1
03/28/01	0841	(S)	EFFECTIVE DATE(S) SAME AS 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 203
03/29/01	0767	(H)	READ THE FIRST TIME -

			REFERRALS
03/29/01	0767	(H)	EDU, HES, FIN
04/02/01		(H)	EDU AT 8:00 AM HOUSE FINANCE 519
04/02/01		(H)	Heard & Held
04/02/01		(H)	HES AT 8:00 AM HOUSE FINANCE 519
04/02/01		(H)	Joint with EDU MINUTE(EDU) MINUTE(HES)
04/04/01		(H)	EDU AT 8:00 AM HOUSE FINANCE 519
04/04/01		(H)	Moved HCS CSSB 133(EDU) Out of Committee
04/04/01		(H)	HES AT 8:00 AM HOUSE FINANCE 519
04/04/01		(H)	Joint with EDU -- Meeting continued from 4/2/01 MINUTE(EDU) MINUTE(HES)
04/05/01	0858	(H)	EDU RPT HCS(EDU) NT 2DP 1DNP 1NR 2AM
04/05/01	0858	(H)	TITLE CHANGE PENDING HCR 14
04/05/01	0859	(H)	DP: PORTER, BUNDE; DNP: WILSON;
04/05/01	0859	(H)	NR: STEVENS; AM: GUESS, JOULE
04/05/01	0859	(H)	FN1: (EED)
04/05/01		(H)	HES AT 3:00 PM CAPITOL 106
04/05/01		(H)	Heard & Held
04/05/01		(H)	MINUTE(HES)
04/10/01		(H)	HES AT 3:00 PM CAPITOL 106

**WITNESS REGISTER**

JIM NORDLAND, Director  
 Division of Public Assistance  
 Department of Health & Social Services  
 PO Box 110640  
 Juneau, Alaska 99811  
 POSITION STATEMENT: Testified on HB 142.

NICOLE NELSON  
 1016 West 6th Avenue  
 Anchorage, Alaska 99501  
 POSITION STATEMENT: Testified on HB 142 that Version J takes  
 care of her concerns.

KAREN McCARTHY, Staff  
to Representative Con Bunde  
Alaska State Legislature  
Capitol Building, Room 501  
Juneau, Alaska 99801  
POSITION STATEMENT: Testified on behalf of sponsor of HCR 14.

DEBBIE OSSIANDER, Member  
Anchorage School Board  
PO Box 670772  
Chugiak, Alaska 99567  
POSITION STATEMENT: Testified on SB 133.

LOUISE PARISH  
PO Box 1182  
Valdez, Alaska 99686  
POSITION STATEMENT: Testified on SB 133.

THOMAS GARRETT  
1604 Marika Road  
Fairbanks, Alaska 99709  
POSITION STATEMENT: Testified on SB 133.

ED McLAIN, Assistant Superintendent  
Kenai Peninsula Borough School District  
148 North Binkley  
Soldotna, Alaska 99669  
POSITION STATEMENT: Testified on SB 133.

ROBERT SAM, Parent  
PO Box 6113  
Sitka, Alaska 99835  
POSITION STATEMENT: Testified on SB 133.

REPRESENTATIVE CON BUNDE  
Alaska State Legislature  
Capitol Building, Room 501  
Juneau, Alaska 99801  
POSITION STATEMENT: Testified 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 99501  
POSITION STATEMENT: Answered question on SB 133.

**ACTION NARRATIVE**

TAPE 01-43, SIDE A  
Number 0001

CHAIR FRED DYSON called the House Health, Education and Social Services Standing Committee meeting to order at 3:08 p.m. Members present at the call to order were Representatives Dyson, Coghill, Stevens, and Cissna. Representative Joule joined the meeting as it was in progress.

HB 142-AK TEMP. ASSISTANCE PROGRAM AMENDMENTS

CHAIR DYSON announced that the first order of business would be HOUSE BILL NO. 142, "An Act relating to the Alaska temporary assistance program; and providing for an effective date."

Number 0121

CHAIR DYSON stated that in working with [the Department of Health & Social Services, the legislature] has come up with an interim solution that changes the law slightly. It does not deal the problem concerning the minimum number of people who would be eligible [for Alaska temporary assistance] after five years, which was in the initial legislation.

REPRESENTATIVE JOULE made a motion to adopt the proposed committee substitute (CS) for HB 142, version 22-GH1023\J, Lauterbach, 4/2/01, as a work draft. There being no objection, Version J was before the committee.

Number 0209

JIM NORDLAND, Director, Division of Public Assistance, Department of Health & Social Services (DHSS), came forth and stated that [the Division of Public Assistance] has "learned to live with this version of the bill" and is willing to move forward with it. He stated that the primary reason for introducing the governor's original legislation was to deal with the issue of people who would be exempt from the five-year limit. That is an issue, he said, that still needs to be dealt with - probably in a separate piece of legislation next year. He added that it is important to move forward with the rest of the bill, particularly with regard to the issue around the two-parent family benefit cut in the summer months.

CHAIR DYSON added that at [the committee's] request resulting from testimony from a family that had a profoundly disabled child and one [parent] who had to stay home, [DHSS] has come up with language that fixes similar problems.

NICOLE NELSON testified via teleconference that she did not have Version J; therefore, she was unable to make certain that what she testified about previously had been [addressed].

REPRESENTATIVE JOULE explained to Ms. Nelson that the language now reads:

(c) The department shall, for the months of July, August, and September, reduce by 50 percent the maximum assistance for which the family [is] otherwise eligible if the family's eligibility for assistance is based on [AS 47.27.010(4)], unless the second needy parent is determined, under regulations of the department, to be physically or mentally unable to perform gainful activity or to be providing care for a child who is experiencing a disability

MS. NELSON responded that that takes care of her concerns.

Number 0447

REPRESENTATIVE JOULE made a motion to move the CS for HB 142, version 22-GH1023\J, Lauterbach, 4/2/01, from committee with individual recommendations and the attached zero fiscal note. There being no objection, CSHB 142(HES) moved from the House Health, Education and Social Services Standing Committee.

HCR 14-SUSPEND UNIFORM RULES FOR SB 133

CHAIR DYSON announced that the committee would hear HOUSE CONCURRENT RESOLUTION NO. 14, Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 133, relating to high school competency testing.

Number 0500

KAREN McCARTHY, Staff to Representative Con Bunde, Alaska State Legislature, came forth on behalf of the sponsor of HCR 14. She stated that the reason for HCR 14 is that there was a title change from the Senate version [of SB 133] and the version passed out of the House Special Committee on Education. This

change was necessary because [the House Special Committee on Education] included in the bill the report that requires the various quality school indicators. She explained that the Uniform Rules say that there cannot be a title change when a bill moves from one house to another without suspending the Uniform Rules.

Number 0612

REPRESENTATIVE JOULE made a motion to move HCR 14 from committee with individual recommendations. There being no objection, HCR 14 moved from the House Health, Education and Social Services Standing Committee.

SB 133-PUBLIC SCHOOL COMPETENCY EXAM

CHAIR DYSON announced that the committee would hear CS FOR SENATE BILL NO. 133(HES) am, "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." Before the committee was HCS CSSB 133(EDU); several amendments had been adopted, and others had been discussed during the hearing on 4/5/01.

Number 0415

DEBBIE OSSIANDER, Member, Anchorage School Board (ASB), testified via teleconference. She stated that [the ASB] supports and appreciates the waiver in Section 2 by the governing body. This recognizes that there will be specific regulations from the Department of Education and Early Development (EED) and that there will be interest in the legislature to see how that develops. She said [the ASB] particularly appreciates the recognition of kids who move into the district late in their high school careers. Regarding Section 3, she stated that [the Anchorage School District's] special education department has some significant concerns with portfolio assessments demonstrating mastery of state performance standards. [The ASB] would prefer this to be an alternative for IEP (individual education program) teams to consider, if it were determined that taking the exit exam with accommodations would not be appropriate.

MS. OSSIANDER stated that at this time the state is utilizing as a pilot program an alternative assessment, which involves portfolios of demonstrated work for students with significant

disabilities. She said [the ASB] is finding this process very difficult and extremely time-consuming, and believes that expansion of the portfolio will be cumbersome and extremely difficult to develop at school sites and to evaluate appropriately. The [Anchorage School District's] special education department believes that this will be an incredible burden for special-education teams to manage and that there will be questionable benefit for the students.

Number 0852

MS. OSSIANDER said [the ASB] agrees that many students with disabilities will eventually be able to pass the qualifying exam but that some students will not be able to achieve at this level. Both the original SB 133 and [Representative Steven's] proposed amendment [Amendment 6, labeled Amendment 8 in packets, offered 4/4/01] would call for empowering the IEP teams to determine appropriate assessment under [EED] guidelines, which [the ASB] supports. However, [the ASB] is concerned that IEP teams may experience pressure and be swayed to modify the assessments to help ensure success or to identify increasing numbers of students who are said to need alternative assessments. She stated that [the ASB] would propose an additional safeguard for a district review team to be included in order to ensure high standards for all students.

CHAIR DYSON asked if [the ASB] wants students with IEPs to demonstrate by whatever means competency of the unmodified test.

MS. OSSIANDER replied that [the ASB] would like students to demonstrate mastery; however, [the ASB's] understanding is that there might be some legal risk if IEP teams are not allowed the ability to determine whether alternative assessments could lead to a diploma. [The ASB] would be happy with allowing the IEP teams to do this, but has some concern that there will be increasing pressure from families to have their children qualify for special-education and IEP-team services. She added that [the ASB] also feel that there is going to be pressure on the IEP teams to relax standards in order to make sure that kids can get a diploma.

Number 1015

CHAIR DYSON asked if [the ASB] wants the test changed and the IEP teams to be isolated from pressure to reduce the standards.

MS. OSSIANDER answered yes, [the ASB] would like to work in that direction.

CHAIR DYSON asked if [the ASB] has language that would do that.

MS. OSSIANDER responded [the ASB] has a proposal. She noted that there is already the safety of the [EED's] instituting regulations and procedures to govern how much flexibility the IEP team has. She stated that [the ASB] would urge, in addition, that there be a district review team that would keep a watchful eye on the IEP teams in order to monitor compliance with these regulations.

Number 1070

MS. OSSIANDER continued, stating that in Section 4, regarding the report that the EED provides, [the ASB] is concerned with the amount of paperwork that each individual school is asked to do. Having a school prepare a report detailing how the curriculum is aligned is a difficult task to put on a site. She stated that [the ASB] would ask for a little more flexibility in preparing that report at the district level. Finally, she asked if the intent in Section 5 is for the annual public meeting to be held at the time of the regular school report card meeting.

CHAIR DYSON stated that Representative Bunde had nodded in response to Ms. Ossiander's question.

MS. OSSIANDER asked if the committee has talked at all about how to deal with a student who comes into the district with limited English proficiency and whether the waiver process could cover those students.

Number 1185

LOUISE PARISH testified via teleconference and stated that her main reason for testifying is to make sure that no amendments are passed that will lower standards for the learning-disabled community. She said if [the bill] passes, with no amendments, she is concerned with page 3, line 4, which states, "This subsection does not apply to a student who is a child with a disability if the student's individualized education program team recommends that the student not be retested." She said her concern is that this will skew statistics. She remarked that she is still uncertain whether the portfolio is designed for the really cognitively disabled or for all special-education kids. She said she is concerned that there is teacher "scaffolding"

and about whether the portfolio is actually a portrayal of that student's mastery or is work that has been completed with assistance.

MS. PARISH concluded by stating, in reference to Section 4, that it would be helpful to have in the report the total number of kids who were eligible to take the test.

Number 1301

REPRESENTATIVE COGHILL remarked that [Ms. Parish] made an interesting point on the difference between alternative and alternate. He asked Ms. Parish to give a better background of the terms.

MS. PARISH responded that she understands that the alternate assessment is designed for the severely cognitively disabled kids. She mentioned that she has been waiting for people to come up with ways for IEP teams to get creative when developing IEP diplomas. She stated that she sees the alternative program as opening up the door to no change for these kids, and she does not support it. She clarified that she fully supports the alternate plan - the way it is right now - whereby kids are able to get a diploma with accommodations, without accommodations, or in an alternate assessment.

Number 1405

REPRESENTATIVE JOULE asked how Ms. Parish feels about Ms. Ossiander's suggestion of having a district review team.

MS. PARISH responded that she does not support that. She stated that she doesn't think that those who will sign up for that quality team will really have the in-depth knowledge to address those problems or to take any sort of corrective action.

Number 1476

THOMAS GARRETT testified via teleconference on behalf of himself. He read to the committee a letter he wrote. He stated:

I wanted to applaud the state legislature for trying to improve education standards for all students in Alaska. However, the statewide exit exam, I feel, is just a tad premature and needs to be refined and implemented a little bit more slowly as to not hurt

the future of all Alaska students. As I have been following this issue, because I'm a concerned parent, the reading scoring is a little too low and the mathematic scoring is much too high. Actually, there are no remedial classes here in Fairbanks at the high school level, adult center, library, or University of Alaska for the test as they are administered for the reading, writing, or even the mathematics. The general educational development exam, which people can take if they are actually divorced from the whole school system, which covers mathematics, social studies, science, reading, and writing skills, should be considered as an alternative to the Alaska statewide exit exam. For those students who have already passed all of the test, they should be given a gold ribbon high school diploma with no questions asked. Therefore, at this time I support the passage of SB 133 until refinements and remedies can be incorporated.

MR. GARRETT remarked that he would like to see somebody who is in charge pass out a sample test. He stressed that as a parent he is concerned and he does not have any guidelines to help his daughter or his niece because [no one] has given him anything. He shared that his daughter and his niece are both juniors in high school and have both taken the exam three times. The first time, they passed the reading; the second time, they passed the writing; and they are waiting for the results on the mathematics. He said that uncomfortable decisions are forced on the family unit [as to what classes their children should take]. He concluded by saying that he knows there are resources in Fairbanks but he doesn't think people are putting in any extra effort.

Number 1808

ED McCLAIN, Assistant Superintendent, Kenai Peninsula Borough School District (KPBSD), testified via teleconference. He stated that the bill needs to address not only the students covered by the IDEA (Individual Disability Education Act), but also those students that have 504 plans. He said the bill, as it is currently written, speaks to a portfolio of works, and [the KPBSD's] preference is to speak to alternatives and then allow the portfolio as one type, rather than as prescribed. As for modifications, if a student with a disability has it built in to his or her IEP, learns, for example, how to use a calculator accurately and appropriately, meets the expectation,

and then is forced to take an exam without that modification, there seems to be an unfairness that doesn't meet with the intent of the testing program.

MR. McCLAIN pointed out to the committee a safeguard that can be built in for accountability. He stated that page 5, line 23, addresses a report that has to be made to the public and to the legislature. Right now the report talks about including the number of graduates with waivers. He said it would seem that if the number of students who graduate through alternatives was included in the report and the [EED] was directed to look into those, there would be accountability.

Number 2021

MR. McCLAIN remarked that the current bill states that students who transfer to a public high school in the state shall receive a diploma if they pass the competency exam in the state from which they transferred. He explained that this will solve the problem for the students who transfer from the approximately 17 states that have competency exams. He added that it raises the issue of a variety of different bars that are out there. He stated that he is concerned that this is a potential door that's open for students from states that have the exam, but it doesn't help the students who come from the other 34 [states]. He concluded that he would like to know the intent [at which point in high school] transfer-students are allowed waivers.

Number 2094

ROBERT SAM came forth as a parent and stated that he is in opposition of SB 133. He shared with the committee:

I was raised in Alaska during a time when our [Native] culture and our heritage were almost gone. The language and the history of our people were not being taught to students. ... I recall, during that period in time ... a lot of Native students going through the school districts had very low self-esteem and had a lot of problems in school. ... I did not have a very good experience in the school district. I did have some problems at home, and the teachers and the educators at the time didn't recognize my problems, didn't recognize the social issues that I had while I was going to school - except for one teacher. One teacher started spending time with me. ... The teachers at the time ... had the impression that I was

stupid. This teacher recognized that I was not stupid.

... Contributions that we have made to this society [have] allowed this society to grow. I am a contributing member of this society, and I base my testimony on how strong I am in my culture and my heritage. It is shown that when our culture and our heritage [are] reintroduced back into our culture, the level of suicide goes down; our people become active members of this society. I am a storyteller; I preserve history and I share that with our young people. In sharing that with our people, it allows them to realize that as Alaska Natives they have something that they can contribute and that they can ... contribute a part of their history at school. That's very, very important for [young people who are] going to school and get up and introduce themselves - sometimes in their own language. And once they introduce themselves like that, they become proud; and then when they become proud, they start to improve in math, in English, in history and they really become active members of this society. I am very good at speaking English because I am very good at speaking my own language and knowing my history.

... To take away this heritage from our young people is going to reintroduce suicide, drugs, [and] alcohol back into our society because we have nothing to replace them. We really need to have this history in our schools, and we really need to be open to new, innovative ideas. ... This bill is going to prevent a lot of students [from] reaching their potential.

Number 2341

CHAIR DYSON expressed that all the bills [that the legislature] passes and all the money will never do as much as one gifted, caring teacher can.

TAPE 01-43, SIDE B

REPRESENTATIVE CISSNA made a motion to adopt Amendment 3, [which she had offered and then withdrawn at the hearing on 4/5/01]. Amendment 3 read:

Page 2, line 5:

Delete "sec. 7"  
Insert "sec. 4"

Page 2, line 13, through page 4, line 12:

Delete all material and insert:

"\* **Sec. 2.** AS 14.03.075, added by sec. 1, ch. 58, SLA 1997, is repealed and reenacted to read:

**Sec. 14.03.075. Academic standards for high school graduation.**

(a) Before graduating from high school, each student is required to

(1) be tested in a graduation examination in the areas of reading, English, and mathematics; and

(2) meet academic requirements established by the state and the governing body.

(b) The department shall determine the form and contents of the graduation examination and shall score completed examinations.

(c) Based on the results of the graduation examination, each student receiving a high school diploma shall receive an endorsement on the diploma as follows:

(1) a student who exhibits proficiency in mathematics - a mathematics endorsement;

(2) a student who exhibits proficiency in reading - a reading endorsement;

(3) a student who exhibits proficiency in writing - a writing endorsement; and

(4) a student who is not eligible for an endorsement under (1) - (3) of this subsection - and endorsement consisting of the Alaska flag symbol.

(d) The department shall establish by regulation uniform standards for awarding and endorsement required under (c) of this section."

Renumber the following bill sections accordingly.

Page 5, line 9, through page 6, line 15:

Delete all material.

Renumber the following bill sections accordingly.

Page 7, lines 8-29:

Delete all material.

Renumber the following bill sections accordingly.

Page 7, line 30:

Delete "except as provided in sec. 11 of this Act, this"

Insert "This"

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE CISSNA stated that this amendment separates the diploma from the benchmarks and the school reports. It allows a student to graduate from high school having earned a diploma based on the academic standards. She remarked that in 1997, when this was passed, the goal was to have accountability for the schools; to have tools for the teachers, the parents, and the students; and to have workers that were ready for the workplace. However, what has been learned during the years since then is that the benchmarks have in fact shown that there are better ways to teach. States that are putting laws like this into place are finding that high stakes exams are problematic. There's a real problem with unfairness in having it linked to the diploma itself.

REPRESENTATIVE CISSNA remarked that part of this has been fixed in the new version of this bill, but some of the important issues can't be fixed because there is a whole range of skills that are required for the workplace that can't be tested. She stated that most people keep their jobs because they can get along with people or have good work skills. Having passed the test may get a person the job, but it won't keep [the job].

Number 2234

REPRESENTATIVE CISSNA continued, stating that by making [the exam] difficult for students with learning disabilities causes these students to be lost. For example, she said, Einstein couldn't talk until he was nine years old. She stated that great thinker after great thinker falls into the category of learning-disabled. They go out into the workplace, and because they are overachievers, they "burn up" whatever profession they go into. She stated that she thinks the benchmarks and the reports to the schools are extremely important, but that "the students themselves need to be taken out of the equation as hostages in this."

REPRESENTATIVE JOULE remarked that at the teacher [job] fair in Anchorage there were fewer teachers than there were number of openings. He stated that oftentimes the new teachers coming into the districts are not familiar with the standards, and it's the kids who are ultimately paying a steep price.

Number 2100

A roll call vote was taken. Representatives Cissna, Joule, and Wilson voted in favor of adopting Amendment 3. Representatives Coghill, Stevens, and Dyson voted against it. [Representative Kohring was absent.] Therefore, Amendment 3 failed by a vote of 3-3.

Number 2090

REPRESENTATIVE JOULE made a motion to adopt Amendment 6 [labeled Amendment 8 in packets, offered on 4/5/01 by Representative Stevens but not adopted or voted on]. Amendment 6 read [original punctuation included]:

Page 2, following line 12:

Insert a new subsection to read:

"(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program team's inappropriate lowering of individualized education program goals and objectives for the purpose of providing a diploma to a student who has not achieved the state performance standards to the maximum practicable and take appropriate corrective action."

Page 3, lines 10-19:

Delete all material and insert:

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes and [sic] alternative assessment program required by the student's individualized program or

required in the education plan developed for the student under 19 U.S.C. 794; alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;"

Page 4, following line 7:

Insert new subsections to read:

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

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

Page 7, lines 16-18

Delete

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE JOULE stated that he offers this in the hopes that the committee will deal with the modifications and alternative assessments for those students with IEPs.

REPRESENTATIVE WILSON asked for a summarization of the amendment.

REPRESENTATIVE JOULE explained that this would allow students who have IEPs and cognitive learning disabilities to get a modified exam or an alternative assessment.

Number 2030

REPRESENTATIVE DYSON clarified that an accommodation provides a student something that would help offset the disability, that an alternative assessment is a different way of finding out if the student has mastered the material, and that a modification changes the content of the test. He added that he understood that everyone had agreed on providing accommodations for kids

with disabilities and that in the rare and unusual situation a child's disability can be assessed by an alternative method in order to find out if he or she is competent with the same body of information.

REPRESENTATIVE JOULE remarked that through this whole debate the discussion has always been in terms of high stakes as well as high standards. The previous amendment [Amendment 3] dealt with high standards, which give the school districts the ability to work on the standards and for the students to achieve them. That amendment having failed, he has offered this amendment for consideration.

Number 1941

REPRESENTATIVE CON BUNDE, Alaska State Legislature, speaking as the chair of the HEDU committee, remarked that he thinks [Amendment 6] would allow modifications for anybody with an IEP, not just those students who are severely cognitively impaired. He said, "Ms. Ossiander suggested that there be a group from the district to support and be watchdogs; however, if the school districts are doing everything they ought to be doing, we wouldn't be here talking about high standards because we'd already have them." He noted that modifications, as Ms. Parish testified, would bring the test down to the student instead of the student up to the test. He added that McGraw Hill said it could not legally defend a modified test.

REPRESENTATIVE DYSON, in response to Representative Bunde's remarks, stated that he doesn't think any district would end up with as many tests as IEP students.

REPRESENTATIVE WILSON asked whether this amendment would mean if the IEP doesn't work, [the exit exam] could be modified.

REPRESENTATIVE JOULE answered yes.

REPRESENTATIVE WILSON asked if a person could then use a calculator, if needed.

REPRESENTATIVE JOULE answered yes.

Number 1829

REPRESENTATIVE STEVENS stated that he has some problems with several issues that are addressed in the amendment. He said he is going to vote against it because the major issue that has

been added to the bill is the two-year delay, which allows time to see exactly what happens in the next two years and how many students are able to pass the test.

REPRESENTATIVE CISSNA asked if this would affect English-as-a-second-language students.

BRUCE JOHNSON, Deputy Commissioner of Education, Office of the Commissioner, Department of Education and Early Development, answered that this does not address students with limited English proficiency. Potentially, the waiver process could do that.

REPRESENTATIVE WILSON asked what this amendment does that [Representative Cissna's Amendment 3] doesn't.

MR. JOHNSON responded that there would be an alternate assessment. For example, a student with a decoding disability who may never actually learn to read could still demonstrate some proficiency in the area of reading, such as comprehension. The IEP team would have the capacity of devising an instrument that would allow that student to demonstrate his or her capacity outside the disability. Another example is if a student has been introduced to a calculator as part of his or her IEP plan at the fourth grade and is now required to pass the exam; that student is going to have to be taught in a very different and quick way in order to successfully meet the demands of the mathematics portion of the high school qualifying exam. He said [the EED's] goal is for all students to be educated so that they can take the pencil-and-paper version of the exit exam. He added that right now there are a lot of students that may not have a fair "shake" if there are no adjustments. [The EED] would like the IEP teams to be able to make those adjustments and to decide on an individual basis.

CHAIR DYSON stated that someone could therefore get a diploma that indicated a reading skill, yet the person couldn't read. In the bill before [the committee] the test itself would not be modified, but the amendment would allow "relatively rare sorts of things." He asked Mr. Johnson if there is anything left that is "messy."

MR. JOHNSON replied that he thinks there are some concerns in the report section, but he thinks it can be straightened out.

Number 1512

A roll call vote was taken. Representatives Cissna, Joule, and Wilson voted in favor of Amendment 6. Representatives Coghill, Stevens, and Dyson voted against it. [Representative Kohring was absent.] Therefore, Amendment 6 failed by a vote of 3-3.

Number 1475

REPRESENTATIVE COGHILL made a motion to move the HCS CSSB 133(EDU), as amended, from committee with individual recommendations and the attached fiscal note. There being no objection, HCS CSSB 133(HES) moved from the House Health, Education and Social Services Standing Committee.

REPRESENTATIVE BUNDE commented:

In no way is this bill intended to demean anybody's self-esteem or any cultural group. As a matter of fact, when we first began working on this, back in 1996, a group of elders from Hoonah stopped by and they said, "Thank you very much for introducing this bill, because when our students now get a high school diploma, based on some standards across the state, it will do wonders for their self-esteem," because they'll know their education is equivalent to anyone who went to school in Juneau, or Anchorage, or any larger school.

[HCS CSSB 133(HES) was moved out of committee.]

#### **ADJOURNMENT**

There being no further business before the committee, the House Health, Education and Social Services Standing Committee meeting was adjourned at 4:20 p.m.