

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

May 7, 2001
9:07 a.m.

MEMBERS PRESENT

Representative Pete Kott, Chair
Representative Brian Porter
Representative Vic Kohring
Representative Carl Morgan
Representative Lesil McGuire
Representative Ethan Berkowitz
Representative Reggie Joule

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Con Bunde
Representative Gretchen Guess

COMMITTEE CALENDAR

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(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 210(JUD)
"An Act relating to the constitutional right to privacy."

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: SB 133
SHORT TITLE: PUBLIC SCHOOL COMPETENCY EXAM/REPORTS
SPONSOR(S): HEALTH, EDUCATION & SOCIAL SERVICES

Jrn-Date	Jrn-Page	Action
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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

03/28/01		(S)	MINUTE(RLS)
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 MINUTE(EDU)
04/02/01		(H)	HES AT 8:00 AM HOUSE FINANCE 519
04/02/01		(H)	Joint with EDU
04/02/01		(H)	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 MINUTE(EDU)
04/04/01		(H)	HES AT 8:00 AM HOUSE FINANCE 519
04/04/01		(H)	Met jointly with EDU -- Meeting continued from 4/2/01
04/04/01		(H)	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
04/10/01		(H)	Moved HCS CSSB 133(HES) Out of Committee MINUTE(HES)
04/10/01		(H)	MINUTE(HES)
04/12/01	0983	(H)	HES RPT HCS(HES) NT 2DP 2NR 2AM
04/12/01	0983	(H)	TITLE CHANGE PENDING HCR 14
04/12/01	0984	(H)	DP: COGHILL, DYSON; NR: STEVENS,
04/12/01	0984	(H)	WILSON; AM: JOULE, CISSNA
04/12/01	0984	(H)	FN1: (EED)
04/19/01		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/20/01		(H)	FIN AT 1:30 PM HOUSE FINANCE 519

04/20/01		(H)	<Bill Postponed>
04/21/01		(H)	FIN AT 10:00 AM HOUSE FINANCE 519
04/21/01		(H)	Heard & Held MINUTE(FIN)
04/24/01		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/24/01		(H)	Moved HCS CSSB 133(FIN) Out of Committee MINUTE(FIN)
04/25/01	1202	(H)	FIN RPT HCS(FIN) NT 7DP 2AM
04/25/01	1202	(H)	TITLE CHANGE PENDING HCR 14
04/25/01	1202	(H)	DP: WHITAKER, CROFT, DAVIES, MOSES,
04/25/01	1202	(H)	LANCASTER, HUDSON, WILLIAMS; AM: BUNDE,
04/25/01	1202	(H)	HARRIS
04/25/01	1202	(H)	FN1: (EED)
05/07/01	1624	(H)	RLS RPT HCS(RLS) NT 2DP 5NR
05/07/01	1624	(H)	TITLE CHANGE PENDING HCR 14
05/07/01	1624	(H)	DP: PORTER, KOTT; NR: BERKOWITZ,
05/07/01	1624	(H)	JOULE, MCGUIRE, MORGAN, KOHRING
05/07/01	1624	(H)	FN1: (EED)
05/07/01	1658	(H)	RULES TO 1ST SUP CALENDAR 5/7/01
05/07/01	1658	(H)	READ THE SECOND TIME
05/07/01	1659	(H)	RLS HCS ADOPTED UNAN CONSENT
05/07/01	1659	(H)	AM NO 1 FAILED Y7 N29 A4
05/07/01	1661	(H)	AM NO 2 FAILED Y11 N28 A1
05/07/01	1662	(H)	ADVANCED TO THIRD READING 5/8 CALENDAR
05/07/01		(H)	RLS AT 9:00 AM FAHRENKAMP 203

WITNESS REGISTER

HANS NEIDIG, Staff
to Senator Green
Alaska State Legislature
Capitol Building, Room 125
Juneau, Alaska 99801

POSITION STATEMENT: Answered questions regarding SB 133.

REPRESENTATIVE CON BUNDE
Alaska State Legislature
Capitol Building, Room 501

Juneau, Alaska 99801

POSITION STATEMENT: Discussed the two amendments to SB 133 that he had offered for the committee's consideration.

ACTION NARRATIVE

TAPE 01-17, SIDE A
Number 0001

CHAIR PETE KOTT called the House Rules Standing Committee meeting to order at 9:07 a.m. Representatives Kott, Porter, Kohring, Morgan, McGuire, Berkowitz, and Joule were present at the call to order. Representatives Guess and Bunde were also in attendance.

SB 133-PUBLIC SCHOOL COMPETENCY EXAM/REPORTS

CHAIR KOTT announced that the first order of business would be 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." Chair Kott informed the committee that it would be working from HCS CSSB 133(FIN) rather than the House Rules Standing Committee CS that is included in the bill packet.

Number 0010

HANS NEIDIG, Staff to Senator Green, Alaska State Legislature, said that he was available to answer questions. In response to Chair Kott, Mr. Neidig noted that he had not seen the final copy of the amendment.

Number 0023

REPRESENTATIVE CON BUNDE, Alaska State Legislature, encouraged the committee to address the two amendments that he has offered and included in the committee packet. Representative Bunde related his belief that the goal all along has been to be fair and consistent in an attempt to have high standards and encourage students to leave high school well prepared while not being unfair or unduly punitive to anyone with a disability or learning challenge. He turned to [Amendment 1, labeled 22-LS0607\X.4, Ford, 5/6/01,], which reads as follows:

Page 3, line 18, following "section":

Insert ", with or without accommodation,"

Page 3, line 24, following "section;":

Insert "this paragraph does not apply to a student unless the department determines that the student has taken and failed to pass the competency examination with or without accommodations and the department approves the student's alternative assessment program described under this paragraph;"

Page 6, line 7:

Delete "and"

Insert "[AND]"

Page 6, line 9, following "AS 14.30.420":

Insert "; and

(8) the number and percentage of students in each school who take and who successfully complete an alternative assessment program in reading, English, or mathematics; and the number and percentage of pupils in each school who successfully complete the alternative assessment program but who do not reach the state performance standards at the competency exam level in reading, English, or mathematics; a school may not report results under this paragraph unless the school complies with the family educational rights and privacy requirements of 34 C.F.R. 99"

REPRESENTATIVE BUNDE explained that [Amendment 1] allows children with an Individual Education Plan (IEP) to take the competency test with or without any accommodations that they might require. Then if the child's IEP team feels it is appropriate to have a modified or alternative test, the amendment says that the Department of Education would have the opportunity to review that modification and offer advice. The department is not allowed to veto that modification because that falls under the purview of the IEP team per the federal law.

CHAIR KOTT asked if Representative Bunde had worked this out with Senator Green. He also asked if Senator Green is in agreement with [Amendment 1].

REPRESENTATIVE BUNDE said that he didn't want to speak for Senator Green. However, he knew that both he and Senator Green are concerned about special education students and those with learning disabilities. The language in the bill reflects the language that was offered in [House] Finance, which he believes

reflects what the sponsor wanted. The only addition to that language is the department's ability to review the alternative assessment or modification.

MR. NEIDIG informed the committee that Senator Green is "OK" with [Amendment 1].

Number 0098

REPRESENTATIVE PORTER moved that the committee adopt Amendment 1 [22-LS0607\X.4, Ford, 5/6/01]. There being no objection, Amendment 1 was adopted.

CHAIR KOTT directed the committee's attention to Amendment 2 [22-LS0607\X.5, Cook/Ford, 5/7/01], which reads as follows:

Page 4, lines 13 and 14:
Delete all material.

Reletter the following subsections accordingly.

CHAIR KOTT surmised that Amendment 2 merely removes the endorsement.

REPRESENTATIVE BUNDE agreed with Chair Kott's understanding of Amendment 2. He explained that his concern has been that [the endorsement] singles out special education students. Although the department didn't believe it was illegal, Representative Bunde indicated that it may be unethical. The endorsement divided special education children into two categories. Those special education students that receive a diploma with accommodations would receive endorsements in the areas they passed, while those special education students that used modifications wouldn't receive endorsements. Representative Bunde expressed concern that [endorsements] would stigmatize special education students. He said that [endorsements] didn't focus on the fair and consistent goal with testing.

Number 0134

REPRESENTATIVE GUESS said that she believes Representative Bunde explained the issue very well. She added that it is a trade off in regard to motivation and whether the child is reminded of their disability through their transcript.

MR. NEIDIG agreed that this is a policy issue and the Senate chose to use the endorsement language because it believes that

the endorsement would be an incentive for those seeking waiver language or the IEP students to achieve the next highest level.

Number 157

REPRESENTATIVE McGUIRE moved that the committee adopt Amendment 2. There being no objection, Amendment 2 was adopted.

CHAIR KOTT noted that a title amendment will be required and will occur on the House floor. He closed public testimony.

The committee took a brief at-ease.

Number 0166

REPRESENTATIVE PORTER moved to report HCS CSSB 133(FIN) as amended out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 133(RLS) was reported from the House Rules Standing Committee.

SB 210-LIMITS ON RIGHT TO PRIVACY

Number 0173

CHAIR KOTT turned to CS FOR SENATE BILL NO. 210(JUD), "An Act relating to the constitutional right to privacy." This bill was not taken up.

ADJOURNMENT

The House Rules Standing Committee meeting was recessed to the call of the chair at 9:18 a.m. This meeting never reconvened.