

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

March 10, 2001
10:40 a.m.

MEMBERS PRESENT

Senator Lyda Green, Chair
Senator Loren Leman, Vice Chair
Senator Jerry Ward
Senator Bettye Davis

MEMBERS ABSENT

Senator Gary Wilken

COMMITTEE CALENDAR

HIGH SCHOOL GRADUATION QUALIFYING EXAM - PUBLIC TESTIMONY

SENATE BILL NO. 120

"An Act relating to a public school student high school graduation examination; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 128

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

HEARD AND HELD

SENATE BILL NO. 129

"An Act relating to a public high school competency examination; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 133

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

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

See Senate HESS minutes dated 1/27/01, 1/31/01, 2/12/01, 2/14/01, 2/21/01, 2/24/01, 2/26/01, 3/07/01

WITNESS REGISTER

Mr. Greg Maloney
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894

POSITION STATEMENT: Stated that SB 133 will not conflict with the goals of IDEA 97 or DOEED's assessment methods

Ms. Phyllice Bradner Matson
Juneau, AK

POSITION STATEMENT: Opposed to the exit exam. Supports using standardized tests for grade advancement every year.

Mr. Carl Rose
Association of Alaska School Boards
316 W 11th St.
Juneau, AK 99801

POSITION STATEMENT: Supports SB 133 but believes further work needs to be done on waivers.

Mr. Ed McLain
Kenai Peninsula Borough School District

POSITION STATEMENT: Supports SB 133 but believes further work needs to be done on waivers by the department.

Ms. Star Patterson
2826 Totem Drive
Fairbanks, AK

POSITION STATEMENT: Prefers SB 133 but believes the exam should be delayed until 2006.

Mr. Richard Mauer
PO Box 1302
Delta Junction, AK

POSITION STATEMENT: Supports SB 133 and suggested reciprocity.

Ms. Patricia Griswold
HC 60 Box 4493
Delta Junction, AK

POSITION STATEMENT: Not in support of the exit exam as is.

Ms. Louise Parish
PO Box 1182
Valdez, AK 99686

POSITION STATEMENT: Commented on SB 133.

Ms. Joan Bohmann

8242 Eleusis Drive
Anchorage, AK 99502

POSITION STATEMENT: Commented on the vocational endorsement and on the use of accommodations.

Ms. Amy Headrick
Disability Law Center
3330 Arctic Blvd., Ste. 103
Anchorage, AK 99503

POSITION STATEMENT: Believes the entire special education program needs reform.

Ms. Deb Germano
PO Box 1511
Homer, AK

POSITION STATEMENT: Supports SB 133

Ms. MaryJeane Yragui
PO Box 1290
Kenai, AK

POSITION STATEMENT: Supports delaying the exam date and revising the exam.

Mr. Ray Barnes
2561 Beaver Loop
Kenai, AK 99610

POSITION STATEMENT: Favors delaying the exam until 2006 and allowing accommodations to be used.

Ms. Sharon Nusunginya
47135 E. Poppy Lane
Soldotna, AK 99669

POSITION STATEMENT: Discussed the difficulty of the exam requirement on students with Asperger's Syndrome.

Ms. Carolyn Barnes
2561 Beaver Loop
Kenai, AK 99610

POSITION STATEMENT: Believes the exit exam will not raise standards for children with disabilities.

Ms. Elizabeth Bacom
PO Box 683
Petersburg, AK 99833

POSITION STATEMENT: Supports several aspects of SB 133.

Ms. Sheri Wikan
PO Box 929
Petersburg, AK 99833

POSITION STATEMENT: Supports SB 133.

Ms. Sally Donaldson
Alaska Association of School Counselors
Juneau, AK

POSITION STATEMENT: Supports delaying the exam and expressed concern about transient students.

ACTION NARRATIVE

TAPE 01-18, SIDE A

Number 001

#SB 120

#SB 128

#SB 129

#SB 133

CHAIRMAN LYDA GREEN called the Senate Health, Education & Social Services Committee meeting to order at 10:40 a.m. Present were Senators Leman and Ward (via teleconference), Davis, and Chair Green. Senator Wilken was excused to attend a funeral.

CHAIR GREEN said this issue has generated a lot of legislation. SB 120, introduced by Senator Ward, would require students to take the test and an endorsement would be shown for those subjects passed on the diploma. Students who do not pass will have an Alaskan flag symbol put on their diplomas. SB 128, introduced by Senator Leman, creates a two-year delay. During the two-year delay, students who pass all or part of the exam will obtain an endorsement for the parts passed on their diplomas and transcripts. The Department of Education and Early Development (DOEED) would then work on the language for the endorsement. In 2004, students would be required to pass the exam in order to receive a diploma. She asked Senator Davis to explain SB 129.

SENATOR DAVIS, sponsor of SB 129, said this bill is very simple. She supports standards and has been involved in that movement with the State board of education - she wants that work to continue. For that reason, she introduced a bill to phase in the exit exam. The exit exam practice test results show that students did better in reading and writing than they did in math. SB 129 would require every student to pass the reading and writing portion of the exit exam in 2004 to receive a diploma. During the two years between 2002 and 2004, any student who takes the test would receive an endorsement for the area passed, be it math, reading or writing. In 2005, students would be required to pass the math portion. She maintained that it is very important for students to get a high

school diploma. It is required to join the military or get a job. She believes more money should be put into programs so that school districts can align their curricula with the test and provide remediation.

CHAIR GREEN indicated that the committee has been asked to make provisions for those students with an IEP and/or 504 plan and to pass on those directions to the state board of education. She agrees with Senator Davis in that the legislature does not have the expertise to do that. Chair Green reminded participants that SB 133 is not an appropriation bill; it does not address education funding. In addition, the committee will not be discussing the theory of why students should be tested. The committee will be discussing the four bills before the committee. She asked participants to confine their comments to those bills. Her goal is to create a bill that will work until another legislature decides to change and/or improve it. She noted that any type of exam of this sort is an evolving thing. Included therefore, are questions in each test that students will not be held responsible for. Those questions are designed as a field test. Regardless of what test is used, the process will always be evolving.

CHAIR GREEN welcomed Senator Taylor.

CHAIR GREEN said that the committee is creating instructions for the state board of education and DOEED for the parameters of how to keep on track of requiring a variety of testing assessments that will take every student to the top of his or her ability.

MR. GREG MALONEY, Director of Special Education, DOEED, stated that one of the specific components of SB 133 relates to how students with disabilities, as defined under the Individuals with Disabilities Education Act of 97 (IDEA 97), and also Section 504. He will be reviewing how IDEA 97 relates to statewide assessments and then relate that to SB 133.

The intent of IDEA 97 is very clear that all students, including students with disabilities, need to participate in statewide assessments for several reasons. First, it is looking at individual student outcomes, so that students with disabilities are held to the same high standards that students without disabilities are held to. Second, it will ensure that students with disabilities are receiving access to the general curriculum - not a separate program. Third, it will be used to prove instructional accountability so that students with disabilities are seen as part of the overall educational enrollment so that the curriculum is sensitive to, and able to meet, those students' needs. IDEA 97 requires that students with disabilities be included in the

statewide assessment process and that the results of their participation be considered in looking at improving instruction.

In terms of how a student with a disability participates, the Individualized Education Program (IEP) team is the primary agent. The IEP team creates an instructional program for the student. That instructional program contains the types of services the student requires in order to be successful and the location of those services. In addition, the IEP contains the kinds of accommodations or modifications required by the student to be able to participate appropriately in school activities.

Currently, a student with a disability can participate in statewide assessments in three ways. First, the student may participate with no accommodations. Second, the student may participate with accommodations. Those accommodations are determined by the IEP team or the 504 group, based on DOEED's Participation Guidelines. The third way, which is for a small number of students with significant disabilities and/or cognitive impairments who are not working on an academic curriculum, is an alternate assessment. That assessment is still designed around standards but those standards have been interpreted at a level meaningful for these students. The alternative assessment consists of a portfolio assessment in which products completed by the student are scored.

CHAIR GREEN asked if SB 133 contains adequate language for DOEED and the state board to assume that is where they are headed, because it is her intention to provide for the three ways to participate in a statewide assessment.

MR. MALONEY said that nothing in SB 133 would change the requirement that students have to participate in the statewide assessments. SB 133 speaks to students who do not pass the exam, which implies that they must take it. He noted that because students with disabilities cannot be discriminated against and separated out, they would be expected to participate in the statewide assessments as students without disabilities are. DOEED's goal is that all students participate. The alternative assessment is for students for whom the exit exam would not be appropriate; it is not a test or separate exam. It is a process.

CHAIR GREEN asked if the three methods of taking the statewide assessment are stock language and standard procedure within DOEED and the state board.

MR. MALONEY said that is correct and that it is also federal language. Under IDEA 97, the expectation is that all students will participate in the same assessment process. The concern about

separating students with disabilities from the larger population, is that a separate system is being set up. The tension comes when successfully addressing the students' needs within a system that encompasses all students.

MR. MALONEY said it is important to note that the IEP team's role, in terms of the assessments, is not a separate component. It is tied to the instructional program that the student should be receiving anyway and the accommodations should have already been introduced into the student's program. No new accommodations should be necessary for the assessment. Certainly, the goal is to have every student pass the exit exam but, under IDEA 97, the goal is also positive student outcomes and improved accountability at the district level. The graduation aspect comes afterward.

MR. MALONEY said SB 133 speaks of an alternative assessment, which differs from DOEED's alternate assessment. For DOEED, the alternate assessment is a very specific, defined process that would only pertain to about 1 to 2 percent of students in Alaska.

CHAIR GREEN asked if the language in SB 133 should be changed.

MR. MALONEY replied the bill refers to an alternative assessment so if that provision is to go to the state board of education to clarify, that language will be fine. Regarding the alternative assessment, he understands that a separate test will not be developed but an alternative process of assessment based on the test would be developed for the students with disabilities. The alternative process of assessment would be used when those students do not pass the exit exam.

SENATOR DAVIS asked if Mr. Maloney was referring to all students or students with disabilities only. She noted that SB 133 speaks to those students that do not pass the exit exam, not necessarily students with disabilities.

MR. MALONEY said he is referring to students with disabilities and Section 3(d)(1) on page 2, line 31.

SENATOR DAVIS asked if he was speaking to students with disabilities only.

MR. MALONEY said that is the only thing he feels qualified to talk about.

CHAIR GREEN informed Senator Davis that other DOEED department members would speak to the committee next week.

MR. MALONEY repeated that it is important to remember that the focus is not on a separate process for students with disabilities but one that recognizes differences in learning styles. Students with disabilities should be held to high standards but not penalized for their disabilities.

CHAIR GREEN took public testimony.

Number 1456

MS. PHYLLICE BRADNER MATSON, a parent from Juneau, said her comments will not relate to the bills because she has not had a chance to review them. She read the following testimony.

I urge the committee to consider that the exit exam as outlined in the current legislation is not the best way for the state to meet its two most important education goals: one, to guarantee that every student who passed all the required high school classes receive the diploma that he or she has earned; and two, to ensure that each graduate know the basics of reading, writing and math before receiving that diploma. A better approach would be to identify those math and English classes that represent the benchmark skills required for graduation and substitute the exit exam with standardized final exams in those classes in every middle school and high school in Alaska. If a student cannot pass the standardized final, that child must repeat the class or take a remedial class until the final exam can be mastered. This method would not only measure a student's understanding of the subject, but provide a remedy for the student to learn the subject before graduation. Students having learning disabilities and special needs are most likely to be using the 504 and IEP accommodations in their classrooms and those students would be able to take the standardized final test in the same manner that any other tests are administered under the guidelines of their program.

Again, I urge this committee to recommend eliminating the exit exams and instead to institute a policy that demands that each student truly pass each basic math and English class before moving on to the next level. It is also extremely important to recognize that not all graduates are going on to college. A high school diploma is essential for young people to secure entry level jobs. We must be realistic about what level of skills will be necessary for graduates to lead youthful and productive

lives and not set the bar too high above those levels. Those students going on to college will have other measures of college readiness in the form of SATs and entrance exams. We must not forget our obligation to provide students who are not college bound with the tools they will need for a successful life. That includes fundamental, not necessarily advanced, literacy and math skills and a viable high school diploma. Thank you.

CHAIR GREEN said most people would agree that students should not go on to the next level if they have not passed an exam but deep down we know that is not the case.

MS. BRADNER MATSON said that she is suggesting that instead of using a standardized exit exam, Alaska should require a standardized final exam for each of the benchmark classes determined by DOEED. If the standardized exam can identify the students that cannot pass that class, that class should be retaken or remedial work should be completed until the student can pass. She noted that once a student has passed every single class in high school, even with a D grade, we are tacitly guaranteeing them that they have earned a diploma. To tell them that all of the classes they passed don't mean a thing if they cannot pass the exit exam is cheating them.

Number 1600

CHAIR GREEN maintained that the Legislature "gets a little schizophrenic when we get to the local control issue." One of her concerns with exit exams in general is that if the state comes in, what is to keep the "feds" from coming in and overlaying the state exam with another one. She thanked Ms. Bradner Matson for her comments.

SENATOR TAYLOR noted that of the bills introduced on this subject, all talk about continuing to utilize the diplomas as they have been in the past and not making victims out of children through creating this exam. That was never the intent of the Legislature when the accountability process was enacted. He thanked Ms. Bradner Matson for her testimony and said it is refreshing to hear her suggestions because he believes that is the system used when he went to school. He can remember classmates failing specific subject areas and having to retake them, maybe through a summer course, and only advancing when certain requirements were met. There was some integrity with the system that said that if you don't get past these things, we can't, in good faith, give you a diploma. He said he liked the word "tacit." Because a student has sat in a school for 10 years, there is the tacit implication that the student is knowledgeable in a given area, which unfortunately is not true.

MS. BRADNER MATSON said if the student has passed the class, the school has actually told them that. She noted that is why she suggested standardized finals to remove the possibility that students will squeak through a class they did not really pass.

SENATOR TAYLOR thanked her again and said, "That's solid stuff. It's not reflected here but I think it is reflected in the fact that we're not going to be denying those kids those diplomas. The next question is, how do you reflect what they have done and I think your suggestion is superior to ours."

CHAIR GREEN said she doesn't think SB 133 supercedes what Ms. Bradner Matson is talking about. She pointed out that many districts around Alaska are giving tests that are far more difficult than the exit exam. Passing those tests may not keep students from graduating but it shows the districts what the students know and what areas need improvement. The Legislature does not want to tell districts they cannot do that. She repeated that the Legislature has to be very careful about the line between local control, state oversight, and permission and regulations.

Number 1840

SENATOR DAVIS also thanked Ms. Bradner Matson for her testimony but noted that things are being done to make sure that students are learning the materials at grade level. She informed Ms. Bradner Matson that Alaska schools are administering benchmark exams at grades 3, 6, and 8. In Anchorage, student profiles are done when students enter kindergarten. If students do not pass the 3rd grade benchmark exam, remediation is done. She believes over a period of years we will be where we need to be in the standards movement. She said that grades do not mean that much - a child with a D grade may not have learned less than a child with a B grade. When students are tested to the material, schools know they have what they need.

MS. BRADNER MATSON asked why, at that point, when schools have gone through this full system of assessments from elementary through high schools, the exit exam would be necessary.

SENATOR DAVIS said that is a good question. She pointed out that once we get to that level, the exit exam requirement might be taken off of the books, but when the law was passed in 1997, many people from the business community testified that many high school graduates were not trained and ready for the job market.

MS. BRADNER MATSON pointed out that students may learn a lot in classes and know the material but do not remember that material several years later. That is one reason that giving the final exam

as the class ends would be a more useful measure of whether the student understood the material.

CHAIR GREEN thanked Ms. Bradner Matson and asked Mr. Rose to testify.

MR. CARL ROSE, Executive Director of the Association of Alaska School Boards (AASB), said that all four pieces of legislation recognize the need for more time for several reasons: the defensibility of the test and time for school alignment.

MR. ROSE said SB 120 will allow more time and recognize student achievement through endorsements. SB 128 goes beyond that and establishes a sunset date of 2004. SB 133 is the most comprehensive bill before the committee and captures most of the testimony given. SB 133 contains some additional components that have been identified, the first being essential skills. As we talk about the need to refine measurement tools, the question of essential skills comes up. When the legislation requiring a competency exam was being discussed, the focus was on basic skills. As the performance standards and corresponding measurement instruments were developed, the help of many experts was incorporated. As many have testified, the math portion of the test does not appear to be difficult to the math experts. The question to be answered regarding essential skills is whether the lack of specific knowledge would keep a person from getting a diploma. He believes that under SB 133, the reading, writing, and mathematics tests will all have to be refined to what is essential.

Regarding military transfers, MR. ROSE said there is no answer. A student who transfers into this state as a junior has not had the opportunity to take the benchmark exams and will be at a distinct disadvantage. A waiver, in that circumstance, would be appropriate. Furthermore, as that waiver for a military transfer is an extraordinary circumstance, an appeal process through the state board of education may be an option. Right now, SB 133 does not contain an option to request a waiver and an appeal process for extraordinary circumstances.

CHAIR GREEN asked Mr. Rose if he thinks the language in SB 133 regarding waivers is too broad.

MR. ROSE said he believes the bill should address what the waiver will entail.

CHAIR GREEN said she would think that a death in the family might constitute an extraordinary circumstance.

MR. ROSE said that trying to handle those types of definitions through the committee process can become difficult.

CHAIR GREEN said if the committee's intent is documented, the committee can watch how the system reacts over time. She noted that the lack of an appeal process has been the basis for lawsuits in other states, even when the other aspects of the test seem to pass muster. She said she is not sure that the waiver process does not allow for an appeal.

MR. ROSE said an appeal with a process that ensures that a standard has been met is an important component of the bill. Regarding the IEP issue, he has seen a response from the Disability Law Center. He felt there are two options: to give the issue back to DOEED to come up with a fix; or to come up with something in legislation that passes muster. He felt many people appreciate having some direction in the legislation. He advised that if this portion of the bill causes great consternation, that issue can be handed to DOEED or the professionals to handle.

CHAIR GREEN said the committee could write a cover letter to accompany the bill saying that it expects DOEED and the state board of education to be very critical in their approach toward solving this problem and to maintain high standards and accountability.

TAPE 01-18, SIDE B

MR. ROSE said in conclusion, seven bills have been offered. All of them recognize the need for an extension. He believes SB 133 has incorporated most of the testimony. SB 133 takes the most comprehensive approach with one caveat: the need for the extension is so critical that this issue needs to be put behind us. As he said earlier, the more provisions that are added to the bill, the more difficult it will be to decipher. If SB 133 becomes so heavy that it does not pass, there is a good possibility the State will run into 2002 unprepared. He thanked the committee for all of the work it has done. He stated support for SB 133.

SENATOR TAYLOR noted Mr. Rose indicated that all of the bills provide for a transition from two to six years, and that Mr. Rose thought four years was a likely solution. He asked if the committee had met to discuss Senator Ward's bill, SB 120.

CHAIR GREEN said anyone can discuss any of the bills.

SENATOR TAYLOR commented that SB 120 has the same schematic as SB 133 in that it provides no transition but instead provides for an endorsement. He agrees that an appeal process is necessary

otherwise one student could cause the whole exam to be thrown out because the necessary processes were not available. He noted that "waiver" means several things to him. A waiver could involve an extraordinary, very unique situation, such as a military transfer. But, waiving, if interpreted too broadly, could involve waiving everyone from the test.

He stated, "I also believe that we have to address both sides of the issue when we come to competency and waiver, and, if in fact, we're going to waive for someone who has not yet met the requirements and it's unique, why aren't we waiving the last two or three years of school if that kid's already passed that test? Why should we keep that kid sitting around in a classroom bored to death when he's already met or she's already met every single qualification for graduation?"

CHAIR GREEN replied, "Because they have not completed the required number of course credits."

SENATOR TAYLOR said the student should not need the course credits if the student completed the competency test.

CHAIR GREEN noted that course credits are required under current statute.

SENATOR TAYLOR asked what should be done about the 14 year old who is capable of working on a PhD. He felt there needs to be a way to address those unique situations. He commented he would like to hear the professional community on that issue and expressed concern that "We are doing everything we can right now, it appears, to bring this thing down to the lowest common denominator for competency that we can find and I'd like to know that when we drop to that low denominator, that maybe we ought to have some kind of high denominator too that says if you can pass the high one and you can challenge our courses, you walk out of here early and we'll give you the next two years tuition we would have paid in high school to help you out get through college."

CHAIR GREEN said she cannot speak to that, but she thinks that some schools are addressing those situations within their districts. She stated it is difficult to draft something in Juneau that works for all districts in the State.

Number 2200

SENATOR TAYLOR asked Mr. Rose how many benchmarks are in use today and questioned whether a benchmark is a diagnostic tool or whether it can be used to keep a student from moving on.

MR. ROSE said benchmarks are used as a diagnostic tool to identify whether a student is at grade level and to determine the student's areas of need. They are a measure to make sure that students are progressing. He noted for him, the whole idea of the benchmark centers around the 3rd grade mark. If students are not at their benchmark by 3rd grade, a gap starts to develop that makes it difficult to handle material in later grades.

SENATOR TAYLOR asked what is being done when a student is not at grade level. He maintained that 11th grade students have taken a lot of benchmark exams but are not at grade level. He asked if third grade students who are not at grade level are held back.

MR. ROSE replied the reason the test is given in 3rd, 6th, and 8th grade is that the areas of need can be identified and a student has several years to get up on step. If a child is not able, intervention strategies should be put in place.

SENATOR TAYLOR said we aren't doing anything. We're giving them until grade 6 and at that time everyone throws up their hands and says it didn't work.

MR. ROSE said that is not what he said.

CHAIR GREEN stated that additional tests are being given to these students. She added the committee is not having that conversation today.

Number 2050

MR. ED MCLAIN, Assistant Superintendent of the Kenai Peninsula Borough School District, said his district has in place a certified diploma process, which was put in place about one year before the state began its process. One of the critical pieces of the district's process was to get the community, business people, board members and parents to identify what essential skills high school students should have to lead a successful life. The essential skills were distinguished as a subset of the full array of performance standards. The Kenai Peninsula Borough School District is in support of the full array of performance standards. When the state began to develop its test, it was a mismatch between trying to capture and assess the full array of standards. He noted he was the co-chair of that committee and is the co-chair of the content review committee. The committee, at that point, were math specialists and they were looking at the math portion from a math perspective. They did a good job of testing a full array of math skills. SB 133 brings attention back to the essential skills.

Regarding Senator Taylor's concern, he said the Kenai Peninsula Borough School District is recognizing advanced students and has a program that provides funding for seniors who are ready for college courses. His district believes that is best taken care of on a local level because of the multiple opportunity aspect.

MR. MCLAIN commented that he agrees with a lot of Mr. Rose's testimony. He agrees that the waiver provision needs to be tied down quickly but that sort of thing gets very detailed, so rather than include the details in the bill, the details can be given over to DOEED. He would like an allowance for waivers in the bill because it is the right thing to do for students, as well as for the legal defensibility aspect.

Regarding the IEP provision, he believes that successfully used accommodations should be part and parcel of the educational programming and not a last minute add-on for testing. His district believes strongly in the idea of accountability and in a demonstration of learning.

MR. MCLAIN concluded by saying the Kenai District appreciates the intent language in the bill as it gives encouragement to local districts. He offered to answer questions.

MS. STAR PATTERSON, an educator and parent, made the following comments via teleconference from Fairbanks. She has administered the HSGQE four times. She believes SB 133 is the most comprehensive and best piece of legislation before the committee. She asked the committee to consider that the year 2006 is optimum because students taking the test now have not had the opportunity to take the benchmark exams and to learn. The Class of 2006 will at least have had the benefit of the 6th grade benchmark exam. In the rural areas, teachers leave every year. Those students will be the victims.

CHAIR GREEN asked Ms. Patterson if she has seen SB 133.

MS. PATTERSON said she has.

CHAIR GREEN noted that the high school essential skills do not include algebra and geometry.

MS. PATTERSON said that is good. She asked the committee to look at the 2006 date. She feels the Governor is correct as the students who must take the test now have not had the opportunity to learn. She maintained that the exit exam is extremely intense and that some students need 8 hours to take it. In the last test round, out of 42 students, all but four took it very seriously. The test

is rigorous and demanding physically and mentally.

Number 1600

CHAIR GREEN pointed out that the whole purpose of SB 133 is to align the exam with what students are required to take in school under the current statute. That is a far different standard from what might be expected of a college-bound student.

MS. PATTERSON emphasized that the test is good. A few things need to be adjusted but it is a fair test. The standards are excellent but the students need the opportunity to learn the material. She asked that the test not be thrown out but revised and not "dumbed down."

MR. RICHARD MAUER, representing the Delta-Greeley School District, and President-elect of the Association of Alaska School Boards (AASB), stated that SB 133 is an excellent piece of legislation. It is comprehensive and addresses many of AASB's concerns. He has worked on the benchmarks, as well as the math portion of the exam, both on the original committee and the current committee, which is determining whether the current standards exceed essential skills. He also served on the school designator committee. One thing he likes about SB 133 is that testing will be continued. Testing is essential for the students and the data used from the exam will be used in the school designator formula. He appreciates the committee's efforts to leave no child behind through the waiver process and the alternative assessment. He commented he favors the language on page 2, line 26, that says the test will not be administered during a day in session. He cautioned that the committee may hear concerns that Saturday testing is an unfunded mandate. He has no problem with that but others may.

CHAIR GREEN noted that it is possible that proctors could give the test to free up teachers.

MR. MAUER said in his profession he administers testing centers and he has proctors who do not have to meet the same qualifications. Mr. Mauer referred to the language on page 3, line 5 that relates to uniform standards and suggested including a provision to allow for reciprocity so that students who transfer in from other states that have passed an exam elsewhere would not have to take Alaska's exam. He also advocates that endorsements be placed on transcripts and diplomas and he favors leaving that to local districts.

CHAIR GREEN said that she, Senator Taylor and Senator Davis think the reciprocity idea is a good one.

MS. PATRICIA GRISWOLD, a mother of eight children from Delta, said she agrees that if schools used a standard form of testing for each grade, there would be no need for the HSGQE. She noted the essential skills exam will make things too easy for our students and make them feel inferior. In addition, science and history courses are required for graduation yet those subjects are not covered in the exit exam at all. She believes if students do not pass a standard exam each year, they should not move onto the next grade.

MS. LOUISE PARISH, testifying from Valdez, said she favors making the exam an essential skills test. The exit exam reading skill level was at about 7th or 8th grade. She believes with appropriate remediation, every child should be able to learn the essential skills. Regarding the waiver process, she is concerned that it will provide an out for the schools for students with learning disabilities. She inquired whether writing will be required for the essential skills test as the bill refers to reading, English and math. She thinks using a regents diploma for students who want a greater challenge is a good idea. She prefers using an appeal process rather than a waiver from DOEED. She fears that waivers will be granted in place of providing remedial classes. She expressed concern that under the IEP process, minimums must be met.

CHAIR GREEN reminded Ms. Parish that SB 133 only offers one type of diploma - no IEP diploma is offered. In addition, she clarified that she mentioned earlier that neither algebra nor geometry would be on the essential skills test but if those are determined at some point to be essential skills, they will be on the exam.

MS. PARISH said she feels an IEP diploma would be unfair to students.

MS. JOAN BOHMANN, a school psychologist from Anchorage, expressed concern about putting designations on the diploma for vocational or technical courses because those designations may limit a student's options in the future. In addition, she would like to see a reference to the ability to use accommodations while taking the exam in the legislation. The function of accommodations under the IDEA legislation is that the student gets used to the accommodations and that their appropriateness is evaluated before utilizing them solely for a test. She appreciates the committee's efforts.

CHAIR GREEN said the three methods of providing for testing - with or without accommodations or offering an alternate test, overlay the entire concept in the bill and will be used by DOEED and the board when they promulgate regulations for students with

disabilities.

Number 465

MS. AMY HEADRICK, representing the Disability Law Center (DLC), said she has not had an opportunity to thoroughly review SB 133. She applauded Mr. Maloney's comments on programming because that, in essence, is the problem that the DLC has with any of the bills before the committee. The DLC fully supports exams and standards and expects every student to meet those standards. In reaching those standards, the DLC expects every school in Alaska to teach all students to those standards, except the very few who cannot meet them. She noted that to keep commenting on various bills is difficult when they all avoid the issue. She explained that she has been involved with a case for the last three weeks that has taken all of her time. She is representing a 7th grader with emotional disturbances. Since he has been in third grade, he has been slated to take the exam with appropriate accommodations, such as an interpreter. As a 7th grader, he is reading at a 2nd grade level, his English ability is at a 2nd grade level and his math is at a 3rd grade level. He has received very little education since last November. The school district is fighting DLC tooth and nail.

DLC cannot even get a program from the district that would educate this young man and point to his needs. This child's parent has advocated for him but some have suggested to her that she sign over custody to DFYS and abandon her son so that he can get the services he needs. Ms. Headrick said she is stunned by what she has seen since January. Every department points its finger at another.

CHAIR GREEN asked Ms. Headrick if she heard from any agency people yesterday.

MS. HEADRICK said she did but she spoke to those people before and they are not the ones who can help. She stated the problems with the special education system need to be addressed now. The exam is not the issue, the education is. Her one comment on the bill is that the waiver and alternate assessment could give school districts an out as far as living up to the requirements of the IDEA.

CHAIR GREEN said she expects DOEED to address that problem through regulation. She noted that when statistics about how districts are qualifying students to take an alternate assessment and when accommodations are allowed are collected, out of sync percentages can be addressed.

MS. DEB GERMANO, testifying via teleconference from Homer, said that SB 133 appears to be very comprehensive and all of the pieces

are on the table. She suggested keeping the bill simple and concise so that it does not offer too many back doors. She expressed concern about administering the exam and said that additional staff, such as proctors, will cost money. She is not sure what the answer to that problem is; the Homer district is making sure that a lot of good activities are being offered in classrooms while the exam is being administered. The Homer district is losing precious professional development time needed to help districts meet the standards.

TAPE 01-19, SIDE A

MS. MARYJEANNE YRAGUI, from Kenai, said the test needs to be totally revised. She has talked with parents, students and teachers. Students have to take one year of algebra but they do not have to take geometry or a second year of algebra, yet the exit exam contains questions from both of those subjects. The exit exam contained a question on the quadratic formula but the practice test did not contain a similar question so none of the students were prepared for it. She favors delaying the exam. She believes that students need to be made more accountable. She questioned whether the exit exam grade will remain on students' records if the requirement date is changed.

CHAIR GREEN explained that for the years 2002 and 2003, the only students who would have any reference on their diplomas or transcripts are those who passed the test.

MS. YRAGUI asked whether the transcript will contain a letter grade for the exam or "passed."

CHAIR GREEN said that will be determined by DOEED.

MS. YRAGUI said she is concerned about the students who pass the test the first time with a low grade. That grade will label the student.

MR. RAY BARNES, testifying from Homer, said his son is profoundly deaf and has an interpreter and an IEP. His son is an honor roll student. He is not looking for waivers, he is looking for a fair evaluation process. His son is a freshman and the issue of accommodations for the exit exam is affecting him strongly. He explained that the interpreter translates the English language into American Sign Language (ASL). ASL is his son's first language. Most of the information on tests he takes now is conveyed through the interpreter. He does not feel the legislature put enough work into the 1997 legislation. That law put all of the responsibility on the students. The whole language movement approach failed.

Now, all of a sudden, the students are being made to pay for that. He agrees with a lot of Mr. McLain's and Mr. Rose's statements. He has had to fight the school board because the district hired unqualified interpreters who were not certified. He has been in a daily battle over his son's education. He is opposed to giving a student a certificate of attendance after the student has attended 12 years of school. He favors delaying the exam requirement until 2006 to give students the opportunity to take the benchmark exams.

CHAIR GREEN informed Mr. Barnes that none of the bills before the committee refer to a certificate of attendance.

MS. SHARON NUSUNGINYA, from Soldotna, said she is testifying because she is concerned about the effect the exam is having on her 15 year old sons. Her boys were diagnosed with Asperger's Syndrome, which is recognized as a developmental disability. People with AS have average to above average IQs and usually have learning disabilities or difficulties in one or two areas. Her sons are very knowledgeable in natural science, geography, history, political and military science, grammar and reading, however they have a math disability, poor reading comprehension, and difficulty with abstract reasoning and writing. It does not matter how hard they try, they will not be able to pass the exit exam because the areas tested are the areas with which they have a disability. Her sons are fully aware that they will not pass the test and question the futility of continuing with school when they will not receive a real diploma. Their strengths will go unrecognized. Children with AS have a very high anxiety level.

MS. CAROLYN BARNES, from Kenai, said her son is a freshman who will be expected to take the exit exam next year. Her son is profoundly deaf and therefore has a language disability. If he were tested in his natural language (ASL), he could ace any test put before him. She questioned whether the exit exam is fair and in his best interest. Taking any test without the aid of an interpreter is discriminatory. She does not think that this issue is being addressed. She was told her son will not have an interpreter for the exit exam. She questioned how a test can be made fair for a student who can't learn to read through phonics but must memorize every single word. To expect a deaf student to have the same vocabulary as a hearing student when their natural language is a visual language is unrealistic. ASL is not a replacement for the English language, it is a visual language that does the best it can to give children language and meaning to their world. It takes a lot more time. This test will not raise standards for children with disabilities - it will take away her son's potential. This will set him up for failure. He works harder than any student she knows to make the honor roll.

Number 992

MS. ELIZABETH BACOM, President of the Petersburg School Board, said the process of developing a fair and equitable examination to determine the competency of graduating high school students is not an easy task. The original legislation did not provide for students with special needs and did not allow adequate opportunity for districts to align their curricula to the new Alaska standards. SB 133 shows her that the members of the Senate HESS Committee have listened carefully to the concerns of Alaskans and are ready to put together legislation that will satisfy everyone's concerns. She applauds several areas:

- Allowing special needs students other opportunities to demonstrate their competency;
- Allowing an extra two years for districts to align their curricula with Alaska state standards;
- Encouraging endorsements on diplomas and celebrating the educational success of those students in various areas of their high school career; and
- Requiring the testing to occur outside of regular instructional time.

There are a couple of areas she would like clarified. She asked if the language change from "competency testing" to "essential skills examination" means the test will be revamped or that several avenues will be available to prove competency. Second, she hopes there will be a clear process of waiver application and for handling appeals from parents and educators regarding individual waiver requests. Her final concern is to have a timely turn around time from testing to results so that a student who requires remediation will be able to set a schedule as early as possible. It is important, for example, that the spring testing results are provided well in advance of the first day of school in the fall. She thanked the committee for its work.

CHAIR GREEN thanked Ms. Bacom and said she would get back to her on the name change to essential skills examination.

MS. BACOM said she is also concerned about students who transfer into the Petersburg district from within the state. She suggested having an interpreter for the ESL student when the student is tested.

MS. SHERI WIKAN, from Petersburg, stated support of SB 133 but asked for clarification of the same points raised by Ms. Bacom.

Number 1243

MS. SALLY DONALDSON, a school counselor from Juneau and the President-elect of the Alaska School Counselor Association (ASCA), stated support for delaying the exam. She appreciated Ms. Bacom's comment about transient students and said that the fact that students move frequently is being overlooked and needs to be considered. She thanked the committee for spending all of the time and energy it has on this bill.

The committee took a brief at-ease.

CHAIR GREEN stated that no one else was interested in testifying. She asked participants to call her office with any other concerns they may have. She then adjourned the meeting at 12:40 p.m.

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