

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 365**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES CRAWFORD, Gara**

**Introduced: 2/16/04**

**Referred: House Special Committee on Education, Health, Education and Social Services**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to secondary school competency examinations, graduation**  
2 **requirements, and diplomas; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 14.03.075(a) is repealed and reenacted to read:

5 (a) A student may not be issued a secondary school diploma unless the student

6 (1) passes a competency examination in the areas of reading, English,  
7 and mathematics;

8 (2) demonstrates mastery of the material on the examination in the  
9 student's senior year of secondary school, through a portfolio that is approved under (j)  
10 of this section; or

11 (3) receives a waiver from the governing body; a student with a severe  
12 cognitive disability, as defined by the department in regulation, shall receive a waiver.

13 **\* Sec. 2.** AS 14.03.075(b) is amended to read:

14 (b) A student who fails the examination required under this section shall be

1 retested at least once during a school year on those portions of the examination that the  
 2 student has not passed, except that a student who submits a portfolio under (a)(2)  
 3 of this section may elect not to be retested in the student's senior year. A student  
 4 who passes any portion of the test may not retake that portion of the test. A student  
 5 may retake any portion of the test not previously passed whether or not the  
 6 student submits a portfolio under (a)(2) of this section or continues to be enrolled  
 7 in a school in the state. A student who, when retested, passes the portions of the test  
 8 not previously passed and who meets any other graduation requirements shall receive  
 9 a diploma from the school district. This subsection does not apply to a student who is  
 10 a child with a disability if the student's individualized education program team  
 11 recommends that the student not be retested.

12 \* **Sec. 3.** AS 14.03.075(c) is repealed and reenacted to read:

13 (c) Notwithstanding (a) of this section, to the extent allowed by federal law, a  
 14 student who is a child with a disability may take the examination required under  
 15 (a)(1) of this section with accommodation or seek approval of a portfolio under (h) -  
 16 (j) of this section with modification of a requirement in (h)(1) or (3) of this section if  
 17 the accommodation or modification has been previously

18 (1) approved by the department; or

19 (2) required by the student's individualized education program or in the  
 20 education plan developed for the student under 29 U.S.C. 794.

21 \* **Sec. 4.** AS 14.03.075 is amended by adding new subsections to read:

22 (h) A student who fails all or part of the examination required under (a)(1) of  
 23 this section may submit a portfolio for approval under (i) of this section in lieu of the  
 24 examination in order to receive a secondary school diploma. The student shall submit  
 25 the portfolio to the principal of the student's school after October 1 and before  
 26 February 1 of the student's senior year. The portfolio must include

27 (1) evidence of a 95 percent attendance rate in secondary school,  
 28 excluding excused absences;

29 (2) an official record that the student has attempted and failed all or  
 30 part of the examination required under (a)(1) of this section at least once;

31 (3) evidence that the student has completed remedial programs

1 available to the student in the area or areas of the competency examination that were  
2 not passed;

3 (4) a written letter stating that the student has acquired the necessary  
4 skills that are included on the examination required under (a)(1) of this section from at  
5 least one teacher of record of the student in the subject area or areas that the student  
6 has failed on the examination;

7 (5) proof that the student has maintained a "C" average or above in all  
8 completed courses required to graduate;

9 (6) proof that the student is expected to meet the applicable state and  
10 district requirements for graduation other than passage of the examination under (a)(1)  
11 of this section; and

12 (7) documentation that demonstrates the student's competency in the  
13 areas tested and failed on the examination required under (a)(1) of this section.

14 (i) The approval process for a portfolio submitted under (a)(1) of this section  
15 shall be confidential and shall be conducted as follows:

16 (1) the principal of the school in which the student is enrolled shall  
17 conduct an initial review of a student's portfolio to ensure compliance with (h) of this  
18 section; the principal shall make a specific finding based on the student's portfolio,  
19 that the student meets or does not meet competency standards for the area or areas of  
20 the competency examination that the student failed;

21 (2) if the portfolio is approved under (1) of this subsection, the  
22 principal shall submit the portfolio to the district of the student; the superintendent of  
23 that district shall conduct a review of the student's portfolio to ensure compliance with  
24 (h) of this section; the superintendent shall make a specific finding based on the  
25 student's portfolio, that the student meets or does not meet competency standards for  
26 the area or areas of the competency examination that the student failed; and

27 (3) if the portfolio is approved under (2) of this subsection, the  
28 superintendent shall submit the portfolio to the state review board under (j) of this  
29 section.

30 (j) A state review board is established in the department for the confidential  
31 review of portfolios received under (i)(3) of this section. The review board shall

1 consist of the commissioner, one member of the Board of Education and Early  
 2 Development appointed by the chair of the board and one at-large member appointed  
 3 by the governor. The members shall serve at the pleasure of the governor. The review  
 4 board shall accept, review, and approve or reject all portfolios submitted under (i)(3)  
 5 of this section before May 1 of each year. The review board shall issue confidential  
 6 findings and a decision for each review conducted. A decision of the review board is a  
 7 final administrative decision subject to judicial review by the superior court.

8 \* **Sec. 5.** AS 14.07.165 is amended to read:

9 **Sec. 14.07.165. Duties.** The board shall adopt

10 (1) statewide goals and require each governing body to adopt written  
 11 goals that are consistent with local needs;

12 (2) regulations regarding the application for and award of grants under  
 13 AS 14.03.125;

14 (3) regulations implementing provisions of AS 14.11.014(b);

15 (4) regulations requiring approval by the board before a charter school,  
 16 state boarding school, or a public school may provide domiciliary services;

17 (5) regulations implementing the secondary school student competency  
 18 examination provisions of AS 14.03.075, including the criteria and procedure under  
 19 which a governing body uses a waiver to grant a diploma to a student; criteria  
 20 regarding granting a waiver must include provisions that a waiver may only be granted  
 21 for students who enter the system late, **for a student who is a child with a severe**  
 22 **cognitive disability, or for students who** have rare or unusual circumstances meriting  
 23 a waiver.

24 \* **Sec. 6.** AS 14.03.075(f) is repealed.

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

27 SECONDARY SCHOOL PORTFOLIO; TRANSITIONAL PROVISION.

28 Notwithstanding the deadline for the submission of a secondary school portfolio in  
 29 AS 14.03.075(h), enacted by sec. 4 of this Act,

30 (1) a student who fails to qualify for the issuance of a secondary school  
 31 diploma under AS 14.03.075 by the end of the student's final semester of attendance, but who

1 has met all other graduation requirements of a school district governing body and the state in  
2 2004, may submit a portfolio for approval under the procedures in AS 14.03.075(h) - (j) on or  
3 before June 1, 2005; a final decision under AS 14.03.075(j) shall be made not more than six  
4 months after the portfolio is submitted by the student;

5 (2) a student who fails to qualify for the issuance of a secondary school  
6 diploma under AS 14.03.075 by the end of the student's final semester of attendance, but who  
7 has met all other graduation requirements of a school district governing body and the state in  
8 2005, may submit a portfolio for approval under the procedures in AS 14.03.075 on or before  
9 December 1, 2005; a final decision under AS 14.03.075(j) shall be made not more than six  
10 months after the portfolio is submitted by the student.

11 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Education  
14 and Early Development shall proceed immediately to adopt regulations necessary to  
15 implement the changes made by this Act. The regulations take effect under AS 44.62  
16 (Administrative Procedure Act).

17 \* **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).