

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

February 11, 2004

1:30 p.m.

**TAPE(S) 04-6**

**MEMBERS PRESENT**

Senator Fred Dyson, Chair  
Senator Lyda Green, Vice Chair  
Senator Gary Wilken  
Senator Gretchen Guess (via teleconference)

**MEMBERS ABSENT**

Senator Bettye Davis

**OTHER LEGISLATORS PRESENT**

Senator Con Bunde  
Representative Peggy Wilson

**COMMITTEE CALENDAR**

OVERVIEW: THE HIGH SCHOOL GRADUATION & QUALIFYING EXAM FOR  
SPECIAL EDUCATION STUDENTS

by the Department of Education and Early Development (DEED)

**TAPE 04-6, SIDE A&B**

**CHAIR FRED DYSON** convened the meeting of the Senate Health, Education and Social Services Standing Committee at 1:38 p.m. Present was Senator Wilken and Chair Dyson. Senators Green and Guess (via teleconference) joined as the meeting was in progress. Also present was Senator Bunde and Representative Wilson.

**SUMMARY OF INFORMATION**

KEVIN SWEENEY, legislative liaison for DEED began the presentation by introducing Neil Slotnick who would provide a historical context for this issue, and Les Morse, who would provide data regarding testing performance of students with Individual Education Plans (IEPs) and Optional Assessments.

NEIL SLOTNICK, Assistant Attorney General, began with a history of the state's alternative assessment program, found in AS 14.03.075(c). This program serves students who have a disability, who are unable to pass the exit exam with or without accommodations. He distinguished between accommodations - the physical assistance that students typically receive - and modifications that may affect the validity of a test by changing what is being measured. Under the statute, a student can receive a diploma having failed the exit exam by completing an alternative assessment program required by the IEP or a 504 plan, which is similar to an IEP.

MR. SLOTNICK continued by explaining that an alternative assessment program must, to the maximum extent possible, conform to state standards established for the exit exam. The IEP team, with departmental approval, determines if the program is aligned to the maximum extent possible. Mr. Morse reported that currently, the state has 809 high school seniors who have IEPs. Mr. Slotnick explained that the alternative assessment program has been renamed Optional Assessment. The alternate program is a federal program dealing with students who experience severe disabilities. This program allows graduation, not by testing, but by creation of a portfolio demonstrating mastery of life skills.

MR. SLOTNICK explained that the Legislature empowered the department to implement the alternative assessment program. By February of a student's junior year, his/her alternative assessment plan must be completed. During that process, local districts and officials spoke against local design of alternative assessments due to the burdens faced with standards requiring conformity to the maximum extent possible. Alternatively, it was proposed that consideration begin with the exit exam's standards and with state control over approval and scoring. The State Board required, by regulation, that cut scores not be changed. Mr. Slotnick reported that the department approves most requests by IEP members for modification.

MR. SWEENEY said current statute requires that each student first take, and fail, the exit exam before pursuing an alternative assessment. The State Board has retained the same policy: to limit alternative assessment program to a modified version of the exit exam rather than adopting a broad array of options that local districts would have to develop and score. Senators expressed interest in the upcoming State Board meeting in March 2004.

LES MORSE, Director of Assessment and Accountability, DEED, provided data on the number of high school seniors who have IEPs or who have yet to pass all three sections of the exit exam, noting that 207 students applied for the Optional Assessment this spring. Senator Bunde asked how families are notified of opportunities for Optional Assessments; the response was that the department meets with test coordinators, special education directors, and principals and provides information regarding these opportunities. Districts, then, are responsible for informing parents and families. Mr. Morse discussed information concerning the percentages of students who have passed all or parts of the Optional Assessment.

MR. MORSE, in response to a question from Senator Wilken, reported that the department has studied other states' protocols concerning these issues, and he briefly reviewed specific cases from other states.

MR. SLOTNICK, in response to a question from Senator Bunde, reported that in other states, parents have sued states in instances when their children have been denied diplomas. The courts have found that states are not required to give a diploma to a student, but are required to provide opportunities for that student to earn a diploma.

SENATOR GUESS stated the need for focusing on students who don't have IEPs, but who nonetheless do not or cannot pass the test despite mastering the material. These children deserve a diploma, she said.

#### **ANNOUNCEMENTS**

There were no announcements.

#### **COMMITTEE ACTION**

The committee took no action.

#### **ADJOURNMENT**

There being no further business to come before the committee, the Senate Health, Education and Social Services Standing Committee was adjourned at 2:49 p.m.

NOTE: The meeting was recorded and handwritten log notes were taken. A copy of the tape(s) and log notes may be obtained by contacting the Senate Records Office at State Capitol, Room 3,

Juneau, Alaska 99801 (mailing address), (907) 465-2870, and after adjournment of the second session of the Twenty-Third Alaska State Legislature this information may be obtained by contacting the Legislative Reference Library at (907) 465-3808.