

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

April 5, 2010
8:04 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Cathy Engstrom Munoz, Vice Chair
Representative Bryce Edgmon
Representative Wes Keller
Representative Peggy Wilson
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 206

"An Act establishing a career assessment requirement in public schools; and relating to postsecondary courses for secondary school students."

- MOVED CSHB 206(EDC) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 206

SHORT TITLE: HIGH SCHOOL ASSESSM'T/POSTSECONDARY CLASS

SPONSOR(S): EDUCATION

03/25/09	(H)	READ THE FIRST TIME - REFERRALS
03/25/09	(H)	EDC, FIN
03/27/09	(H)	EDC AT 8:00 AM CAPITOL 106
03/27/09	(H)	Heard & Held
03/27/09	(H)	MINUTE(EDC)
04/03/09	(H)	EDC AT 8:00 AM CAPITOL 106
04/03/09	(H)	Heard & Held
04/03/09	(H)	MINUTE(EDC)
04/15/09	(H)	EDC AT 8:00 AM CAPITOL 106
04/15/09	(H)	Heard & Held
04/15/09	(H)	MINUTE(EDC)
01/20/10	(H)	EDC AT 8:00 AM CAPITOL 106

01/20/10	(H)	Heard & Held
01/20/10	(H)	MINUTE(EDC)
02/01/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/01/10	(H)	Scheduled But Not Heard
02/05/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/05/10	(H)	Heard & Held
02/05/10	(H)	MINUTE(EDC)
02/10/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/10/10	(H)	Heard & Held
02/10/10	(H)	MINUTE(EDC)
02/12/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/12/10	(H)	Scheduled But Not Heard
02/15/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/15/10	(H)	Heard & Held
02/15/10	(H)	MINUTE(EDC)
02/19/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/19/10	(H)	Heard & Held
02/19/10	(H)	MINUTE(EDC)
02/22/10	(H)	EDC AT 8:00 AM CAPITOL 106
02/22/10	(H)	Scheduled But Not Heard
03/01/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/01/10	(H)	Heard & Held
03/01/10	(H)	MINUTE(EDC)
03/08/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/08/10	(H)	Scheduled But Not Heard
03/17/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/17/10	(H)	Heard & Held
03/17/10	(H)	MINUTE(EDC)
03/19/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/19/10	(H)	Heard & Held
03/19/10	(H)	MINUTE(EDC)
03/24/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/24/10	(H)	Scheduled But Not Heard
03/29/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/29/10	(H)	Heard & Held
03/29/10	(H)	MINUTE(EDC)
03/31/10	(H)	EDC AT 8:00 AM CAPITOL 106
03/31/10	(H)	Scheduled But Not Heard
04/02/10	(H)	EDC AT 8:00 AM CAPITOL 106
04/02/10	(H)	Heard & Held
04/02/10	(H)	MINUTE(EDC)
04/05/10	(H)	EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

LES MORSE, Deputy Commissioner
 Department of Education and Early Development (EED)

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 206.

ACTION NARRATIVE

[8:04:29 AM](#)

CHAIR PAUL SEATON called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Seaton, Buch, Keller, Munoz, Edgmon, and Gardner, were present at the call to order. Representative Wilson arrived while the meeting was in progress.

HB 206-HIGH SCHOOL ASSESSM'T/POSTSECONDARY CLASS

[8:04:42 AM](#)

CHAIR SEATON announced that the only order of business would be HOUSE BILL NO. 206, "An Act establishing a career assessment requirement in public schools; and relating to postsecondary courses for secondary school students."

[8:05:52 AM](#)

CHAIR SEATON referred to page 1, line 6, and offered Conceptual Amendment 2 which would change the high school WorkKeys assessment from grade twelve to grade eleven.

[8:06:13 AM](#)

REPRESENTATIVE GARDNER objected for the purpose of discussion.

CHAIR SEATON recalled that this section of the bill was not removed because the Department of Education and Early Development (EED) advised that current regulation requires recording the WorkKeys assessment in a student's cumulative file, and not on his/her transcript.

[8:07:23 AM](#)

LES MORSE, Deputy Commissioner, EED, confirmed that normally a cumulative file is not transferred to an employer; in fact, even when a university requests information from a high school, only the transcript, or summary, of a student's high school career is supplied.

[8:08:03 AM](#)

CHAIR SEATON then asked for the department's opinion on the appropriate time for students to take the assessment test.

MR. MORSE advised the committee the department's position is that a student should take the test in grade eleven; furthermore, if a student retakes the test, regulations allow the district to pay for the test if the student shows improvement. He reiterated that taking the test in grade eleven gives the student focus for grade twelve; in fact, students who do well may want to move on to the Scholastic Aptitude Test (SAT) or the American College Test (ACT).

[8:09:30 AM](#)

CHAIR SEATON asked whether the amendment would require other changes to existing statute, or changes to other language in the bill.

MR. MORSE affirmed that the language on page 2, line 12, should include "their highest score," to ensure that the highest score would be recorded on the transcript. He observed that this could be handled in regulation, but having the clear intent in statute is well advised.

[8:10:50 AM](#)

CHAIR SEATON offered Conceptual Amendment 1 to Conceptual Amendment 2, which read:

On page 2, line 12,
Following "student's"
Add "highest level of"

[8:11:37 AM](#)

There being no objection, Conceptual Amendment 1 to Conceptual Amendment 2 was adopted.

[8:11:55 AM](#)

REPRESENTATIVE GARDNER, continuing the discussion of Conceptual Amendment 2, observed there are two goals when administering this type of testing: (1) testing in grade eleven is to prepare and inform the student and teachers of the student's preparedness in order to focus for the student's senior year;

(2) testing in grade twelve is to inform employers or postsecondary schools of the student's highest level of achievement for employment or for further schooling. In order to have one test meet both goals, the state can require testing in grade eleven by statute, or testing in grade twelve by statute, and by regulation offer earlier testing. Representative Gardner opined this action may meet the goal of replacing the "high stakes" High School Graduation Qualifying Examination (HSGQE) and inform employers and postsecondary schools of the student's mastery of basic education. She supported administering the assessment test in grade twelve and allowing, by regulation, testing "in eighth grade if they want, and keep going up." However, she pointed out that Conceptual Amendment 1 to Conceptual Amendment 2 supports her argument for having the highest score on the transcript.

[8:13:46 AM](#)

CHAIR SEATON acknowledged that every student is different and college bound students may need to focus on ACT or SAT tests in their final year of high school.

[8:15:15 AM](#)

REPRESENTATIVE WILSON suggested having the WorkKeys assessment administered in grade ten in order to provide two years for a student to organize his/her further study.

[8:16:28 AM](#)

CHAIR SEATON reminded the committee the department is using the Worldwide Interactive Network, Inc. (WIN) and KeyTrain assessments as developmental performance assessments beginning in grade eight; however, the purpose of the more expensive assessment, WorkKeys, is to obtain certificated levels which correspond to curricula established by the earlier assessments. The idea is that students will have from grade eight upward to work on skills.

[8:17:56 AM](#)

REPRESENTATIVE P. WILSON asked at what grade levels administration of the WIN test is required.

[8:18:18 AM](#)

MR. MORSE stated the requirement in regulation is for students in grades six and eight to take the WIN assessment. He noted that WIN and KeyTrain are interchangeable and accomplish the same goals; either is a curriculum assessment to guide students to the right level of study.

[8:19:08 AM](#)

REPRESENTATIVE P. WILSON opined an assessment should be provided in grade ten.

CHAIR SEATON suggested asking the department to address her recommendation through regulatory provisions. In addition, the committee can ask the department to provide an analysis on how the districts adjust their curriculum in response to the administration of WIN at grades six and eight, and WorkKeys at grade eleven.

[8:21:19 AM](#)

REPRESENTATIVE P. WILSON assumed the assessments test local standards.

[8:21:58 AM](#)

MR. MORSE, in response to Chair Seaton, said the WIN and KeyTrain assessments that are required in grades six and eight are part of a national curriculum that is aligned with WorkKeys, thus the assessments are not based at the district level.

[8:22:23 AM](#)

REPRESENTATIVE P. WILSON referred to the court ruling on Moore v. State, and said the court directed the legislature to establish educational standards across the state. She asked how that will be accomplished by the department.

MR. MORSE responded that the required assessments in grades six and eight will begin to standardize levels of education across the state. Furthermore, requiring the WorkKeys assessment in statute will lead districts to appropriately prepare students for the tests, and will result in more standardization.

[8:24:13 AM](#)

REPRESENTATIVE GARDNER surmised administering the WIN test in grade eleven would still inform a student what they need to focus efforts on in his/her senior year, but there is also the potential for students to accept their score and not strive for a higher level. She maintained her objection.

[8:25:03 AM](#)

A roll call vote was taken. Representatives Munoz, Edgmon, Keller, Buch, and Seaton voted in favor of Conceptual Amendment 2. Representatives Gardner and Peggy Wilson voted against it. Therefore, Conceptual Amendment 2 was adopted by a vote of 5-2.

[8:26:19 AM](#)

REPRESENTATIVE KELLER said he cannot support HB 206 because he wants to keep the HSGQE in place. He reported on the results of an informal survey that indicated 75-85 percent of constituents want to have this type of exam in place. Representative Keller referred to page 2, line 14, and remarked:

And if you look at the first line of what is repealed ... [he was reading from AS 14.03.075] "A student may not be issued a secondary ... diploma unless the student passes...." That's raising the bar, and what we replace it with is, the school shall require the student to take a test. And I think that is the wrong message, especially in the context of the possibility of the performance scholarship failing....

[8:28:29 AM](#)

REPRESENTATIVE P. WILSON asked whether the exit exam is still in the bill.

CHAIR SEATON explained that the exit exam remains in place, but the requirement to pass the exam above a certain score in order to graduate is removed. This change will remove the "high stakes" portion of the exam.

REPRESENTATIVE P. WILSON said she is against the exit exam; however, she was unsure of the effect of its removal in the light of the Moore v. State ruling.

[8:31:16 AM](#)

REPRESENTATIVE MUNOZ asked for the percentage of students who do not pass the exit exam, receiving instead a certificate of attendance.

MR. MORSE directed attention to the document in the committee packet titled, Questions from (H)EDC from 3/19/2010 Regarding Workkeys and the HSGQE, page 2. Therein was an analysis of the class of 2008 showing that 270 students received a certificate of achievement. He stressed that the State Board of Education & Early Development (state board) advises that it is unwise to remove the HSGQE, and recommends a comprehensive study of the state's assessment and accountability program with awareness of federal requirements as well. Furthermore, Mr. Morse affirmed that the ruling on the Moore lawsuit indicates that grade eleven and grade twelve students who have failed the HSGQE need to have an individualized learning plan; in fact, all of these students in each of the five affected districts do have learning plans in place.

[8:34:58 AM](#)

REPRESENTATIVE MUNOZ asked whether the HSGQE has gotten easier to pass.

MR. MORSE said changes have not been made since the test was used for accountability. After its inception in 2000, there was a statutory change to assess basic competency skills, particularly in the area of mathematics, and the "cut scores" were reestablished. There have been no changes since 2005, when special education students were held accountable.

REPRESENTATIVE KELLER recalled teams of teachers initially set the cut scores.

[8:37:02 AM](#)

MR. MORSE explained that the initial standards were established by individuals from the industry, and parents. The process concludes with a mean score to determine "at what point in taking this test has a student passed enough ... to say they've met those standards."

[8:37:59 AM](#)

REPRESENTATIVE P. WILSON asked whether the state board has met since the Moore decision.

MR. MORSE said no, and pointed out that the judge has issued an order, not a decision, in the referenced lawsuit.

REPRESENTATIVE P. WILSON remarked,

If we're in compliance with what ... the court ordered, then get rid of [the exit exam].

[8:39:20 AM](#)

CHAIR SEATON asked whether No Child Left Behind (NCLB) legislation was in place when the exit exam was established.

MR. MORSE recalled that NCLB was not in place when Alaska established and amended HSGQE, but by the time HSGQE was implemented, NCLB was also being implemented, and was followed by Adequate Yearly Progress (AYP) testing for grade level three through ten in all schools.

[8:40:04 AM](#)

CHAIR SEATON pointed out that prior to HSGQE, there were no measures to hold school districts accountable for student achievement. However, since the implementation of HSGQE, the federal AYP requirements have been put in place. He questioned whether the ability to assess the progress of students and school districts in meeting the educational goals for Alaska is being served by the federal assessments, or if HSGQE is still necessary.

MR. MORSE said prior to NCLB there were other assessments, but NCLB creates a consistency across grades three through ten and provides accountability and clear information to educators about the performance of students. However, the role of the HSGQE is to assess the individual student, rather than the school. Although various assessments are providing robust information, the state board is going to be "careful and cautious" about replacing information gleaned on individual students.

[8:42:57 AM](#)

REPRESENTATIVE P. WILSON observed that the WIN test would provide information on students' abilities.

MR. MORSE agreed that the WIN curriculum provides information to the teacher, but does not tell where students are positioned

relative to state standards, thus the other assessments are necessary.

[8:43:57 AM](#)

REPRESENTATIVE KELLER commented on the high stakes element of the HSGQE, and opined that it is not really high stakes in the term of proficiency. From the perspective of a postsecondary institute or an employer, it is not high stakes if they are faced with high school graduates who cannot perform. Setting a known standard would be helpful, and he recalled the development of the HSGQE.

REPRESENTATIVE P. WILSON maintained that the test is not working, given the level of remediation required in postsecondary schools. For example, the high school exam only requires a grade eight level of proficiency in math. She concluded that the HSGQE is not effective, and should not be kept.

[8:47:03 AM](#)

REPRESENTATIVE GARDNER recalled testimony that the state board supports keeping this test, but she read a quote from Mr. Morse who said the following at a previous meeting:

State board supports keeping the High School Graduation Qualifying Exam not that we ought not look at something down the road.

REPRESENTATIVE GARDNER expressed her support for the bill.

[8:47:51 AM](#)

CHAIR SEATON reminded the committee that 86 percent of sophomores pass the English and writing portion and 50 percent pass the math, thus the exam is not high stakes for them. The original intent was to have a rigorous test that would demonstrate competency at high school graduation.

REPRESENTATIVE MUNOZ confirmed that the passage of HB 206 keeps the HSGQE in place, but eliminates the requirement to pass in order to graduate. She asked why the test would still be given.

CHAIR SEATON related that the HSGQE continues to serve a purpose.

8:49:50 AM

REPRESENTATIVE GARDNER understood the test remains in place in regulation, but not in statute.

CHAIR SEATON said no, the test remains in sec. 2, of HB 206. The bill requires a competency examination, but not necessarily the present one. He turned to page 2, line 15, and read:

(a) Each public secondary school in the state shall require students to take a competency examination in the areas of reading, English, and mathematics. The department shall determine the timing, form, and contents of the examination and shall score completed examinations.

CHAIR SEATON stated that the language does not say that school districts or the department can stop giving the current exam, but that any testing can be used and included in students' transcripts.

8:51:44 AM

REPRESENTATIVE GARDNER concluded it means that the legislature is no longer requiring that schools administer the HSGQE, although the department may choose to do so, or may use other assessments.

CHAIR SEATON advised that the language on page 2, lines 15-18, directs that there must be a competency examination in the areas of reading, English, and mathematics, with the scores recorded on the student's transcript.

MR. MORSE clarified that the statute allows flexibility as to what test the department uses; however, the test must assess the state's performance standards. The test used could be the HSGQE, or the standards-based assessments used for NCLB. Additionally, the statute allows the student to retake the test if necessary. He advised the reference that allows for student access to the test in grades 11 and 12 is still needed. In response to Chair Seaton, he referred to language found on page 2, line 22, through page 3, line 22, that addressed retesting for students and students with a disability. Mr. Morse pointed out that new language in the statute on page 2, line 20, "measure college readiness," will cause the department to reexamine assessments to ensure they comply with this additional requirement.

[8:55:06 AM](#)

REPRESENTATIVE P. WILSON asked whether the department could retain the high stakes aspect of assessment through its regulations.

MR. MORSE deferred the question to legal counsel. He stated his belief that the department must follow the intent of the legislature.

CHAIR SEATON asked whether the requirement for an exit exam to graduate can be generated by a local school district.

MR. MORSE indicated yes.

[8:56:50 AM](#)

REPRESENTATIVE KELLER asked for an estimate of the cost to develop and administer the HSGQE.

MR. MORSE estimated that the costs during the development years ranged from \$2 million to \$3.5 million. The current assessment for retake students costs about \$1 million, and has been much more in past years. He offered to provide the exact numbers. Furthermore, students who did not pass the exam are able to return at any age with their certificate of achievement, and retake the test to earn a diploma.

CHAIR SEATON asked where it is stipulated that the HSGQE must be administered in grade ten.

MR. MORSE said it is in regulation.

[8:59:58 AM](#)

CHAIR SEATON suggested part of the problem with the exam is that it is given in the spring of grade ten. It does not appear that HB 206 will require an exam in grade ten, and he asked for confirmation of the department's position.

MR. MORSE confirmed that the department and the state board could change its regulations and require the test in a higher grade, but there would be development costs.

CHAIR SEATON acknowledged that one of the problems is that college readiness is not being determined by the existing "cut scores" on the HSGQE.

[9:03:15 AM](#)

REPRESENTATIVE EDGMON asked whether the higher educational standards inspired by the passage of the GPS would affect the exit exam.

MR. MORSE agreed that an assessment needs to be reviewed and changed to reflect the current educational levels. He added that adding college readiness to the assessment "aligns better with the GPS."

[9:04:28 AM](#)

REPRESENTATIVE KELLER also alluded to the passage of GPS and its possible effects on the HSGQE during the next five years.

MR. MORSE recalled that the current statutory language speaks of "essential skills of basic competency, or something to that regard. To me that's not college readiness." The state board and the department are going to take a comprehensive look at the assessments that will lead to an educational system where more kids are going to college, and where students in grade twelve are leaving for postsecondary institutions without needing remedial courses.

[9:06:27 AM](#)

REPRESENTATIVE KELLER observed the HSGQE was designed to measure basic fundamental proficiencies, not college readiness. He suggested that the state should determine whether the GPS legislation, if enacted, improves the basic competency of students.

MR. MORSE agreed that the intent of the GPS is to raise standards to which students strive. He assumed the result would be the student mastery of a higher level of skills reflected in the HSGQE.

[9:07:52 AM](#)

REPRESENTATIVE SEATON cautioned that changing the HSGQE to measure higher levels of competency, and retaining the requirement for high school graduation, would bring up the

original problem whereas many students seeking a high school diploma-not a college scholarship-would not pass.

MR. MORSE affirmed that would be accurate if the cut score were changed. However, the cut scores could remain the same, even though GPS-directed students would be scoring at higher "scale score levels" on the test. He said, "You're going to find yourself in this dilemma, if you change, and make this the higher, high stakes test, you're going to have more students that don't get a diploma, until you make sure your system has driven for higher expectations of all those students."

[9:09:35 AM](#)

REPRESENTATIVE EDGMON observed HB 206 has been well reviewed, and he listed many of the educational topics addressed during discussions on the bill. He recommended that the committee summarize its work in a narrative which could guide further discussion by the department, the proposed task force, the state board, and others.

CHAIR SEATON related that the committee received from the House Finance Committee 15 questions regarding work done by the educational task force two years ago. He suggested that issues discussed during the hearings on HB 206 could be attached to the response to those questions. However, if HB 206 remains in committee, the two final issues are not part of the record in BASIS.

[9:13:24 AM](#)

REPRESENTATIVE MUNOZ stated her opposition to moving the bill forward because of unanswered questions, such as the effect of the elimination of the high stakes portion on recent graduates. She agreed that there are also good reasons to eliminate the high stakes portion of the test. Also, there are concerns about how the GPS legislation ties in with the high stakes testing requirements. Representative Munoz said, "It seems [the bill is] still a work in progress, and I think it might be premature to move it out."

[9:15:07 AM](#)

CHAIR SEATON opined the bill has been reviewed from many aspects and suggested that an amendment to delay implementation may

solve the immediate problems. He offered Conceptual Amendment 3 to create a delayed effective date of July 1, 2012.

REPRESENTATIVE KELLER objected for the purpose of discussion. He then stated that extending the date of effectiveness is not a positive or constructive action. He said, "There is no harm in waiting and seeing, for example, how we do on the performance scholarship."

[9:17:32 AM](#)

REPRESENTATIVE P. WILSON asked whether removing the high stakes aspect could lead to the parent of a child who did not graduate during the period the requirement was in effect, suing the state.

MR. MORSE said any response to Representative Peggy Wilson's question would be speculative. Regarding the amendment that would delay the effective date of the bill, he theorized that prospective seniors may delay graduation for one year in order to graduate free of the exam. In any case, "people will play games."

[9:20:10 AM](#)

REPRESENTATIVE P. WILSON restated her question.

MR. MORSE said he would ask for a legal opinion.

[9:20:53 AM](#)

REPRESENTATIVE MUNOZ referred to the document in the committee packet titled, "Questions from (H)EDC from 3/19/2010 Regarding Workkeys and the HSGQE," page 2, Class of 2008 Analysis, and estimated that since 2005, over 2,000 students may have left high school with only a certificate of achievement.

CHAIR SEATON observed that changes in statewide policy may be indicated, even though those changes disadvantage some.

REPRESENTATIVE KELLER maintained his objection to the amendment.

[9:22:16 AM](#)

A roll call vote was taken. Representatives Edgmon, Buch, Munoz, and Seaton voted in favor of Conceptual Amendment 3.

Representatives Keller, Gardner, and Wilson voted against it. Therefore, Conceptual Amendment 3 was adopted by a vote of 4-3.

[9:23:32 AM](#)

REPRESENTATIVE BUCH moved to report HB 206, 26-LS0765\C, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[9:24:35 AM](#)

REPRESENTATIVE EDGMON objected.

[9:24:54 AM](#)

A roll call vote was taken. Representatives Gardner, Wilson, Edgmon, Buch, Munoz, and Seaton voted in favor of HB 206. Representative Keller voted against it. Therefore, CSHB 206(EDC) was reported out of the House Education Standing Committee by a vote of 6-1.

[9:26:03 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 9:26 a.m.