

**ALASKA STATE LEGISLATURE  
SENATE EDUCATION STANDING COMMITTEE**

March 16, 2009

8:06 a.m.

**MEMBERS PRESENT**

Senator Bettye Davis, Vice Chair  
Senator Donald Olson  
Senator Gary Stevens

**MEMBERS ABSENT**

Senator Kim Elton, Chair  
Senator Charlie Huggins

**COMMITTEE CALENDAR**

SENATE BILL NO. 109

"An Act repealing the secondary student competency examination and related requirements; and providing for an effective date."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 109

SHORT TITLE: REPEAL SECONDARY SCHOOL EXIT EXAM

SPONSOR(s): SENATOR(s) DAVIS

02/17/09	(S)	READ THE FIRST TIME - REFERRALS
02/17/09	(S)	EDC, CRA, FIN
03/16/09	(S)	EDC AT 8:00 AM BELTZ 211

**WITNESS REGISTER**

TOM OBERMEYER, staff to Senator Davis  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Commented on SB 109 for the sponsor.

EDDY JEANS, Director  
School Finance and Facilities Section  
Department of Education and Early Development (DEED)

**POSITION STATEMENT:** Answered questions on SB 109.

ERIC MCCORMICK, Director  
Assessment, Accountability and Information Management

Department of Education and Early Development (DEED)  
**POSITION STATEMENT:** Commented on SB 109.

LYDIA GARCIA, Executive Director  
National Education Association Alaska (NEA)  
**POSITION STATEMENT:** Supported SB 109.

#### **ACTION NARRATIVE**

8:06:03 AM

**VICE CHAIR BETTYE DAVIS** called the Senate Education Standing Committee meeting to order at 8:06 a.m. Present at the call to order were Senators Olson, Stevens and Davis.

#### **SB 109-REPEAL SECONDARY SCHOOL EXIT EXAM**

8:07:09 AM

**CHAIR DAVIS** announced consideration of SB 109. She said this bill was requested by the Board of Education because it wanted the legislature to reconsider the usefulness of this test.

**TOM OBERMEYER**, staff to Senator Davis, sponsor of SB 109, explained the bill as follows:

SB 109 repeals the secondary student competency exam, also known as the High School Graduation Qualifying Exam (HSGQE) or "Exit" exam. The HSGQE was initiated in 2001 and became fully effective in 2004, following the trend for more assessment in the "No Child Left Behind Act" of 2001. It was never clear that the HSGQE would improve performance and measure whether students would be better prepared for college, much less determine conclusively that students were receiving diplomas but lacking basic skills. The Exit Exam has become a "high stakes" hurdle that has harmed many students in Alaska while exacerbating a court finding in 2007 that the State was violating students' constitutional rights to an education without providing proper assistance and direction. (See Moore, et al. v. State of Alaska, 3AN04-9756).

It may be argued that the state does not need the HSGQE, and the state and all school districts already require many assessment tests to determine student progress and competency. At the same time there is a trend away from exit exams. The Center on Education Policy (CEP) report in August of 2008 reported that

most states are moving toward end-of-course exams which assess mastery of content of a specific high school course in lieu of exit exams. The current Alaska HSGQE reportedly has been changed by the Board of Education and made less difficult than at inception. As a result, the exam has become somewhat redundant, time-consuming, and expensive to administer. To save time and money beginning in the spring of 2006 sophomores took a test that combined the HSGQE with a standards-based reading and math assessment test required by the federal No Child Left Behind Act (NCLB). Although the students took only one exam, some questions accounted for one or the other or both exams to satisfy state requirements. I refer you to a legislative report in 06.233 in 2006, "History Results In Cost of the High School Graduation Qualifying Exam." The exam reportedly has detracted from the standard curriculum and also has promoted "teaching to the test."

The department reported in 2007 that over 1,100 students statewide failed to pass the HSGQE after five opportunities, while 8,524 passed. (See Moore, [supra, exhibit 2514, p. 13 of 58,] "Findings of Fact, Conclusions of Law".) These numbers excluded all students who had dropped out or transferred to another school before passing. The court, in Moore, determined that the State was violating the substantive due process rights of students by denying high school diplomas to students in chronically underperforming school districts. Students were failing the High School Graduation Qualifying Exam, while the state was failing to provide the oversight, assistance and direction with clear standards to guide districts attempting to meet content and performance standards.

As a result, the court concluded that the Department was ultimately failing to "maintain a system of public schools" as required under the Alaska Constitution, Article VII, Section 1. Finding insufficient proof of compliance with its 2007 order, the court, in Moore, on February 4, 2009, gave the department 60 days to establish compliance with its constitutional duties and to file with the court 'revised district intervention plans that address and incorporate as

appropriate remedial measures related to each of the problem areas identified in these Findings.'

Alaska's experience with the high school exit exams is not new but it's widespread. Fearful that hundreds of thousands of students would be left behind by one set of standardized, time-pressured tests in New York, an article appeared in the New York Times headed 'Albany Legislators Seek to Dilute New Tougher Graduation Exams.' It was stated in the article that "an unusual bi-partisan coalition of state lawmakers whose constituents range from inner city residents to affluent suburbanites is pushing the scale back of new more stringent graduation requirements for nearly all public high school students" (New York Times, May 1999).

The Center on Education Policy (CEP) reported in August, 2008, that in the 2007-2008 school year 23 states required students to take and pass exit exams to receive a high school diploma. Three more states - Arkansas, Maryland, and Oklahoma - will begin withholding diplomas within the next few years, leading to a total of 26 states with such policies by 2012. Additionally, Connecticut, Pennsylvania, and Oregon are considering exit exams, but Oregon and Pennsylvania are opting to use multiple measures. The CEP reported that 68 percent of the nation's public high school students attend school in the 23 states with such policies. By 2012 approximately 75 percent of the nation's public high school students will be affected, including 84 percent of low income students and students of color.

The Center on Education Policy recommends more funding should be allocated to research aimed at better understanding the impact of exit exams, considering the vast number of students affected by state-mandated high school exit exams. State governments, the CEP reports, should move immediately to collect and release data on final passage rates on these and the rate of students using alternative paths to graduation. As they implement more end-of-course exams, the CEP recommends that states address the need for greater rigor in the content of their exams and provide for greater coordination of high school requirements with college preparedness and work

readiness demands. While dropping the high school graduation qualifying exam does not remedy underlying problems in delivering quality education in underperforming districts already identified by other assessments, it does remove the risk that a student can be denied a diploma after 12 years of education by one exam. Eliminating the high school graduation qualifying exam may also encourage youth to stay in school long enough to get a diploma and reduce the dropout rate. After complying with court ordered requirements in Moore, and perhaps after more experience with other ongoing assessments, the department and Board of Education may better determine whether an exit exam or High School Graduation Qualifying Exam is in the best interests of the state, recognizing that more states seem to be moving away from exit exams toward end of course exams.

[8:15:05 AM](#)

SENATOR STEVENS asked Mr. Obermeyer if he is saying that the exit exam is so onerous that it should be eliminated. He thought the idea was to improve things.

CHAIR DAVIS pointed out that the Board of Education asked that the exit exam be reviewed.

MR. OBERMEYER added that the need for the exam has always been questionable. This exam is now combined with portions of the NCLB test for sophomores in 10<sup>th</sup> grade. It denies diplomas to some students, particularly those in underperforming districts, but most students get through it. About 95 percent of the students in Anchorage who had sufficient credits to graduate did pass the exit exam. It tends to be what is called a high-risk stakes exam that can deny someone a diploma after 12 years of satisfactory performance in school. In the Moore case, the judge said that if the state is going to use tests like this, the department needs to give some direction and assistance to those districts so they can comply with the content and standards in the curriculum. The court felt that wasn't being done, and further that it violates the Alaska Constitution. So, he said, the Moore case is directly tied to the exit exam and to the performance of the educational system in Alaska as a whole. That is why it was brought forward at this time.

[8:19:16 AM](#)

SENATOR STEVENS asked if the problem is that students are being denied a diploma based on the results of this test but added

that Mr. Obermeyer surely wasn't suggesting they give everyone a diploma just because they "stayed around" for 12 years.

MR. OBERMEYER explained that students tend to drop out at age 16 after failing this test when, if they had stayed, they could be helped and encouraged to catch up. Also, the CEP suggests that end-of-course exams are more relevant and show that kids have mastered the area they are studying.

[8:21:51 AM](#)

SENATOR STEVENS asked how the Moore case implies in any way that the exit exam violates students' constitutional rights.

[8:22:18 AM](#)

MR. OBERMEYER explained that substantive due process requires giving sufficient notice. So, it could be implied that by school districts not giving enough information to their students to pass the test, they are violating their substantive due process rights. The court also found insufficient oversight of the districts in providing that evaluation. He directed the committee to the appropriate sections of the Moore case relating to this specific issue on pages 11-13 and 46-58. The conclusions portion said:

The department was not fulfilling its constitutional oversight responsibility in chronically underperforming districts and schools, and ordered the department to take adequate remedial measures to establish compliance. The state asked the court now to find that the deficiencies identified in '07 had been cured and that this court should accept the system as compliant with the education clause.

Further, he said, the plaintiffs asked the court to find that the state court intervention efforts failed to comply with the requirements of the court's 2007 order and that the department continues to be out of compliance with the oversight duties imposed by the education clause of the Alaska Constitution. The court agreed.

CHAIR DAVIS summarized that some students are being denied diplomas because they have failed this exam. She said it was time to review the cost of giving this test and to find out the extent of the existing contract.

[8:27:02 AM](#)

SENATOR OLSON asked Mr. Obermeyer the trends regarding percentage of passage and failure of this test since it was initially implemented.

MR. OBERMEYER suggested that the department might be better able to answer this question.

8:28:20 AM

SENATOR OLSON asked if not passing the exit exam had an adverse affect on children continuing on to college.

MR. OBERMEYER said the chances of a student who didn't pass the exit exam going to college are next to none.

CHAIR DAVIS said if a student gets through high school without a diploma, he can't get into college.

SENATOR OLSON asked if that applies to vocational schools, as well.

MR. OBERMEYER answered that he didn't know for sure, but the CEP said there may be alternative routes to a high school diploma that he didn't think the state had examined.

8:29:40 AM

SENATOR OLSON asked if students can take the GED if they didn't pass the exit exam.

MR. OBERMEYER said he believed so.

SENATOR OLSON asked how the degree of difficulty of the exit exam compares to the difficulty of the GED exam.

MR. OBERMEYER replied that he has heard anecdotally that the exit exam isn't very difficult; it is first given in the 10<sup>th</sup> grade, but many of kids get discouraged from graduating by failing it at that time, and then they drop through the cracks.

SENATOR OLSON said that employers look at someone with a high school diploma and assume that the student has some basic skills, and a student who doesn't pass the test won't have those skills.

MR. OBERMEYER responded that employers like Alyeska, for instance, have tests that they give to people before hiring them without having to rely on the exit exam.

[8:33:50 AM](#)

EDDY JEANS, Director, School Finance and Facilities Section, Department of Education and Early Development (DEED), said the exit exam concept was brought up first by Senator Bunde with the intent of being a minimum competency exam to help employers see that students coming out of the public school system had the basic skills in reading, writing and math. It was never intended to measure whether a child is ready to go on to college.

CHAIR DAVIS asked him to give them more information on the test - its success and where they are at this point statewide.

[8:35:40 AM](#)

ERIC MCCORMICK, Director, Assessment, Accountability and Information Management, Department of Education and Early Development (DEED), said that in tracking seniors who are not graduating or are continuing because they don't have enough credits or because they haven't passed the test, they found from the time they take it in the 10th grade to when they take it in the 12th grade, about 89 percent pass. He found that out of 1,500 seniors in 2008 who did not get diplomas after finishing the school year, 69 percent passed all three parts of the HSGQE. This does not include those who dropped out as a 9<sup>th</sup>, 10<sup>th</sup> or 11<sup>th</sup> grader. He said the department is just now starting to work with the Department of Labor to track how many of the students who don't get their diplomas do go on to get a GED.

[8:38:18 AM](#)

SENATOR STEVENS asked what his recommendation is regarding the test.

MR. MCCORMICK said he is new to this job and that he is interested in looking at alternative routes to graduation, but at this point he is just gathering information.

CHAIR DAVIS asked what he means by "alternative routes to graduation." Is it for all students or just special education students?

MR. MCCORMICK replied that they use CEP extensively for their research, and most of the alternate routes are geared toward students with disabilities and to students with limited English proficiency. But he wanted to look into alternative routes for general education students; he wasn't aware of any yet.

[8:39:52 AM](#)

SENATOR STEVENS asked if Mr. McCormick sees any value in this exit exam.

MR. MCCORMICK answered that having a statewide set of standards is important, but he would not commit further.

[8:40:27 AM](#)

MR. JEANS said the department's position is that there should be some indicator on the students' diplomas that indicate their level of proficiency whether it's the HSGQE or some other mechanism. An example of that might be moving forward with the "Work Keys Assessment" they are doing with the DOLWF - just require districts to issue the result of the assessment on all diplomas. Then employers could use that to evaluate whether a student may or may not fit into their workplace.

CHAIR DAVIS asked what percentage of the present test is the exit exam.

[8:42:20 AM](#)

MR. MCCORMICK did not have the breakdown of the questions, but for the 10th grade, the test is split between the standards-based assessment, which meets all of the NCLB and the HSGQE requirements. They have questions that are developed for each separately and others that address both.

CHAIR DAVIS asked if the standards-based assessment is what is required by NCLB.

MR. MCCORMICK answered yes.

[8:43:15 AM](#)

MR. JEANS added the retake component of the HSGQE in the 11<sup>th</sup> and 12<sup>th</sup> grades costs about \$1.3 million to \$1.5 million/year.

[8:43:55 AM](#)

SENATOR STEVENS asked Mr. Jeans what his position on the exit exam is.

MR. JEANS said he can't say that they should get rid of it without a fall back; they are looking at alternatives.

SENATOR STEVENS asked when the legislature can expect a recommendation from the State Board and the department.

MR. JEANS said he will ask the Board, but it won't happen this session.

CHAIR DAVIS said she isn't pushing for this to happen in the next month, but the mandate was given two years ago and nothing has been done. That is why this bill is before them. She said they still hadn't gotten the information about the cost of administration. Also, she remarked that even if 95 percent of Anchorage students passed and got diplomas, the remaining 5 percent represents a huge number of children.

[8:46:51 AM](#)

MR. JEANS answered that the department just entered a new annual contract with their assessment vendor, DRCR. It has one-year extensions within it, and they can be renewed out to 2016. If the legislature repeals the HSGQE, then they have the option to go back and renegotiate with them. He didn't know how much that would save, because they are looking at the entire state assessment system, which consists of grades 3-10. The HSGQE is embedded in the 10<sup>th</sup> grade standardized assessment, so pulling out the high school qualifying pieces while putting some standards-based assessments pieces back in would take some work. They were able to identify that the retakes would cost \$1.3 million - \$1.5 million annually beginning in 2012 and that could be saved.

MR. JEANS continued explaining that the estimated cost of the contract through 2016 is approximately \$48 million. Judge Gleason identified the Yupiit school district as chronically underperforming with below 30 percent of their students being proficient in reading, writing and math. In that case the judge said the state has an obligation to change the environment so that students clearly have an opportunity to learn what is being tested. Their diplomas should not be held until the state can demonstrate to the courts that those children absolutely had the opportunity to learn. When the department asked for oversight last year in SB 285, it drew the line at 50 percent of the students passing the assessments.

[8:51:13 AM](#)

He continued that the department has intervened in all three schools in the Yupiit district and are seeing a slight increase in performance but not as much as they would like to see.

MR. JEANS added that as Mr. McCormick said, 89 percent of students pass the HSGQE within the 3-year period; the details of those figures are available at the department.

[8:53:11 AM](#)

SENATOR STEVENS said, thinking back to his own graduation, that his diploma just said pass or not; there were no qualifying things on it regarding levels of proficiency. But he could see where there might be some value in indicating a level of proficiency and asked for an explanation of the Work Keys.

[8:53:44 AM](#)

MR. JEANS explained that the Work Keys Assessment aligns reading, math, and locating information to a number of specific jobs classes so that a person can see what level of proficiency relates to those types of job. Taking the test early in the high school career gives the school the opportunity to bring students up to speed in the needed areas. It's pretty well known nationwide, but not so well in Alaska, and employers are just now starting to get used to it. The DOLWD is using this assessment in its job centers to help people locate jobs.

SENATOR STEVENS asked how that differs from an employer asking for the academic record, "And how much information are you going to put on these diplomas, anyway?"

MR. JEANS answered that the Work Keys assess three areas that would be identified on the diploma. Individual certificates are issued, so you could have both a diploma and a certificate. All districts will be required to administer that test to their 11<sup>th</sup> graders next year.

SENATOR STEVENS asked if transcripts are still provided to employers who want to know the specifics of a student's record.

[8:57:05 AM](#)

MR. JEANS answered that students can ask for transcripts and provide them to employers, but the school district will not do that automatically.

[8:57:38 AM](#)

LYDIA GARCIA, Executive Director, National Education Association Alaska (NEA) supported SB 109. She said the HSGQE has long been viewed by her members as a drain on the public schools' resources. Additionally, this mandate is remiss by not providing any meaningful data as to whether it is improving the abilities of children in Alaskan schools. This is the fifth anniversary of Noon v. State of Alaska, a lawsuit that was filed to improve the chances of children with disabilities to receive the instruction necessary to give them an opportunity to pass the test. They heard the Moore case referenced two years ago when Judge Gleason found that the state was failing to provide the correct

oversight and assistance to school districts attempting to meet content and performance standards.

One example of the disconnect between testing and instruction is that in 2004/05, 23 percent of Alaska's high schools did not provide the necessary instruction for the geometry portion of the mathematics tested by the exit exam. It doesn't provide a valuable assessment for vocational students or people for whom English is a second language, and sophomores who do pass the test rebel against the other necessities of a high school education such as credit accumulation. She said that NEA strongly opposes high stakes testing and believes that money spent on these tests could be better spent in the classroom providing students with quality instruction. Alaska already has numerous assessment tools available and the HSGQE has not proven itself to be of any value. It is seen by students and the public as an achievement, but it is the achievement of a minimum standard. "It does not address excellence in any way."

[9:01:15 AM](#)

SENATOR STEVENS asked Ms. Garcia if she wants to replace it with something or just get rid of it.

MS. GARCIA replied that NEA believes more focus needs to be placed on the actual education. They already have the standards based assessment to measure achievement.

VICE-CHAIR DAVIS held SB 109 in committee.

[9:02:21 AM](#)

VICE-CHAIR DAVIS found no further testimony and adjourned the Senate Education Standing Committee meeting at 9:02 a.m.