

HB

133

22-LS0607AB

Ford

3/30/01

HOUSE CS FOR CS FOR SENATE BILL NO. 133(EDU)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-SECOND LEGISLATURE - FIRST SESSION****BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION****Offered:****Referred:****Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to a two-year transition for implementation of the public high school
2 competency examination and to establishing a secondary student competency
3 examination as a high school graduation requirement; relating to certain reports
4 regarding academic performance of schools; and providing for an effective date."

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

6 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 PURPOSE. (a) As part of the state's quality schools initiative, the purpose of this Act
9 is to maximize the opportunity for the success of all public school pupils by (1) continuing to
10 measure pupil performance through appropriate testing based on specific standards; (2)
11 allowing the Department of Education and Early Development to continue to develop and
12 perfect the competency examination to allow measurement of minimum competency and to
13 perfect the testing method; (3) ensuring that school districts and families receive performance
14 data from standards-based assessments of pupils; and (4) encouraging schools and school

HCS CSSB 133(EDU)

1 districts to develop and promote endorsements and awards that document high levels of
2 academic, artistic, and vocational achievement by graduating pupils. The performance data is
3 to be used to better determine appropriate academic intervention and support for pupils.

4 (b) The purpose of the change of date made by sec. 5 of this Act is to

5 (1) allow for specific high standards to be set and maintained for public
6 schools in the state; and

7 (2) ensure maximum opportunity for all pupils to learn and for school districts
8 to improve.

9 * Sec. 2. AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended to read:

10 Sec. 14.03.075. Secondary pupil competency testing. (a) A pupil may not
11 be issued a secondary school diploma unless the pupil passes a competency
12 examination in the areas of reading, English, and mathematics. The department shall
13 determine the form and contents of the examination and shall score completed
14 examinations. [A PUPIL WHO FAILS TO PASS THE EXAMINATION REQUIRED
15 UNDER THIS SUBSECTION AND WHO IS NO LONGER IN ATTENDANCE
16 SHALL RECEIVE A CERTIFICATE OF ATTENDANCE FROM THE SCHOOL
17 DISTRICT INDICATING THE YEARS OF ATTENDANCE AND THAT THE
18 PUPIL HAS NOT PASSED A COMPETENCY EXAMINATION OR RECEIVED A
19 DIPLOMA.]

20 (b) A pupil who fails the examination required under this section shall be
21 retested at least once during a school year on those portions of the examination
22 that the pupil has not passed. A student who passes any portion of the test may
23 not retake that portion of the test [MAY BE REEXAMINED. A
24 REEXAMINATION MAY NOT BE OFFERED MORE OFTEN THAN ONCE
25 EVERY THREE MONTHS AND MUST OCCUR WITHIN THREE YEARS AFTER
26 THE DATE THE PUPIL IS NO LONGER IN ATTENDANCE]. A pupil who, when
27 retested, passes the portions of the test not previously passed
28 [REEXAMINATION] and who meets any other graduation requirements shall receive
29 a diploma from the school district. This subsection does not apply to a pupil who is
30 a child with a disability if the pupil's individualized education program team
31 recommends that the pupil not be retested.

1 * Sec. 3. AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended by adding new
2 subsections to read:

3 (c) Notwithstanding (a) of this section,

4 (1) a child with a disability who is receiving educational services
5 through an individualized educational program under AS 14.30.278 may qualify for
6 the issuance of a secondary school diploma by

7 (A) passing all portions of the examination described under (a)
8 of this section;

9 (B) passing all portions of the examination described under (a)
10 of this section with the accommodations approved by the pupil's individualized
11 education program team; or

12 (C) demonstrating, through a portfolio of work, mastery of
13 state performance standards established by the board; and

14 (2) a pupil who transfers into a public high school in this state shall
15 receive a diploma if the pupil

16 (A) meets graduation requirements imposed by the governing
17 body and the state; and

18 (B) has passed a competency examination in the state from
19 which the pupil transferred.

20 (d) A pupil who fails to qualify for the issuance of a diploma under (a) of this
21 section or a retest under (b) of this section shall be awarded a certificate of
22 achievement. A certificate of achievement may include the following information:

23 (1) the portions of the examination described under (a) of this section
24 that were passed;

25 (2) the pupil's attendance record; and

26 (3) other information indicating the qualifications of the pupil that the
27 governing body determines appropriate.

28 (e) The department shall by regulation establish uniform standards for

29 (1) pre-examination study materials; and

30 (2) procedures to be followed during administration of an examination.

31 (f) In this section,

1 (1) "child with a disability" has the meaning given "children with
2 disabilities" in AS 14.30.350;

3 (2) "individualized education program team" has the meaning given in
4 AS 14.30.350.

5 * Sec. 4. AS 14.03 is amended by adding a new section to read:

6 **Sec. 14.03.078. Report.** The department shall provide to the legislature by
7 January 15 of each year an annual report regarding the progress of each school toward
8 high academic performance by all pupils. The report required under this section must
9 include

10 (1) the number of pupils in each school who pass the examination
11 required under AS 14.03.075, and the number who pass each section of the
12 examination;

13 (2) progress of the department

14 (A) toward implementing the school accountability provisions
15 of AS 14.03.123; and

16 (B) in assisting high schools to become accredited;

17 (3) a description of the resources provided to school districts for
18 coordinated school improvement activities and staff training in each school district;

19 (4) each school district's and each school's progress in aligning
20 curriculum with state education performance standards;

21 (5) a description of the efforts by the department to assist a public
22 school that receives a designation of deficient or in crisis;

23 (6) a description of intervention efforts by each school district and
24 school for students who are not meeting minimal competency standards;

25 (7) the number and percentage of turnover in certificated personnel and
26 superintendents;

27 (8) the number of teachers by district and by school who are teaching
28 outside the teacher's area of endorsement but in areas tested by the high school
29 competency examination.

30 * Sec. 5. Section 3, ch. 58, SLA 1997, is amended to read:

31 Sec. 3. Section 1 of this Act takes effect February 1, 2004 [JANUARY 1,

1 2002].

2 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 INTERIM PUPIL COMPETENCY TESTING. (a) Beginning February 1, 2002, and
5 ending January 31, 2004, and as directed by the state Board of Education and Early
6 Development, the governing body of each school district in the state shall give the
7 competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school
8 year. The results of the examination of a pupil under this section shall be reflected (1) in that
9 pupil's transcript in a manner that indicates which sections of the examination were passed
10 and which were failed; and (2) as endorsements on the pupil's diploma that reflect the sections
11 of the examination that were passed, as directed by the state Board of Education and Early
12 Development.

13 (b) A pupil shall be retested at least once during a school year on those portions of the
14 competency examination described in sec. 1, ch. 58, SLA 1997, that the pupil has not passed.
15 This subsection does not apply to a pupil who is a child with a disability if the pupil's
16 individualized education program team recommends that the pupil not be retested. In this
17 subsection,

18 (1) "child with a disability" has the meaning given "children with disabilities"
19 in AS 14.30.350;

20 (2) "individualized education program team" has the meaning given in
21 AS 14.30.350.

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

24 REQUIRED REPORT. The Department of Education and Early Development shall,
25 by January 14, 2002, report back to the Alaska State Legislature with recommendations for

26 (1) a competency examination waiver process for pupils who enter the school
27 system late and for other pupils with rare or unusual circumstances that merit a waiver;

28 (2) an appeals process for a pupil who is denied a high school diploma;

29 (3) establishing a process that allows issuance of a high school diploma to a
30 child with a disability based on a portfolio of work, as described under
31 AS 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

1 (4) evaluating the process described under (3) of this section.

2 * Sec. 8. Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997,
3 as amended by this Act.

4 * Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect immediately under
5 AS 01.10.070(c).

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

22-GH1006J

Ford

3/28/01

CS FOR HOUSE BILL NO. 94(EDU)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to pupil competency testing, to the issuance of secondary school
2 diplomas, and to certain reports regarding academic performance of schools; and
3 providing for an effective date."

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

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10 allowing the Department of Education and Early Development to continue to develop and
11 perfect the testing method; and (3) ensuring that school districts and families receive
12 performance data from standards-based assessments of pupils. The performance data is to be
13 used to better determine appropriate academic intervention and support for pupils.

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2 schools in the state; and

3 (2) ensure maximum opportunity for all pupils to learn and for school districts
4 to improve.

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10 examinations. [A PUPIL WHO FAILS TO PASS THE EXAMINATION REQUIRED
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17 retested at least once during a school year on those portions of the examination
18 that the pupil has not passed. A student who passes any portion of the test may
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27 recommends that the pupil not be retested.

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1 through an individualized educational program under AS 14.30.278 may qualify for
2 the issuance of a secondary school diploma by

3 (A) passing all portions of the examination described under (a)
4 of this section;

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6 of this section with the accommodations approved by the pupil's individualized
7 education program team; or

8 (C) demonstrating, through a portfolio of work, mastery of
9 state performance standards established by the board; and

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23 governing body determines appropriate.

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1 high academic performance by all pupils. The report required under this section must
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3 (1) the number of pupils in each school who pass the examination
4 required under AS 14.03.075, and the number who pass each section of the
5 examination;

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7 (A) toward implementing the school accountability provisions
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23 child with a disability based on a portfolio of work, as described under
24 AS 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

25 (4) evaluating the process described under (3) of this section.

26 * Sec. 8. Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997,
27 as amended by this Act.

28 * Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect immediately under
29 AS 01.10.070(c).

SITE: Kenai LIO

COMMITTEE: HHES

DATE: 4-5-01

SUBJECT OF MEETING:

SB133 Public School Competency
Exam

UPDATE #:



PLEASE SIGN IN

PLEASE PRINT:

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y OR N
Dr. Ed McLain	148 N Bibkley Soldotna Ak 99669	Ken Pen School Distr	Y SB133

Page 1 of 1 KENAI LIO

Handwritten calculations:

$$\begin{array}{r} 1980 \quad 76,008 \\ \hline 15900 \\ 15840 \end{array}$$
$$\begin{array}{r} 1695 \quad 4 \\ \hline 15600 \\ 15255 \end{array}$$

Amendment
Rep Stevens

Page 2, following line 12:

Insert a new subsection to read:

“(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program team’s inappropriate lowering of individualized education program goals and objectives for the purpose of providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action.”

Page 3, lines 10-19:

Delete all material and insert:

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student’s individualized education program or required in the education plan developed for the student under 19 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;”

Page 4, following line 7:

Insert new subsections to read:

“(f) A student shall receive an endorsement on the student’s diploma and transcript identifying the areas of the examination successfully passed.

(g) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program under (c)(1) of this section may not be changed after February 1 of the student’s junior year of study.”

Page 7, lines 16-18

Delete

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE CISSNA

TO: HCS CSSB 133(EDU)

1 Page 2, line 5:

2 Delete "sec. 7"

3 Insert "sec. 4"

4

5 Page 2, line 13, through page 4, line 2:

6 Delete all material and insert:

7 "* **Sec. 2.** AS 14.03.075, added by sec. 1, ch. 58, SLA 1997, is repealed and reenacted to
8 read:

9 **Sec. 14.03.075. Academic standards for high school graduation. (a)**

10 Before graduating from high school, each student is required to

11 (1) be tested in a graduation examination in the areas of reading,
12 English, and mathematics; and

13 (2) meet academic requirements established by the state and the
14 governing body.

15 (b) The department shall determine the form and contents of the graduation
16 examination and shall score completed examinations.

17 (c) Based on the results of the graduation examination, each student receiving
18 a high school diploma shall receive an endorsement on the diploma as follows:

19 (1) a student who exhibits proficiency in mathematics - a mathematics
20 endorsement;

21 (2) a student who exhibits proficiency in reading - a reading
22 endorsement;

23 (3) a student who exhibits proficiency in writing - a writing
24 endorsement; and

1 (4) a student who is not eligible for an endorsement under (1) - (3) of
2 this subsection - an endorsement consisting of the Alaska flag symbol.

3 (d) The department shall establish by regulation uniform standards for
4 awarding an endorsement required under (c) of this section."
5

6 Renumber the following bill sections accordingly.
7

8 Page 5, line 9, through page 6, line 15:

9 Delete all material.
10

11 Renumber the following bill sections accordingly.
12

13 Page 7, lines 8 - 29:

14 Delete all material.
15

16 Renumber the following bill sections accordingly.
17

18 Page 7, line 30:

19 Delete "Except as provided in sec. 11 of this Act, this"

20 Insert "This"

Amendment No. 1

Offered by Rep. Coghill

1. Page 1, line 1

Delete "two-year" and replace with "one-year" to read

"An Act relating to a one-year transition for implementation of the public high school competency examination..."

2. Page 6, Section 7, line 17

Delete "2004" and replace with "2003" to read

"Sec. 3. Section 2 of this Act takes effect February 1, 2003."

3. Page 6, Section 8, line 22

Delete "2004" and replace with "2003".

Amendment No. 2

Offered by Rep. Coghill

1. Page 4, Section 4, line 15

Delete "January" and insert "February" to read

"Sec. 14.03.078. Report. The department shall provide to the legislature by February 15 of each year an annual report regarding the progress of each school and school district toward high academic performance by all students..."

2. Page 7, Section 9, line 11

Delete "January" and insert "February"

Amendment No. 3

Offered by Rep. Coghill

Page 6, lines 8 - 15

Delete (5)

"regulations implementing the secondary school student competency examination provisions of AS 14.03.075, including the criteria and procedure under which a governing body uses a waiver to grant a diploma to a student; criteria regarding granting a waiver must include provisions that a waiver may only be granted for students who enter the system late or have rare or unusual circumstances meriting a waiver and must require that a student satisfy the performance standards developed under AS 14.07.020(b) to the maximum extent possible."

2

Amendment
Rep Joule

Page 7, line 12-14

Delete

High School Graduation Qualifying Exam Results for Students with Disabilities

Listed below are the Spring and Fall 2000 HSGQE results for students with disabilities and students without disabilities. Comparisons between these students groups should be made cautiously, as described in the note that follows the data.

Spring 2000

Overall Results

	<u># Who Took All Sections of Test</u>	<u># Passed</u>	<u>Percentage</u>
Disabled	644	16	2.5%
Non-disabled	7,166	2,255	31.5%
Total	7,810	2,271	29.1%

By Section

	READING			WRITING			MATH		
	# Passed	# Not Passed	% Passed	# Passed	# Not Passed	% Passed	# Passed	# Not Passed	% Passed
Disabled	223	483	32%	46	652	7%	33	658	5%
Non-disabled	5,955	1,615	79%	3,878	3,667	51%	2,684	4,796	36%
Overall	6,178	2,098	75%	3,924	4,319	48%	2,717	5,454	33%

Fall 2000

Overall Results

	<u># Who Took All Sections of Test</u>	<u># Who Passed</u>	<u>Percentage</u>
Disabled	285	03	1.1%
Non-disabled	1,695	156	9.2%
Total	1,980	159	8.0%

By Section

	READING			WRITING			MATH		
	# Passed	# Not Passed	% Passed	# Passed	# Not Passed	% Passed	# Passed	# Not Passed	% Passed
Disabled	61	267	19%	18	421	4%	29	412	7%
Non-disabled	949	1,087	47%	884	2,749	24%	998	3,484	22%
Overall	1,010	1,354	43%	902	3,170	22%	1,027	3,896	21%

Only students in 10th grade were allowed to take the test. However, in line with federal requirements, the department collects and reports the number of students with disabilities by age. Since not all 10th graders are the same age, accurate participation rates and passing rates of students with disabilities cannot be calculated. The number of participating students with disabilities may also be under-represented due to omissions in coding the test booklets.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Brian Porter
Joe Green
Peggy Wilson
Gary Stevens
Reggie Joule
Gretchen Guess

SPONSOR STATEMENT **HCS for CSSB 133 (EDU) Version "R"**

HCS for CSSB 133 (EDU) Version "R" is a combination of the Senate-passed version and the Education Committee's HB 94. It maintains accountability for the State Performance Standards. It also addresses the public's concerns about opportunity to learn, children with disabilities, and students who transfer into an Alaskan high school from another state. The work that has gone into this effort, by both the Senate, and the House to date, is intended to make the High School Competency Test fair to all students and legally defensible.

This bill includes the following provisions:

- delays the effective date of the High School Competency Test until February 1, 2004;
- the Legislature's commitment to improving education through the State Performance Standards and intent that the High School Competency Test is part of an evolving process;
- the student must demonstrate mastery of the State Performance Standards in reading, English and math in order to receive a diploma, receive a waiver from the governing body, or have passed a competency test in another state;
- if a student cannot demonstrate mastery of the standards, he/she would receive a Certificate of Achievement, which would note which portions of the test the student had passed, his/her attendance record, and any other qualifications the district felt were appropriate;
- special education students may demonstrate mastery by a combination of passing the test without accommodations, with accommodations, or through a portfolio of work;
- a requirement that the Department of Education will provide the Legislature with an annual report showing indicators of the progress that schools are making toward high student achievement;
- rewards students, between 2002 and 2004, for passing the High School Competency Test; and
- asks the department to make recommendations to the Legislature regarding waivers, an appeals process, and portfolios.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 133(HES)
 (S) Publish Date: 3/20/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
 Title: An Act relating to a two-year transition for imple- BRU: Teaching & Learning Support
mentation of the public high school competency examination Component: Quality Schools
 Sponsor: Senate HESS
 Requester: Senate HESS Component Number: 2147

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	48.0					
Contractual	17.9					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	65.9	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	65.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	65.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposa.

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The legislation amends AS 14.03.075 to allow a governing body to grant a waiver of the competency exam requirement based on criteria established by the State Board of Education & Early Development (SBOEED) to develop the waiver, the SBOEED will engage the Alaskan public through a series of face-to-face regional meetings and teleconferences. Meetings and teleconferences will be advertised statewide. During FY03, the SBOEED will draft the waiver parameters to fulfill the reporting requirements for the January 2003 report to the legislature. The SBOEED will then promulgate regulations delineating the waiver process requirements.

Prepared by: Barbara Thompson, Deputy Director Phone 465-8727
 Division: Teaching & Learning Support Date/Time 3 16 01 12:00 AM
 Approved by: Bruce Johnson, Deputy Commissioner of Education Date 03 16 2001
 Agency: Department of Education & Early Development

For distribution information, call the Governor's Legislative Office



April 3, 2001

By Hand Delivery

Hon. Con Bunde
Chair, House Special Committee on Education
State Capitol Room 501
Juneau, AK 99801

ATTN: Karen McCarthy

Re: **Alaska High School Graduation Qualifying Exam
CSSB 133 / CSHB 94**

Dear Rep. Bunde:

Thank you for providing a copy of a work draft that, if adopted, would be a committee substitute for CSSB 133(HES)am. You have asked us to pass on the legality, in our view, of a proposed amendment to the bill that would:

- (1) provide for identification of those subjects successfully completed on a student's diploma and transcript, and
- (2) allow a student with an individualized education program under federal and state special education laws and regulations to receive a diploma upon passage of some but not all of the subject areas required to be passed by students in a regular education program

If we understand the operation of the amendment correctly, by inspection of the transcript or diploma it would be possible to identify some students with disabilities, *i.e.*, those who had passed some but not all subjects. We have previously commented on such a result to the Alaska Board of Education. Attached is a copy of our previous comments; please note Amy Headrick's previous testimony at pages 4-6, and especially the following:

"It is the opinion of the Disability Law Center that 'flagging' of diplomas to reflect what accommodations were provided would be discriminatory and would undermine the relevant [special education and anti-discrimination] laws. * * * It provides an open door for discrimination. . . . Flagging diplomas does not seem to have any legitimate purpose."

In our view, any provision which would otherwise permit the identification of a student with a disability on a diploma or transcript is, in our view, legally suspect and should not as a matter of public policy be authorized. Please do not hesitate to contact Amy Headrick, staff attorney in our Anchorage office, if you require more information on this subject.

Very truly yours,

Robert B. Briggs

for Amy Headrick, staff attorney
Robert Briggs, staff attorney

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MEMBER OF THE
NATIONAL
ASSOCIATION OF
PROTECTION &
ADVOCACY
SYSTEMS

BEFORE THE ALASKA BOARD OF EDUCATION AND EARLY DEVELOPMENT

COMMENTS OF THE DISABILITY LAW CENTER OF ALASKA, INC.
REGARDING HSGQE

By
Amy E. Headrick, Staff Attorney
Disability Law Center of Alaska, Inc.

We have been asked to provide testimony regarding the High School Graduation Qualifying Examination. In this regard, three issues have been raised:

1. The definition of a high school diploma;
2. Notation on a diploma of accommodations provided to a student taking the HSGQE; and
3. Other concerns of the Disability Law Center regarding the HSGQE.

While we have previously provided testimony regarding the exam, including the Governor's proposed bill to delay the implementation date, we are happy to take this opportunity to again address this important issue and its implications for Alaskan children with disabilities.

A. Inclusion of students with disabilities in state and district-wide assessments

As a preliminary note, it is important to know that the Disability Law Center supports standards in education such as the HSGQE. As provided in the Individuals with Disabilities in Education Act (IDEA)¹, we also support full inclusion of those students with disabilities who are

¹ The Individuals with Disabilities Education Act ("IDEA"), as amended in 1997, explicitly requires students with disabilities be included in any state or district-wide assessments such as the HSGQE. *See* 20 USC § 1412(a)(17)(A) (1999); *see also* 34 CFR § 300.138 (1999). The IDEA strives to include students with disabilities in the regular curriculum of public education as much as is feasible. Congress clearly intended that students with disabilities be included in any state or district-wide assessments as part of this inclusion. In fact, the legislative history behind the 1997 revisions states that

[t]he Committee reaffirms the existing Federal law requirement that children with disabilities participate in State and district-wide assessments. This will assist parents in judging if their student is improving with regard to his or her academic achievement, just as parents of nondisabled children do.

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 28, 2001

Page 2 of 8

able. In fact, if the school districts are developing and implementing appropriate Individualized Educational Programs (IEP), the majority of students with disabilities should be able to take and pass the exam.

The basic principal behind the IDEA is to raise expectations for students with disabilities. Congress recognized, as does our current President, that there was a latent form of discrimination against students with disabilities. President Bush has referred to this as "the soft bigotry of low expectations." By holding lower expectations, these students only perform to that level, never reaching their full potential. The IDEA seeks to raise those expectations, placing the burden on school districts to provide the necessary services and supports for students with disabilities to attain the educational benefit available to students without disabilities. As noted by the first lady "we must do more than say that all children can learn. We must believe it."

Thus, federal law requires all students with disabilities be provided an appropriate education, which includes the provision of effective instruction in the general curriculum. These laws are designed to protect against discrimination in education based upon disabilities. By including students with disabilities in State and district-wide assessments, parents are given an effective tool by which to measure the education their students receive. Thus, the goals of nondiscrimination and promotion of high educational standards for all students are complementary objectives. Parents of students with disabilities do in fact want, and have the

H.R.Rep.No. 105-95 at page 101, 105th Cong., 1st Sess. (May 13, 1997), *reprinted in* 1997 U.S. CODE CONG. & ADMIN. NEWS 78, 98-88.

right to demand, their students be assessed using the same standards as students without disabilities.

B. What is a diploma?

New Webster's Dictionary defines "diploma" as

A document signed by competent authority, conferring some power, privilege, or honor, as that given to graduates of colleges and universities upon completion of graduation requirements; an official document.

This definition is a good starting point for the current debate. A diploma signifies that the recipient has successfully completed the requirements of an academic program. With the document, which is official, comes certain rights or privileges. Such is the case with a high school diploma. For twelve years, students with and without disabilities work to complete the academic requirements so that they may receive the official seal of completion: their high school diploma.

Because the IDEA is intended to provide all students with equal opportunity to learn, it envisions that all but the most severely disabled be taught the same standards as students without disabilities. This means that school districts should be providing students with disabilities an appropriate education that allows them to meet the same graduation requirements as students without disabilities. Therefore, students with disabilities are entitled to receive the same diploma at the end of their course of study as students without disabilities. In most cases, they have worked harder, and often longer, to attain this goal and deserve to have their achievement

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 28, 2001

Page 4 of 8

recognized by the "official document" given by the school district to all students who meet the requirements.

A diploma does make a difference. In Bethel, the LKSD (Lower Kuskokwim School District) has recently implemented a policy that every employee, from the top to the bottom, must have obtained a high school diploma. Two janitors employed with the district for many years also attended school there. These two men have learning disabilities. Because the school district failed to properly educate them, they were not able to achieve the goal of obtaining a diploma. Now they have been told by the very school district that failed them, that they can no longer work there.

C. Notation on a diploma of accommodations provided to a student taking the HSGOE

As discussed above, students with disabilities are to be included in state and district-wide assessments to the extent possible. A student's IEP team must make the determination whether or not a student with a disability will participate in the assessments. According to the booklet published by the Department of Education & Early Development (DEED) entitled "Participation Guidelines For Alaska Students in State Assessments" only a small number of students (less than 2%) will not participate in the HSGQE.² These students will participate in alternate assessments. For the remaining students, the IEP teams must determine what, if any, accommodations will be provided.

Both federal and state law requires that appropriate accommodations be provided to students with disabilities for participation in assessments such as the HSGQE. The issue of

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 28, 2001

Page 5 of 8

accommodations has been an area of concern to our agency, as it has in other states.³ It is the opinion of the Disability Law Center that "flagging" of diplomas to reflect what accommodations were provided would be discriminatory and would undermine the relevant laws.

Flagging a diploma to indicate what accommodations were provided to a student with a disability undermines the law. It forever says to those who see it that this person has a disability. It provides an open door for discrimination. Accommodations are required by law in order to ensure the information resulting from a test is an accurate reflection of what the test is intended to measure. In other words, accommodations make sure a student's ability is measured rather than the disability. These students are entitled to accommodations, the students' IEP teams determine them, and they are used throughout the students' scholastic careers. Flagging diplomas does not seem to have any legitimate purpose.

Another issue related to flagging is the creation of different levels of diplomas. Although this has not been proposed in any specific bill, it has been a topic of discussion. For those students with disabilities so severe that they will take an alternate assessment, it is probably all right to grant them a different diploma. This would be the so-called IEP diploma. The IEP teams for these students have already determined that they will not be able to participate in the state and district-wide assessments.

² "Participation Guidelines For Alaska Students in State Assessments," at p. 7.

³ On February 14, 2001, I provided testimony regarding HB 94. At that time I provided a copy of the settlement reached between the Oregon Department of Education (ODE) and parents of children with learning disabilities. The agreement was centered on ODE providing appropriate accommodations.

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 23, 2001

Page 6 of 8

However, this is not the case for the vast majority of students with IEPs. The IEP is supposed to be designed so that these students are adequately prepared for the exams. They may need more individualized instruction, more time, or different methods of teaching, for example. Each year their individual plans are reviewed to determine if they are meeting the goals and objectives. If not, their program should be changed in order to ensure they are learning the material required for graduation. They are entitled to receive proper instruction so that they will not have to be segregated from their peers without disabilities. To give them a different diploma would be to seriously undermine the purpose of the IDEA. The correct emphasis should be on making sure our schools are providing these children with a proper education so that "no child is left behind."

D. Other Concerns Regarding Children with Disabilities

Many people have expressed their opinions regarding the subject of the HSGQE and students with disabilities. This agency has provided much testimony to date. While we appreciate the opportunity to be heard, and we applaud the efforts of this committee and the other members of the Alaska legislature for their attempts to resolve the issues, this latest proposal does not address our fundamental concern.

As I have said repeatedly throughout this testimony, the biggest concern is the large numbers of students with disabilities who are not given a real opportunity to learn. Creating a proper IEP is difficult and time-consuming. If the child is not properly taught in the early years, by third or fourth grade, it becomes even more difficult. I know of junior high and high school

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 28, 2001

Page 7 of 8

students who have been in special education since kindergarten who are still reading at a first or second grade level. By the time they are in seventh grade, it becomes very difficult and very expensive to bring them up to the level of their class. They continue to fall behind in all of their subjects because they cannot read the required texts. Parents get tired of fighting the school districts every year in order to try to get their children the education to which they are entitled. The students develop poor study skills or behavior problems because they feel "stupid." It is incumbent that these students have a real opportunity to learn the material the HSGQE will test.

The numbers of students with disabilities who passed the spring and fall 2000 exam are very low, indicating the real problem. We have all heard the overall percentages from the spring 2000 exam (which includes students with disabilities): 75% passed the reading, 48% passed the writing, and 33% passed the math. For students with disabilities, the numbers are well below: 31% passed the reading, 6% passed the writing, and 4% passed the math. These numbers are simply unacceptable.⁴

There are two possibilities for these low numbers. The test may be invalid as to students with disabilities. The test may unintentionally, and unfairly, be testing a particular disability. If so, it must be examined to see if it is a test problem, or if an appropriate accommodation can be provided to remove the bias. If this is the case, the problem can likely be resolved in the matter of a couple of years.

⁴ The percentages of students with disabilities who passed the fall 2000 exam are not any more encouraging: 18% passed the reading, 4% passed the writing and 6% passed the math.

Comments of the Disability Law Center of Alaska, Inc. to the Alaska State Senate and House Committees on Education

Re: HSGQE

February 28, 2001

Page 8 of 8

The other possibility, and the more likely one, is that students with disabilities simply are not being provided the education to which they are entitled. This problem is systemic. Our agency sees this on a daily basis, and we do our best to help the students and their families. Unfortunately, parents often do not have the time or resources to fight for their children's right to an appropriate education. Typically, they are not even aware of the laws and their ability to advocate for a better program for their children. They rely on the "experts," the educators. Too often, the school district administrators are more concerned with budgets to agree to provide the appropriate services and supports to students with disabilities.

The idea of the HSGQE was to hold schools accountable. Schools are given a large pot of money and holding them accountable is desirable and should be done. However, this current proposal of having different diplomas undermines that goal. It allows school districts to avoid being accountable. It allows them to continue to provide sub-par educations to students with disabilities without being held accountable. This is something the Disability Law Center cannot support.

Subject: TESTIMONY--CSHB 94 AND CSSB 133

Date: Mon, 2 Apr 2001 00:22:00 -0800

From: "FAMILY" <family@ptialaska.net>

To: "Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>, "Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>, "Gary Stevens" <Representative_Gary_Stevens@legis.state.ak.us>, "Gretchen Guess" <Representative_Gretchen_Guess@legis.state.ak.us>, "Joe Green" <Representative_Joe_Green@legis.state.ak.us>, "Peggy Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>, "Reggie Joule" <Representative_Reggie_Joule@legis.state.ak.us>, <Representative_Brian_Porter@legis.state.ak.us>, "Rep. Bill Williams" <Representative_Bill_Williams@legis.state.ak.us>, "Senator Robin Taylor" <Senator_Robin_Taylor@legis.state.ak.us>, "Sen. Lyda Green" <Senator_Lyda_Green@legis.state.ak.us>, "Sen. Loren Leman" <Senator_Loren_Leman@legis.state.ak.us>

I understand there is a conference Monday morning to reconcile CSHB94 and CSSB133. I am sending this email to be entered into the record and taken into consideration. I would still direct you to my original comments on the HSQE but I understand this process is to reconcile the bills and not to change the bills significantly.

I am concerned with the decreased accountability in the exit exam bills. There appears to be many loopholes that let teachers, districts and DEED "off the hook". **ALL** students should be required to demonstrate proficiency on the competencies to receive a diploma.

State statutory language should **not** allow IEP teams to set lower standards for a diploma. Accommodations to demonstrate proficiency is different and are already part of federal laws and should continue to be set by IEP teams. This should be done objectively following federal and state guidelines. These cannot be accommodations just for this test but true accommodations that have been objectively determined to be needed in the classroom and during all tests that this student encounters.

I agree with placing the specific competencies that have been passed on the transcript. I do not know that it is necessary on the diploma. If the student does not pass all the competencies but has completed the course requirements for high school (or IEP including transition) they should receive a certificate of completion. Their transcript will show what competencies were passed, if any, along with the types of classes that were taken and passed.

In the bills, you have noted a "Certificate of Achievement". What does this represent? What do they have to achieve to receive this? Will a student as a junior age 17 who has passed 2 or even all 3 competencies receive a certificate of achievement if they decide to quit school and go to college, vocational training, or work. Will a 19 year old senior who has not passed any of the competencies and has not completed the course requirements receive this certificate? It is not clear what this certificate represents. It is not clear for who, or when, it will be awarded or made available.

I again would recommend a "Certificate of Completion", a "Diploma", and I would look at creating an "Honors Diploma". If the goal, now, is to have everyone receive a Diploma when we haven't changed the achievement level, we have failed and wasted a lot of time and taxpayers money.

It also undermines the goals of the competencies to have language that encourages IEP teams to opt students out of the assessment process. The data from standards-based assessments are the ammunition parents need to pressure the system to change and provide appropriate and timely intervention. Otherwise the pressure comes from the district, the teacher, and other team members to settle for less. This also allows a district, and the DEED, a process to be unaccountable (off the hook) in providing appropriate services that give each child the "Opportunity to Learn". It also provides the opportunity to manipulate statistics and create a perception of improvement. It could even move a district to a higher ranking among other school districts.

There are **serious concerns with allowing a portfolio** to demonstrate mastery of state performance standards. Classically portfolio's are highly subjective and inter-evaluator reliability is poor. They usually lack qualitative factors. For example: Two students have a perfect paper that is identical in nature. The first was written in a 10 minute fast write with no drafts or corrections of errors allowed. The second, equal in nature, took three months to write, was edited five times by the teacher with suggested corrections for the student to make each time. Do both of these in a portfolio of two separate students indicate mastery? No! One represents teacher scaffolding which is appropriate as an instructional model, but inappropriate for determining if a student has mastered the standards.

The following represents some other questions and comments on some of the specific sections in the side by side comparisons.

Section 1

Under CSSB133 I don't agree with the endorsements including artistic and vocational and I have concerns with the language #3 "exam should focus on reading, English and math skills **that the general community expects students to know in order to function in society**" This is a clear step toward a minimum competency, not high standards that the child NEEDS to COMPETE in a world economy that requires higher skills by all in technology, mathematics, reading, writing and oral communication. If that is the intent then clearly state from now on that this is a minimum competency. **Don't join DEED in deceiving the public. To set a high standard but not test it, or testing a lower level, is public deception.**

Section 2

Why are you deleting the number of years after a student leaves school that he may retake the exam?

Section 3

I am not in favor of waivers or a diploma given to someone who completes an alternate program! Standards have to be standards or we are all playing a game of smoke and mirrors.

The kids no longer have an unskilled labor market to go into if they fail to get an education. Are districts providing appropriate oportunities for the students to still learn the skills to pass the competencies through age 19 for regular ed and 22 for special ed? This would be some interesting data. We should be creating

vision for these students by working with the University campuses.

Thank you for this opportunity to provide comment.

Dr Bill

Dr William Pfeifer
2901 Baranof Ave
Ketchikan, AK 99901

907-225-9090

Subject: [Fwd: Rep. Bunde, Please forward to Rep. Dyson and other intested parties.]

Date: Mon, 09 Apr 2001 10:50:42 -0800

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Randy Lorenz <Randy_Lorenz@legis.state.ak.us>

Randy --

I'm forwarding this just in case Mrs. Lefler didn't send it directly to Rep. Dyson.

Karen

Barbara Lefler wrote:

Dear Representatives Bunde and Dyson,

Thank you for this opportunity to comment on the latest proposed amendment to HCS CSSB 133. Although we understand that the legislature has the 'best interest' of our children with learning disabilities in mind, again we are concerned about how these special needs are being addressed. Precious time, and tax payers dollars are being spent on devising a way to lower expectations and standards for our children. I must reiterate the fact that the majority (approx. 98%) of children with IEP's have the cognitive ability to learn and meet state standards, if and when they are provided specialized programing to meet their individual needs. Rather than being offered this specialized programing by their districts, most parents must know exactly what to ask for and be prepared to use due process laid out by the Individuals with Disabilities Education Act (IDEA). Most parents don't know what to ask for or understand their rights under the law, and our children are suffering, by the thousands.

It is distressing that our legislature is more interested in endorsing or 'flagging' the diploma than they are about teaching our children basic reading, writing and math skills so they can earn the diploma by meeting the same standards as their peers.

I am inserting an article regarding recent case law established to protect people with disabilities from discriminatory practices due to test flagging.

Believe in our children. You won't be disappointed.
Sincerely, Barbara Lefler

Disabled Win Halt to Notations of Special Arrangements on Tests

February 8, 2001

By TAMAR LEWIN

In a major victory for disability rights groups, the Educational Testing Service announced yesterday that on many of its standardized exams it would stop flagging the results of students with physical or learning disabilities who receive special

accommodations, like extra time, for the tests.

The new policy, covering the Graduate Record Examination, the Graduate Management Admission Test, the Test of English as a Foreign Language and Praxis, a test for teachers, will go into effect in October. More than two million students take those tests each year, and thousands receive accommodations for disabilities.

The announcement is part of the settlement of a lawsuit filed two years ago by a California man with no hands who was granted extra time and the use of a computer with a trackball for taking the management test.

It does not cover the tests given for medical or law school. Nor does it cover the SAT, which is also administered by Educational Testing Service but owned by the College Board, an independent entity not named in the lawsuit. Nonetheless, the settlement includes an agreement that the College Board will convene a group to re-examine its flagging policy and recommend by March 31, 2002, whether it should be continued, changed, or ended.

"This is a huge, major step forward for equal opportunity in testing," said Robert Schaeffer, the public education director of FairTest, a Cambridge, Mass., group that is critical of standardized testing. "The pressure now is on the College Board to do the same for the SAT, since it's untenable to have one policy for the graduate-school admission test and a completely different one for the SAT."

For decades, students granted extra time or other accommodations on the standardized tests had their results flagged with the notation "Scores Obtained Under Special Conditions."

When the plaintiff in the California suit, Mark Breimhorst, was rejected from the business schools to which he applied, he filed his suit charging that the testing service's flagging policy violated state and federal anti-discrimination laws, stigmatizing disabled students with a kind of scarlet letter.

The International Dyslexia Association and Californians for Disability Rights joined his suit.

The testing service initially moved to dismiss Mr. Breimhorst's lawsuit, but last year, Judge William Orrick of Federal District refused to do so, ruling that the service's exams should "equally measure the skills of disabled and nondisabled test-takers" — and that, if they did so, there would be no reason to flag the scores of test-takers who received accommodations.

In settling the case, the testing service did not admit any

violation of the law.

"Having carefully weighed the expressed concerns of people with disabilities," said Kurt Landgraf, the president of the testing service, "we decided, in the spirit of furthering opportunity, to end flagging" for the tests.

David Wilson, president of the Graduate Management Admission Council, said yesterday that business school admissions officers seemed comfortable with the settlement.

"The people I've talked to say that if that's what the applicants want, so be it," Mr. Wilson said. "The unfortunate thing is, most of them thought it was beneficial for applicants to have that flag, because when admissions officers looked at the applicant's experience, and saw that a person had achieved all that despite a disability, it usually had a positive effect."

Although Mr. Breimhorst had a physical disability, the largest, fastest-growing and most controversial group of students with disabilities — accounting for 9 out of every 10 accommodations granted — are those with attention deficit disorder or a learning disability like dyslexia.

Over the last decade, the number of students diagnosed with such disabilities, and requesting special accommodations, has mushroomed.

At the same time, there has been increasing concern that affluent white students receive accommodations on their standardized tests far more often than poor black or Hispanic students. Last year, for example, the California state auditor found that, among the state's 1999 high school graduates, students in private schools were four times more likely than students in public schools to have received accommodations on the SAT.

Whether for physical or learning disabilities, almost all the accommodations include extended time. But there is little solid data on how much extra time disabled students need to fairly show their skills.

With ever-more competitive college admissions, and more high-stakes testing, the debate over accommodating disabled students has heated up. And with increasing awareness of the federal anti-discrimination laws, students with disabilities have become more litigious about their right to receive accommodations on everything from bar exams and medical-school admission tests to the yearly state assessment tests.

"Our settlement doesn't cover every standardized test," said

Joshua Konecky, the lawyer at Disability Rights Advocates in Oakland, Calif., who represented Mr. Breimhorst, "but E.T.S. is so important in the field that we are hoping other groups, like the one that administers the medical school test, will look and see that if E.T.S. can administer tests without flags, they can, too."

The SAT is the test for which the most accommodations are granted: nearly 50,000 tests will be administered under special conditions this year, compared with about 17,000 in 1990-91. About two million students applying for college take the SAT each year.

As part of the settlement, the College Board has agreed to have a panel of experts on testing, university admissions and disabilities examine the practice of flagging, and make recommendations on whether it should be continued, changed or ended.

"There are good reasons for flagging," said Gaston Caperton, president of the College Board, who is himself dyslexic, "and we are pleased that the merits will be weighed by an expert panel."

Chiara Coletti, the spokeswoman for the board, said there was a consensus among the colleges and universities on the board that accommodations and flagging warrant re-examination.

Among other things, the experts will consider the extent to which extended time affects the comparability of scores between people with disabilities and people without them.

"One easy way to end the whole problem would be to give everyone more time on the test, like four and half hours instead of three, or to remove enough questions, so that reading speed is no longer an issue," said Mr. Konecky of the Disability Rights Advocates. "If you don't have time restraints, you don't have the problem with accommodations. I expect that will be on the table."

Under the terms of the settlement, Mr. Konecky can take the issue back to court before the same judge if the disability groups he represents do not accept the panel's recommendations.

<http://www.nytimes.com/2001/02/08/national/08TEST.htm?ex=982660010&ei=1&en=4567b7da4a30c877>

Subject: REVISED TESTIMONY FROM PARISH (cut in dupes and length)

Date: Mon, 09 Apr 2001 13:21:12 -0700

From: Louise Parish <bells@alaska.net>

**To: Representative_Fred_Dyson@legis.state.ak.us,
Peggy Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
John Coghill <Representative_John_Coghill@legis.state.ak.us>,
Representative_Vic_Kohring@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us,
Con Bunde <Representative_Con_Bunde@legis.state.ak.us>**

April 9, 2001
REVISED

Dear Rep. Dyson and members of the committee,

I would like this to be submitted as written testimony to HESS on HCS CSSB 133 version R and distributed to all HESS committee members before the April 10 meeting. I was unable to attend the April 5 HESS meeting. Thank you!

I just got back from my LIA. Through the new audio technology, I was able to listen to the April 5 committee meeting. I was unable to attend the April 5 teleconference. I had been "warned" through friends on the Internet that I should testify again. I went to listen to your meeting at my earliest opportunity, today, so I could better tailor my testimony to your discussion.

At the end of your April 5 meeting, Rep. Dyson, you told anyone who felt their voices hadn't been heard to speak up and do so to your office. I am availing myself of that opportunity. I understand that I should be succinct. As this is the last time I will probably be able to try to influence this legislation, I beg your indulgence. I am on deadline and do not have time for extensive editing. I would like to respond to a number of comments made in the April 5 meeting. Then, I will address offered amendments. The bill is going "fast and furious." I'm trying to keep up.

I'd like to remind you all that I am in a unique position to offer you information and opinions. I have no position, promotion or election that will be jeopardized by my plain speaking. I have been following the exit exam issue closely since 1997. Thank you.

While I appreciate the hard work the Senate HESS committee put into crafting legislation on SB 133, I do not support it. I support the House Education Committee's version. I am against Rep. Steven's amendment because it will further lower expectations, and Rep. Cissna's amendment because it would take away the "high stakes" portion of the exit exam integral to reform. So far, I am supporting HCS CSSB 133.

I have no strong views on whether you use the words "minimum competency" or "essential skills." As a lay person, they mean the same thing to me. Perhaps you have some knowledge I don't that makes this an issue. (I was

a sales rep for many years. In Anchorage I was called an account executive. That didn't change the number of pairs of shoes I wore out.)

I appreciated Karen McCarthy's "laying out of the reasoning" for the changes made to CSSB 133 in the House Edu Committee. They made sense and required demonstrating proficiency. HCS CSSB 133/R makes it very clear to parents HOW their kids can get a diploma. This is good.

It is EXTREMELY important that the committee maintain the intention of raising expectations for disabled kids through participation in statewide assessments. The federal government speaks of doing so:

- 1.) without accommodations
- 2.) with accommodations
- 3.) or in an alternate assessment.

(Please be very clear that you understand the difference between alternate and alternative. I support alternate, I do not support alternative.)

This is what you should stick with. Adding in an "alternative" assessment condones poor services and creates more chaos.

The Senate side seems to "buy-in" to the DEED's views. The result will be continued failures in life for kids with disabilities.

Remember that I am an actual parent, as are the other folks I network with. We are not "buying-in" to ANYTHING. Many of the folks you are asking for information of have "stakes" in the decision you make. We parents are the only ones who have a NON-INFLUENCED "stake."

Yes, our sped failure rates are atrocious. We've known that would be so for years and waited for the stats to come out so that you would DO something about it. We wanted you to tell DEED to change! Now you want to buy-in to DEED's view that we should give them time to change and THEN we could add in accountability. No, Sir. DEED won't change unless there is a consequence. For you to figure out ways to give kids diplomas even though the system is failing them is BAD NEWS and continues a BAD pattern.

I did not like it when I heard Deputy Commissioner Johnson say "Our goal is to create winners!" and that he wants "success for the (disabled) population," while insinuating that a DIPLOMA constitutes success. Success for our special ed kids will be premised on whether or not we INCLUDE them in educational reform by requiring accountability. This CAN

be done. Early intervention at the K-2 level to proven methods of research-based systematic, sequential phonemic awareness and language instruction can significantly reduce sped numbers and lead to success for all. This can be so for writing and math as well. In fact, the writing and math skills are probably not there because if you can't read

well you begin to fall behind in all areas. DEED, through my understanding, has supported the idea that schools should be WARY of proven methods of instruction. I think it's a political quagmire, but one that can get resolved. California is including early intervention using proven methods in California right now. I will send a link, but I digress.

I also take exception to some of the statements Dr. Ed McClain made, including that we will "do right" by sped kids if we simply have them do all that is expected of them to get diplomas. That's the problem for struggling kids. Low expectations are set for them because it's easiest.

He the exit exam committee to IEP teams. You cannot and should not make this sort of comparison. One is setting objective standards. The other is usually not. I told you before that in my districts compliance monitoring review notes it stated, "minimums are given," as though schools are to give sped kids minimums. THIS is the crux of it. DEED is really trying to get around admitting that they encourage schools to give minimums. They want to continue this pattern. The problem is that the minimums slide even further down the totem pole to near nothing.

All I want you to do is to give sped kids the same MINIMAL COMPETENCY expectations as their non-disabled peers. This is NOT UNREASONABLE and CAN BE MET. As a matter of fact the systemic reform it would require would cover sped, 504's, AND the kids who struggle but do not qualify for sped assistance. Schools should be trying to keep kids OUT of sped. It's cheaper and more productive in the long run anyway. It's tough to change an entrenched system. Buying-in to DEED on sped isn't going to do it.

I imagine schools could even be saying, "If they aren't going to give us money for sped, we're not going to do it." The problem is, they COULD be doing it with early intervention that would help ALL kids INCLUDING IEP kids, Section 504 kids AND the kids who DON'T QUALIFY for sped but struggle. If you take out the piece that requires schools to improve for sped, the whole early intervention piece cracks and falls.

My daughter didn't get any services until she was in the final two months of her FIFTH year of schooling. That is why I had to fight. She sat at 3rd grade reading level forever. I fought and it was expensive for the schools and expensive for our family. Now I believe she will pass the exit exam. I am NOT advocating that the schools give expensive high school one-to-one remediation for all kids. I AM advocating systemic change so that other kids don't fall farther and farther behind

like Katie did way back in first grade and all of her elementary school.

You'll have to follow up with money for remediation and professional development, but that's where we should be headed.

DLC wants high expectations too. They advocate for the assessment with or without accommodations, or an alternate assessment (not alternative.)

They differ from me in that they think it's OK to give a diploma for an alternate assessment (1 percent of the population severely cognitively impaired...) I could be persuaded in this area, I suppose, but it doesn't

seem to make sense. I simply don't want to have ALL kids get alternative (any kind of assessment an IEP team wanted) assessments just so the "alternate" assessment kids can get a diploma. I guess you'll have to figure out if you want to give a diploma to the "alternate" kids or not. But PLEASE DON'T add in a new "alternative assessment" category.

Mr. Maloney gave you miserable sped stats, as though to encourage you to

lower standards and kowtow. I am against that. Some of the words and phraseology that gets bandied about might need explaining. Mr. Maloney used the phrase: "appropriate" accommodations. When DEED says "appropriate

accommodations," they mean the ones they listed in the "participation guidelines" book. What was represented to teachers and parents was that

their list was appropriate and somehow different than an IEP team setting appropriate accommodations. Really they all mean the same thing. It's all in how you present it. This has been very messy at the parental level, at least. I begin to wonder if they wanted their stats even worse than they are so they won't have to change the sped system because you'll be so horrified about them.

Let me explain a few things from a parental point of view. The system hasn't caught up yet regarding kids taking the exam with "appropriate" accommodations. The IEP forms teams currently use (at least in my district) have "check off lists" for allowable accommodations. This list

was limited to less than a dozen appropriate allowable accommodations, including small group delivery and writing in the test booklet instead of transferring the information to an answer sheet. (This may even be old and designed for old bubble-tests...) Anyway, most IEP forms haven't caught up to the test. In addition, parents usually only visit with their IEP team once a year. Parents haven't discussed accommodations much. My district sped teachers and I only got the sped "participations guidelines" in the mail a week prior to this years exam. There was mass confusion. The booklet said that new accommodations had to be in place three months prior to the exam, yet no one had had the book to tell you how to do it. In addition, the book was not all inclusive and did not highlight well enough that IEP teams could list their own accommodations

and how to do that legally. Teachers and districts waited for DEED to tell them what to do and how to do it. So far, it's not been done well.

My district was also told they would get audiotapes so sped kids could have the writing and math portions read to them if they wanted it. Sped families were told that this would be available and the district set the

testing up as such (ready for headphones etc. so the kid could go over and over confusing parts to lower their frustration levels if their reading was slow). There was only one proctor. But then the tapes didn't

get in. With only one proctor, she couldn't go around and read the test to all the kids that were to be allowed these accommodations. So we have

parents and teachers and kids that don't know what's coming the day of the test. This may sound discouraging. It is. My point is that these "bugs" can all get worked out.

They apparently haven't been a priority, however. I asked for participation guideline books to be sent to me since 1998. Three months before the exam, I called my own IEP team meeting. We wrote into an amendment that my daughter could read the reading portion aloud to herself as an accommodation. This is not a modification and was allowed.

At that meeting, I urged my principal to order the booklets and insure that parents had them before the three month deadline to change their child's accommodations. For some reason, these things didn't happen. DEED sent me a copy in the mail that I received the day after the test. Anyway, I think my daughter may have passed the exit exam or some portions of it. She now has the skills she needs to read.

I digress somewhat. I apologize. My point was that these sped failure numbers are messy. The accommodations haven't really been explored at the local level. They are probably fairly close to truth in that the sped system fails our children. Our kids need skills, not diplomas.

Regarding Tim Weiss's comments....I attended almost all of the exit exam

teleconferences that Tim Weiss of PARENTS, INC. spoke of. PARENTS, INC., while a worthy organization in many respects, has a "Stake." Parents know that when it comes to political leanings they are close to DEED. Tim said we need not worry because OSEP closely monitors for lowering of standards, etc. I would say the opposite. I would say DEED is under corrective action on paper and districts are often on corrective action on paper, but little is happening in the area of true reform. As far as the exit exam teleconferences go, my view was that parents were most concerned because schools are not providing their children with the opportunity to benefit to meet the same competencies as their non-disabled peers.

Regarding endorsements, I think you come close to the line with these. While I appreciate Mr. Reeve's references to the IEDLR and OCR, I believe you may get hitched up on these anyway.

I don't believe we can "wait until we get the system working" to include sped kids. This exam is for the purpose of "getting the system working." Don't leave our sped kids out.

Rep. Guess's amendments and Rep. Steven's amendments seem to protect DEED and the system as it is. So does the Senate version. I believe they leave our kids out of a decent education while appearing to be inclusive by giving out diplomas.

I will attach another letter I was working on before I went to listen to your April 5 teleconference today at my LIO with the real-audio player option. The letter duplicates much of what I have already said. I apologize again. am very close to this issue, and am on deadline. I have other responsibilities I must attend to today.

I urge you to read the following letter in it's entirety. If you can't, at least read the part at the bottom where I tell you what my daughter and I will do if she can't pass the exam. The diploma is not as important as the education!

Dear House HESS committee,

Please do not adopt the amendment re: HCS CSSB 133 offered by Rep. Stevens last week in your committee. I am strongly against it. I appreciate your continued indulgence. Please read the entire piece. I have offered specifics to begin with, and then added a discussion area.

Stevens Amendment of April 5, 2001 and my comments....

Insert new paragraph to read:

(d) It is the intent of the legislature that the Department of Education

and Early Development, through it's existing federally required monitoring program of district special education programs, review the potential for an individualized education program teams' inappropriate lowering of the individualized educational program goals and objectives for the purpose of

providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action."

MY COMMENTS: This paragraph sounds nice, but means almost nothing.

1.) "...review THE POTENTIAL for an IEP teams inappropriate lowering of the IEP program goals." Potentials are always there. What might the DEED do? Say

there is potential

that these goals are too low? How would they know? One can't tell appropriate goals without having intimate knowledge of the child. Giving a district a doc that says, "You might be too low," doesn't do much of anything. Also, their "federally mandated" reviews are only required once every three years.

2.) "...for the purpose of providing them with a diploma...." The early intervention and benchmarks are where diploma track is decided. By the time the kid gets to his junior year, the

team won't HAVE to turn around and give them low goals to pass. They already did way back in elementary school because an alternative assessment system let them.

3.) "...who has not achieved, to the maximum extent practicable...." This is again subjective not objective and appears to be a "feel-good" phrase. Schools and teams will be able to

continue to give poor services and call it what is "practicable."

4.) "...take appropriate corrective action." This is a nonissue because DEED won't "find" more than token problems. Remember, they can't find out if goals were too low from a piece of paper. Besides, corrective action that DEED can hand out is often just a reminder to improve. This can go on forever.

Page 3, lines 10-19:

A student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 19 USC 794; an alternative assessment program must, to the maximum extent possible, conform to the state performance standards established for the competency examination required under (a) of this section.

MY COMMENTS:

1.) "...alternative assessment program..." This LOWERS goals again.

I GUARANTEE

YOU it will. Once you allow alternative assessments, schools won't change. No systems of early intervention programs for kids (including IEP and Section 504 kids) will occur. In addition, you will have also lost the potentiality for proven research-based programs that would benefit "borderline" kids who struggle but are not on any sped track.

2.) "...an alternative assessment program must, to the maximum

extent possible, conform to state performance standards established for the competency section...." More subjective wording. How will this be monitored. By DEED? I don't think they can or will.

Page 4, following line 7:

Insert new subsections to read:

(f) "A student shall receive an endorsement on the student's diploma and

transcript identifying the areas of the examination successfully passed."

(g) The department shall by regulation establish uniform standards for an alternative assessment

program required under (c)(1)

of this section. The alternative assessment program under (c) (1) of this section may not be

changed after Feb. 1 of the

student's junior year of study."

MY COMMENTS:

1.)..." receive and endorsement and transcript identifying areas successfully passed...." This flags sped kids again. I don't think it's legal to allow flags that identify sped kids. A diploma is a diploma. If it's starred or unstarred differently for sped kids than regular kids, it flags them.

2.) "...the department shall by regulation establish uniform standards for an alternative assessment program required under (c) (1)." With this total amendment, you will have teams creating alternative assessments and the department creating alternative

assessments. You are encouraging a lot of creativity, but not the kind our kids need. The schools should be getting creative with early intervention for all. This entire amendment seems to

be figuring out ways to let schools stay at status quo instead.

3.) "...may not be changed after Feb. 1 of the student's junior year of study." Again, this is a meaningless statement once you have changed the whole assessment system to allow alternative assessments. The statement appears to be designed to allow you to feel good about a bad decision. If schools know the kid will be ABLE to have an alternative assessment sometime in the future they won't change. The child will receive low goals way back in elementary school. Teams won't have to set lower standards for them after their junior year. This will already have occurred. Once you start allowing schools to remain at status quo, the harder it is for other non-sped kids to get raised expectations as well.

The system needs an overhaul. Have the schools rethink their entire service delivery, not just for some, but for all. That's the only way schools will really change.

Page 7, lines 16-18

Delete

MY COMMENTS: The purpose of this portion of the amendment is that the portfolio will no longer be needed, apparently, because you have already allowed all the kids to pass with alternative assessments. I do not support alternative assessments. I support the exit exam with team-approved accommodations.

DISCUSSION AREA

Please do not allow the amendment offered by Rep. Stevens. It appears that the special education issue is a political hotbed, and the amendments are flying hot and heavy. I don't think the motivations are in the interest of the kids.

The answer seems simple to me. Keep an exam that requires minimal competencies but allow IEP teams to set accommodations. For the rest of it, simply continue to require improvement in our education systems. That was the point to begin with.

Cut scores were lowered already. Don't reduce accountability further. I have not testified against the cut score reductions because I believe minimum competencies are appropriate considering our failure rates, urban/rural and diverse populations (including languages and sped), and other issues. Now, however, it appears that DEED and others want you to further lower the standards so they have less work to do in raising expectations

and effecting reform. I understand their motivations. What I want you to understand is that overall systemic reform requires "buy-in" and "accountability." With even more reduced standards, these won't occur. So far, as a matter of fact, I believe these have been lacking. If you reduce the NEED to change, you reduce CHANGE itself. I believe 95 percent of ALL kids CAN meet the minimum competencies. Schools will simply have to start devising and implementing early intervention programs.

I am sure that districts could say, "We aren't going to change if we don't get the money to do it." I agree schools need more money for remedial and professional development opportunities. I am, however, becoming unsure that schools WOULD change even if they HAD the money. Countless round tables around the nation are discussing this topic. We KNOW of the proven research-based replicable methods and programs that can help our kids. We just AREN'T getting it into the systems and down to them. I'm coming to believe this is simply due to plain old politics. We should be thinking of the kids instead. I sit in the unique position of being on no one's "side." Not democrats, not republicans. I'm on the kids' side. I don't have a position, promotion or election that my plain speaking could cause me to lose.

When you start reducing accountability in the sped system you lose the impetus for schools to enact reform. With the plain minimum competency expectation, schools will have to offer

better SYSTEMS that will benefit disabled kids AND the kids who simply struggle but don't qualify for assistance. If you adopt special reduced accountability for sped kids, you are throwing the baby out with the bath water. Schools will not need systemic change and will "target areas" instead. This will be ineffective.

What will parents do if their sped kids can't graduate, anyway? I have thought about this for quite a while. Sped kids can stay an extra year or two by law. If you had enacted the law in 2002, my daughter would have had to pass it. She is currently set to graduate in 2003 at 19 years old (she was retained in first grade instead of given early intervention).

We discussed options as early as 1997. First was to try to pass the test. Next was to try to pass the test with accommodations. Next, was stay in school an extra year or two to continue to try to pass the test (allowed for sped kids). If she hated it, it wasn't helping or that was too embarrassing, go to a community college with open enrollment (There's one right here in our town). Or get into a regular college that has a strong LD program (looked into and it is possible). Also, there are colleges that are only for LD kids. If she wanted to work somewhere where she needed a diploma or just plain wanted one, she could take an accredited high school study program via the Internet. We also looked at technical programs. She has mentioned culinary arts and others. Many of them do not require diplomas. There are a myriad of opportunities.

We understand that there are many avenues for her to take. Of course she wants to walk down that aisle with her friends, and get the same diploma. Of course that's what I want too. We hope that will happen. But what we really want to see is for the educational system improve. The schools must rise to the occasion of teaching ALL of our kids BASIC competencies.

What I FIGHT for and what YOU should fight for is a decent public K-12 education for all struggling kids, so that they are truly learning skills that will help them for the rest of their lives. I think that's what your minimum competency is all about and I applaud you. Don't buckle in to political heat. We should be trying to give these kids SKILLS to take on

in life, not pieces of paper. If schools reform, all kids will have a better chance. My daughter

was experiencing great difficulty and now I believe she will pass the minimum competency exam in 2002. I believe with early intervention and reform, 95 percent of kids will be able to pass.

Thank you,
Louise Parish
P.O. Box 1182
Valdez, AK 99686
907.835.4231



April 5, 2001

By hand delivery

Hon. Fred Dyson
Chair, House HESS Committee
State Capitol Room 104
Juneau, AK 99801-1182

Re: HCS CSSB 133 (EDU)

Dear Rep. Dyson:

Two days ago we wrote regarding a potential legal defect we saw in a proposed amendment to this bill, as it was being debated before the House Special Committee on Education. The language of the amendment was similar to language contained in CSSB 133(HES)am, as that bill passed the Senate. The current form of HCS CSSB 133 (EDU) does not raise the "flagging" issue that we raised. However, if the concept of endorsement is re-introduced, there is a simple fix to the "flagging" issue. If an endorsement on the diploma or transcript is entered at the student's option, then we do not believe there is any remaining legal defect. This may be accomplished by changing the word "shall" to "may, at the student's option."

We have been advised of a perception that in expressing our views on the "flagging" issue, we have attempted to encourage the defeat of the Senate-passed bill. Nothing could be farther from the truth. Both the Senate bill and the current bill have strengths, and we do not feel comfortable endorsing a particular bill at this point in time. We know that many people have worked very hard to get to the current product of both bills.

One strength of CSSB 133 (HES)am is the flexibility it offers to students with disabilities to demonstrate mastery of the state performance standards through different means of assessment. Attached please find a draft amendment that would meld this concept into the current form of HCS CSSB 133 (EDU).

Every one participating in this conversation should know that there is a federal limitation on how many children with disabilities may be alternately assessed. Thus it is unlikely that the "floodgates" would be opened to avoidance of the general High School Qualifying Examination. Second, any alternate assessment must assess a student's mastery of state performance standards. We as an organization continue to advocate that students with disabilities must be educated to a level equal to their peers, not held to some lower, less functional standard.

Thank you for your consideration of our commentary.

Very truly yours,

Robert B. Briggs
Staff attorney

Encl.

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MEMBER OF THE
NATIONAL
ASSOCIATION OF
PROTECTION &
ADVOCACY
SYSTEMS

Encl.

cc: (w/ encl.)

Members of House HESS Committee

Members of Senate HESS Committee

Members of House Special Committee on Education

Commissioner Shirley Holloway

Greg Malone, Dept. of Ed. and Early Dev.

Phil Reeves, AAG

ALASKA COMMISSION ON POSTSECONDARY EDUCATION
SECTIONAL ANALYSIS
SB155/HB204

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
1	Findings and purpose.	1 2	12 1-25	Emphasize ACPE/ASLC joint missions to expand economic benefit of education and training as broadly in the state as possible; providing benefits to individuals, institutions, and industries.	New Language	Immediately
2	ACPE advisory functions.	2 3	26-31 1-14	Remove archaic and/or unfunded functions.	Amended Language	Immediately
3	ACPE mandated functions.	3	15-23	Emphasize financial aid administration, regulation of in-state postsecondary institutions; and administration of federal student financial aid.	Repeal and Reenacting Language	Immediately
4	ACPE authorized (permissive) functions.	3 4	24-31 1-25	Clarify: (1) regulation adoption authority to administer state and federal financial aid programs and postsecondary institutional authorization; (2) authority to delegate operational administration to ACPE executive director or subcommittees; (3) establish and collect fees for review of non-Alaska institutions; and, (4) collect financial aid debts from individuals, including collection fees.	Moves Existing Language and Adds New Language	Immediately
5	ACPE authorized role re: postsecondary consortia in Alaska	4 5	26-31 1-7	Authorization to negotiate agreements between the University of Alaska and other consortia institutions.	Amended Language	Immediately
6	ASLC purpose	5	8-18	To include creating financial aid administration efficiencies. Provide operating principles to guide corporation action.	Amending and Clarifying Language	Immediately
7	ASLC general powers	5 6 7 8	19-31 1-31 1-31 1-16	Revise and clarify collection authority and to insure ASLC activities are financially self-sustaining.	Amending and Clarifying Language	Immediately

SECTIONAL ANALYSIS

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
8	ASLC to finance education loan programs.	8 9	17-31 1-11	Provide direction for establishment of state supplemental education loan programs. Provide operating principles to insure flexibility for developing various state loan products and that such products be designed to attract and retain students in Alaska, including offering terms and conditions that are more attractive than prevailing market terms.	New Language	Immediately implement, but loans disbursed on or after July 1, 2002
9	Clarifies the purpose of the education loan fund and describes appropriate uses of the fund.	9 10	12-31 1-8	By reference, specifically authorize financing for integrated state and federal financial aid programs.	Amended Language	Immediately
10	Education loan fund.	10	9-16	Conforming change to incorporate the new programs that have an effective date of 7/01/02.	Amended Language	Immediately implement, but loans disbursed on or after July 1, 2002
11	Education loan fund.	10	17-26	Conforming change to incorporated the new programs that have an effective date of 7/01/02.	Amending Language.	Immediately implement, but loans disbursed on or after July 1, 2002
12	Bonds of the corporation.	10 11	27-31 1-2	Extend maximum time period for ASLC bond maturities when longer terms are financially beneficial.	Amended Language.	Immediately
13	Bonds of the corporation.	11	3-6	Increase two-year aggregate ASLC bonding capacity to insure adequate cash flow to meet integrated programs loan demand.	Amended Language.	Immediately
14	Trust indentures and trust agreements.	11 12	7-31 1-8	Conforming change clarifying broad collection authority on all assets and obligations to the corporation.	Amended Language	Immediately
15	Pledge and agreement of state.	12	9-18	Conforming change.	Amended Language	Immediately

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
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16	General provisions.	12 13	19-31 1-7	Provide definitions of terms used throughout this chapter.	Moves Existing Language and Adds New Language	Immediately
17	Education loan program.	13	8-20	Secs. 17 through 28 retain existing Alaska Student Loan Program until AKAdvantage is operating in 2002-2003.	New Language to Replace AS 14.43.090	Immediately
18	Conditions of loans.	13	21-26	Conforming change.	Amended Language	Immediately
19	Conditions of loans.	13 14	27-31 1-2	Conforming change.	Amended Language	Immediately
20	Conditions of Loans.	14	3-11	Conforming change.	Amended Language	Immediately
21	Consolidation of loans.	14	12-20	Conforming change.	Amended Language	Immediately
22	Eligibility of Students.	14	21-25	Conforming change.	Amended Language	Immediately
23	Discrimination prohibited.	14	26-30	Conforming change.	Amended Language	Immediately
24	Default.	14 15	31 1-24	Provide administrative collection power through authority to issue liens against real property as a means of recovering on defaulted loans.	New Language	Immediately
25	Default.	15	12-24	Extend uniform collection methods for all loans serviced by the Commission. Recognize that default threshold under AKAdvantage will be set according to federal standards (currently at 280 days delinquency).	Amended Language	Immediately implement, but loans disbursed on or after July 1, 2002.
26	Default.	15 16	25-31 1-6	Provide default appeal process to borrowers regardless of the specific loan type. Establish a timely response standard for the ACPE executive director to act upon a default appeal.	Amended Language	Immediately implement, but loans disbursed on or after July 1, 2002.

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
27	Lien.	16	7-18	Describe the lien authority of the ACPE regarding defaulted student loans.	New Language.	Immediately
28	Definitions.	16 17	19-31 1-14	Conforming changes.	Amended Language.	Immediately
29	Establish the federal guaranteed AKAdvantage and the Alaska Supplemental Education Loan Programs.	17-22			New Language.	Immediately implement, but loans disbursed on or after July 1, 2002.
29	Sec. 14.43.161 Purpose; creation.	17	16-20	Sec. 29 as a whole, describes the new, integrated loans programs. AKAdvantage to be first loan offered to borrowers.		
29	Sec. 14.43.162 Eligibility.	17 18	21-31 1-11	Recognize that the eligibility criteria is established by federal student loan rules. Additional AKAdvantage criteria are that a borrower be an Alaska resident or attending school in Alaska. Defines residency criteria.		
29	Sec. 14.43.163 Restrictions on award.	18	12-22	Recognize that annual lending limits under this program are set by federal student loan rules.		
29	Sec. 14.43.164 Use of loan.	18	23-25	Recognize that permitted use of funds determined by federal student loan rules.		
29	Sec. 14.43.165 Interest.	18 19	26-31 1-9	Recognize: (1) that the formula for setting the interest rate on the loan is determined by federal rules (variable with current cap of 8.25%); (2) the rate may be no more than the federal student loan rate; (3) interest accrues from the time the loan is disbursed to the borrower; (4) during periods of enrollment or deferment the borrower may elect to pay the interest or to have it capped; and (5) for those borrowers who qualify, the federal government may pay interest on their behalf during qualifying periods.		
29	Sec. 14.43.166 Repayment.	19	10-17	Clarify that loan terms include a six-month grace period during which payments are deferred. Clarify that loans obtained in error or by falsification by borrower may be subject to accelerated repayment requirement permitted by federal student loan rules.		
29	Sec. 14.43.167 Consolidation of loans.	19	18-25	Clarify ACPE authority to offer consolidation of loans.		

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
29	Sec. 14.43.168 Default.	19	26-31	Authorize ACPE to establish default requirements that are compliant with federal student loan rules.		
29	Sec. 14.43.170 Creation; purpose.	20	1-10	Alaska non-federal loan to be provided to supplement AKAdvantage loan to address remaining financial need or to provide aid if AKAdvantage loan is unavailable.		
29	Sec. 14.43.171 Applicability of other laws.	20	11-14	Incorporate, by reference, certain specific existing Alaska Student Loan requirements. This section creates alignment of terms and conditions of the Supplemental loans with AKAdvantage loans to reduce consumer confusion and administrative complexity where possible. Applicable laws are regarding: minimum standards for institutional default rates; prohibited discrimination; contracting with minors; default and collection tools (PFD garnishment, leveraging licenses, administrative wage garnishment, creating liens); definitions; use of loans; loan consolidation, and, default.		
29	Sec. 14.43.172 Eligibility.	20 21	15-31 1-27	Provide for Supplemental loans to continue to be available to Alaska institutions that may not participate or qualify for participation in the federal student loan program and allow ACPE to establish certain standards with which the institutions may be required to comply. Provide the authority to perform credit review of applicants for Supplemental loans. Establish minimum credit standards. Specify conditions under which an applicant who fails to meet the standards may become qualified for a loan, including obtaining a credit-worthy co-signer.		
29	Sec. 14.43.173 Loan award maximums.	21 22	28-31 1-12	Establish annual and aggregate loan award maximum for the Supplemental loan. Provide that borrowers must be considered in good standing by their institution to continue to receive loan disbursements.		
29	Sec. 14.43.174 Interest.	22	13-21	Provide authority for the ASLC to set the interest rates and provides that the rate not exceed 8.25%. Clarify that interest accrues from the time a loan is disbursed and that interest may be paid or deferred and capped, as elected by the borrower.		
29	Sec. 14.43.175 Repayment of loans.	22	22-27	Provide for a six-month grace period following the in-school period when payments are deferred.		
30	Memorial Scholarship Loan Fund	22 23	28-31 1-5	Conforming change. Throughout this chapter references to "scholarship loans" are being amended to read "education loans" to eliminate any confusion about whether the aid is a scholarship or a loan.	Amending Language.	Immediate
31	Memorial loan payment.	23	6-12	Conforming changes.	Amended Language.	Immediate

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
32	Memorial loan administering authority.	23	13-17	Conforming changes.	Amended Language.	Immediate
33	Education Incentive Grant Administration.	23	18-22	Conforming changes.	Amended Language.	Immediate
34	Teacher Education Loan selection criteria.	23	23-27	Conforming changes.	Amended Language.	Immediate
35	Teacher Education Loan selection criteria.	23 24	28-31 1	Conforming changes to incorporate the two new programs.	Amended Language.	Immediate
36	Family Education Loan account.	24	2-14	Conforming changes.	Amended Language.	Immediate
37	Definitions.	24	15-17	Adding a chapter definition for corporation to mean ASLC.	New Language.	Immediate
38	Definitions.	24	18-24	Adding chapter definitions for "federal guaranteed student loan program" and approved FFEL institution."	New Language	Immediate implement, but loans disbursed on or after July 1, 2002.
39	Repayment condition for (WICHE) program participants.	24	25-27	Conforming changes.	Amended Language.	Immediate
40	Repayment.	24	28-31	Provide for collection authority in the event of default of a WICHE Professional Student Exchange Program loan.	New Language	Immediate
41	Duties of recorder.	25	1-3	Conforming change related to ACPE authority to place a lien as a means of collection on a defaulted loan.	New Language	Immediate
42	Repealer section.	25	4-5	Repeal 14.42.010(a), ACPE purpose and intent, and 14.42.030(c) ACPE functions. Replaced in Secs. 1-4 of this bill. Repeal 14.42.390, ASLC definitions, replaced in Sec. 16 of this bill.	Amending Language.	Immediate

BILL SECTION	AK STATUTE SECTION TITLE	PAGE	LINE	PURPOSE OF SECTION	TYPE OF CHANGE	EFFECTIVE DATE
				<p>Repeal 14.43.090, creation of the scholarship loan fund, which is replaced in Sec. 17 of this bill.</p> <p>Repeal 14.43.255(c), memorial loan fund, authority to sell or assign loans to the corporation.</p> <p>Repeal 14.43.315, memorial loan discrimination prohibited section. Protection provided through incorporation by reference in Sec. 32 of this bill.</p> <p>Repeal 14.43.730; family education loan administration section. Authority provided through incorporation by reference in Sec. 3 of this bill.</p> <p>Repeal 14.48.050(10), ACPE power to establish fees for review of institution. Replaced in Sec. 4 of this bill.</p>		
43	Transition language.	25	6-13	Provide ACPE with ability to immediately begin AKAdvantage implementation processes that are necessary in order to offer student loans under the new program for the 2002-2003 academic period.	Transition language.	Immediate
44	Transition language.	25	14-20	Provide ACPE with ability to immediately begin AKAdvantage regulation promulgation necessary to offer student loans under the new program for the 2002-2003 academic period.	Amended Language.	Immediate
45	Instruction to Revisor	25 26 27	21-31 1-31 1-9	Conforming changes to provide consistent use of terminology relating to loan programs administered by ACPE.		Immediate
46	Effective Date Section.	27	10-11			
47	Effective date section.	27	12			

Subject: SB 133

Date: Tue, 13 Mar 2001 21:10:49 -0900

From: Tom Conley <prophet@ptialaska.net>

To: Lyda Green <Senator_Lyda_Green@legis.state.ak.us>

Dear Senator Green, BRAVO!! I'm impressed. As a school board member (for Sitka), a parent of a child with disabilities, and as a pediatrician, I am happy to see your serious and well thought out approach to the exit exam as it effects the child with special needs. I think the approach you are taking in SB 133 will immunize the state against potential liability. Most importantly it will preserve the dignity and sense of worth of children with special educational needs.

Tying graduation to the successful completion of the goals set in the IEP is of course the rational answer to the dilemma whether or not the exit exam is in the picture (the exam will be possible for a surprising number as long as special accommodations are provided as outlined in their IEP's). It also seems very wise to avoid trying to be minutely prescriptive as the problems of the individual child almost always tend to be unique and specific.

The one thing I would ask you to consider as the bill goes through mark-up is Senator Bettye Davis' idea in SB 129 for holding off the math requirement until 2005. Aligning curriculum to be ready for reading and composition in 2004 is something we should be able to do; aligning things for the math part takes a bit more time. I think we are ready in Sitka but then we have been working at this for a number of years. It is likely to be much harder to reach that standard in the bush where resources are much thinner on the ground.

Again thanks. I think the special education lobby will award you a hero medal and those guys are a hard lot to impress. Tom Conley

105 Cascade Creek Rd.
Sitka, AK 99835
VR: 02-270/D

POM for Senator Greer



From: Rebecca A Mix
PO Box 7744

vr. 01-110/R

Telephone: 247-2271

Ketchikan, AK 99901
Email:

NON Constituent

Registered Voter: V

Bill: SB 133 Title: PUBLIC SCHOOL EXIT EXAM
Message:

I support SB 133. It is important to give all students a chance to succeed. Special need students need special consideration. Thank you.

Entered in KTN on 3/12/01 POMID:99658

Distribution: 60

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Message 7 out of 21.

extra

Amendment
Rep Guess

Section 3

(c) delete and replace with

- (1) A student shall receive an endorsement on the student's diploma and transcript identifying the areas of the examination successfully passed.
- (2) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 USC 794 that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the board; and
- (3) The department shall by regulation establish "alternative assessment program" and uniform standards and processes in creating an alternative assessment program.

Amendment
Rep Guess

Sec 2, line 12

examination in the areas of reading, English, and mathematics or receives a waiver from the governing body. A governing body may not grant a waiver to a pupil before the student's final semester of attendance.

Add new section

The board shall by regulation implement the secondary school pupil competency examination provisions of AS 14.03.0175, including the criteria and procedure under which a governing body uses a waiver to grant a diploma to a pupil; criteria regarding granting a waiver must include provisions requiring that a student satisfy the performance standards developed under 14.07.020(b) to the maximum extent possible.

A waiver shall only be granted for pupils who enter the system late or have rare or unusual circumstances meriting a waiver.

Add new section

Report. The Department of Education and Early Development shall, by February 15 2002, deliver a report to the Alaska State Legislature describing the proposed criteria and procedures under which a school district could use a waiver to grant a diploma to a students and recommending statutory changes to the competency examination waiver requirements that the department determines are necessary to maintain the school accountability provisions of AS 14.03.123.

Amendment
Rep Guess

Insert new intent section

INTENT. It is the intent of the legislature that the Department of Education and Early Development, through its existing federally-required monitoring program of district special education programs, will review the potential for an IEP team's inappropriate lowering of IEP goals and objectives for the purpose of providing a diploma to a student who has not achieved the State performance standards to the maximum extent practicable; and will order such corrective action as determined appropriate.

Section 3

(c)(1) delete and replace with

- (1) A student shall receive an endorsement on the student's diploma and transcript identifying the areas of the examination successfully passed.
- (2) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 USC 794 that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the board.
- (3) The criteria for the alternative assessment program shall not change for a child with a disability after February 1 of the student's junior year.
- (4) The department shall by regulation establish "alternative assessment program" and uniform standards and processes in creating an alternative assessment program.

AMENDMENT #3 BY REPRESENTATIVE BUNDE

Section 3:

Page 3, Line 21: After " A pupil who fails to qualify for the issuance of a diploma under (a) of this section or a retest under (b) of this section"

Add: by the Spring of the senior year, but who has met all other requirements of the governing body,"

Amendment *A* 10
Rep Guess

Failed

Section 7 delete and replace

The board shall by regulation develop

- (1) An appeals process for a pupil who is denied a high school diploma.
- (2) A process that allows issuance of a high school diploma to a child with a disability based on a portfolio of work

AMENDMENT #4 BY REPRESENTATIVE BUNDE

Section 3

- Page 3, Line 10 Add ",but not the modifications," after "the accommodations" so that Lines 9-11 would read, "passing all portions of the examination described under (a) of this section with the accommodations, but not the modifications, approved by the pupil's individualized education program team; or
- Page 3, Line 12 Add "without modifications," after "through a portfolio of work" so that Lines 12-13 would read, "demonstrating, through a portfolio of work without modifications, mastery of state performance standards established by the board; and"

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& EARLY DEVELOPMENT**

Department of Education
& Early Development
801 W. 10th Street, #200
Juneau, AK 99801-1894

PARTICIPATION GUIDELINES

For Alaska Students
in State Assessments



**Alaska
Department
of Education
& Early
Development**



Department of Education & Early Development
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LETTER FROM COMMISSIONER

Dear Alaskans,

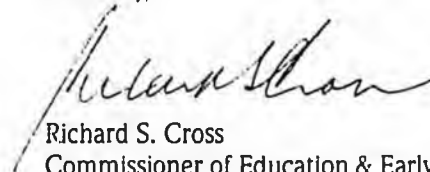
The Quality Schools Initiative promises many benefits for our children's education. It also presents challenges. One challenge is the federal mandate to include all students in Alaska's new Comprehensive System of Student Assessments. In the past, we have allowed the exclusion of some students from assessments, particularly those not proficient in English or those with more severe disabilities. Obviously, including every student requires a higher level of commitment from us all.

This publication, Participation Guidelines for Alaska Students in State Assessments, was prepared in cooperation with several committees of distinguished Alaska educators to help Alaska fulfill its commitment to include all students in its state assessments. This publication provides guidance for making decisions about the participation in regular assessments of individual students with disabilities and with limited English proficiency. It also provides guidance for deciding if a student requires a testing accommodation or an alternate assessment.

This publication is being circulated knowing the difficulty of anticipating each circumstance that may arise when facing decisions about assessing students with disabilities and with limited English proficiency. For this reason, these guidelines should not be viewed as the final word on this complex issue in every case. As we learn more from experience, we will update this publication. I encourage you to share what you learn.

Together we can make it work. All children can reach high standards.

Sincerely,



Richard S. Cross
Commissioner of Education & Early Development

REFERENCES

Colorado Handbook on Planning for Limited English Proficient (LEP) Student Success. Colorado Department of Education, 1994.

Improving America's Schools Act Conference Report to Accompany H.R. 6, 1994, Sec. 7501 (8) (A)(B).

Kopriva, Rebecca J. *Ensuring Accuracy in Testing for LEP Students: A Practical Guide for Assessment Development.* LEP Consortium Project, Council of Chief State School Officers, undated draft .

Olson, John and Goldstein, Arnold. *The Inclusion of Students with Disabilities and Limited English Proficient Students in Large Scale Assessments: A Summary of Recent Progress,* Chapter 3. National Center for Educational Progress.

Shepard, Lorie, Taylor, Grace, and Betebenner, Damian. *Inclusion of Limited-English-Proficient Students in Rhode Island's Grade 4 Mathematics Performance Assessment.* CSE Technical Report 486. Center for Research on Evaluation, Standards, and Student Testing, University of Colorado, September 1998.

Short, Deborah. *Issues Pertaining to Students with Limited English Proficiency.* Testimony to the National Assessment Governing Board, October 14, 1998, Washington, DC.

Through the Eyes of a Teacher: A Manual. Washington Office of Bilingual Education & Interface Network Inc., September 1993.

Tindal, Gerald and Fuchs, Lynn. *A Summary of Research on Test Changes: An Empirical Basis for Defining Accommodations.* Mid-South Regional Resource Center, University of Kentucky, July 1999.

Wyoming Department of Education, *Policies for the Participation of All Students in District and Statewide Assessment and Accountability Systems,* February 15, 1999.

TABLE OF CONTENTS

Overview	5
Making Decisions about Students with Disabilities	7
The Importance of Including Parents	8
Accommodation Guidelines for Students in Special Education and Students with a 504 Accommodation Plan	8
Test Accommodations versus Test Modifications	8
Selecting Test Accommodations for Students with Disabilities	9
Making Decisions about Students who are Limited English Proficient	11
What are the Characteristics of Students who are Limited English Proficient?	11
Language Proficiency Assessment Procedures for Students who are Limited English Proficient	12
References	15

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- The Woodcock-Muñoz Language Survey.

Staff members should identify as LEP any student scoring below the publisher's threshold of oral English proficiency. Any student who is LEP in second grade or above who is orally proficient in English but who scores below the test/assessment publisher's threshold for reading or writing proficiency (or the grade-level standard) should be identified as LEP.

than English has had a significant impact on such individual's level of English language proficiency; or

3. Is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and
4. Has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

This population is diverse, with unique characteristics that must be assessed to ensure that the needs of each student who is LEP are addressed. The level of English proficiency varies. A student who is LEP usually enters the nation's school system with limited skills in listening, speaking, reading, and writing in English. Proficiency levels can include no competency, limited-English ability, and near proficiency. Some students who are LEP who have lived in the United States for several years may appear quite fluent in English on the playground, but experience major academic difficulties.

Some students who are LEP come from families who have recently entered the country, others come from families who have lived here five or more years, and some families have lived here for generations or are native to this country. Some students who are LEP may have had no formal educational experience, while others may have had extensive experience in a formal program.

Language Proficiency Assessment Procedures for Students who are Limited English Proficient

Because districts must have an alternative language program designed to meet the linguistic and educational needs of students who are LEP, every student who is LEP must be tested for English language proficiency when initially identified. Assessment shall be done in all four areas of language: listening, speaking, reading, and writing.

Oral assessment of English language proficiency may be sufficient for students who are LEP in kindergarten and first grade, depending on the district's expectations for those grade levels. Except for students who are LEP enrolled in language immersion or transitional bilingual programs that began in kindergarten or first grade, students who are LEP in grades second through twelve are expected to have grade-appropriate skills in listening, speaking, reading, and writing in English. Assessments are available for testing proficiency in these four language-skill areas. Some examples of language proficiency assessments include:

- The Idea Proficiency Test (IPT);
- Language Assessment Scales (LAS); and

OVERVIEW

The policy for assuring accountability of Alaska's public school system is provided by the Quality Schools Initiative. The Quality Schools Initiative (QSI) requires school districts to adopt challenging academic standards in reading, writing and mathematics, and to assess whether students are attaining the standards.

To ensure full accountability, districts must assess all students, including students with disabilities and those who are limited English proficient (LEP). To accomplish this, the Department of Education & Early Development has developed a two-tiered Comprehensive System of Student Assessments:

REGULAR ASSESSMENTS These include criterion-referenced tests at grades three, six and eight (called Benchmark Examinations) and a High School Graduation Qualifying Examination (HSGQE) for the high school level. Regular assessments also include norm-referenced tests given at selected grade levels and test accommodations for some students.

ALTERNATE ASSESSMENTS These are available for students with disabilities, who, even with accommodations, are unable to participate in the regular assessments.

The following sections describe procedures to assist schools in making decisions about how to include students with disabilities and students who are LEP in state assessments. These guidelines promote the inclusion of all students in regular assessments. They are consistent with Alaska statutes and regulations and such federal laws as the *Improving America's Schools Act* and *Individuals with Disabilities Education Act*.

MAKING DECISIONS

About Students who are Limited English Proficient

Alaska has a long history of linguistic diversity that continues today. Among the states, Alaska is one of the few whose principal secondary languages are Native. While some Alaskans in urban and seaport areas speak Spanish, Tagalog and other Pacific Island languages, many students in large areas of the state speak Yupit and Inupiaq Eskimo. Elsewhere there is a renewed interest in learning and teaching Tlingit, Tsimshian, Haida, Athabascan, Aleut and other Native languages.

While students who are LEP must be assessed, it is recognized that these students may not have learned the content nor be able to fully understand English-only assessments. For this reason, districts with students whose first language is not English and who have participated in language immersion or transitional bilingual programs beginning in kindergarten or grade one, may delay administering the grade three Benchmark Examination until grade four. Subsequently, all students who are LEP will take norm-referenced tests, Benchmark Examinations at grades six and eight, and the High School Graduation Qualifying Examination at the appropriate grade levels.

One other exception pertains to students who are LEP who are recent immigrants. If a student who is LEP attended school for two or more years in their country of origin and English was not the language of instruction, that student may be exempted from examination. The student may be exempted from the norm-referenced test and Benchmark Examinations at grades three, six and eight, but *not* from the HSGQE. This exemption may extend for no more than two years from the date the student enters school in Alaska. All other students who are LEP must participate in state assessments.

What are the Characteristics of Students who are Limited English Proficient?

The U.S. Department of Education broadly defines a linguistically diverse student (typically defined as limited English proficient) as an individual who:

1. Was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant; or
2. Is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other

Table 1. Accommodations That Require Documentation

TIMING/SCHEDULING

- Administering the test over several days, specifying duration (not permitted for HSGQE).
- Allowing frequent breaks during testing.

SETTING

- Administering the test individually in a separate location.
- Administering the test to a small group in a separate location.
- Providing special lighting.
- Providing adaptive or special furniture.
- Providing special acoustics.
- Administering the test in locations with minimal distractions, in a small group, study carrel, or individually.
- Using a communication device such as auditory amplification to give directions.
- Using a special test administrator, including the examinee's teacher.

PRESENTATION

- Using a Braille edition or large-type edition.

Test Directions

- Signing directions to student.
- Allowing student to ask for clarifications.
- Reading directions to student.

Test Questions

- Reading or signing math and/or writing test questions on the Benchmark Examinations to student (test questions on the Reading test may NOT be read or signed to student).
- Reading or signing test questions on the norm-referenced test to student (test questions on Reading subtests may NOT be read or signed to student).
- Using CTB McGraw-Hill tape-recorded version of HSGQE writing and

mathematics tests (available spring 2001.)

- Signing the HSGQE writing and mathematics tests (signing the HSGQE reading test is not permitted).

Use of Assistive Devices/Supports

- Using visual magnification devices.
- Using templates to reduce visible print.
- Using auditory amplification device, hearing aid, or noise buffers.
- Securing papers to work area with tape/magnets.
- Using a device to screen out extraneous sounds.
- Using masks or markers to maintain place.
- Using dark, heavy or raised lines.
- Using assistive devices.

RESPONSE

Test Format

- Using graph paper.
- Using paper in an alternative format (Braille, etc.).
- Allowing students to mark responses in test booklet if test employs a separate answer sheet.
- Using a scribe.

Use of Assistive Devices/Supports

- Allowing student to tape response for later verbatim transcription.
- Using typewriter or computer *without* spell or grammar checker.
- Dictating to a proctor/scribe.
- Allowing alternative responses such as oral, sign, typed, pointing.
- Using a Braille.
- Using a large-diameter, special-grip pencil.
- Using markers to maintain place.

MAKING DECISIONS

About Students with Disabilities

The **Individualized Educational Program (IEP)** is the cornerstone for educating a child with a disability. The IEP is a written statement of a child's educational program that identifies services needed for the child to grow and learn during the school year. The IEP defines goals for the school year; the services needed to help the child meet those goals; and a method of evaluating progress. As its name suggests, the Individualized Educational Program is written to reflect the child's *individual and unique* needs. The student's IEP team makes one of three decisions regarding assessment participation. These are:

- Participation in regular assessments *without* accommodations.
- Participation in regular assessments *with* accommodations.
- Participation in special education alternate assessments.

It is expected that a small (less than 2%) number of all students will participate in alternate assessments. These will be students whose disabilities are so significant that they are not involved in a standard course of study leading to a high school diploma. When a student's IEP calls for alternate assessments, the reasons must be documented on the IEP. All IEP meeting members must understand that alternate assessments *do not* lead to a high school diploma.

In deciding that a student should participate in alternate assessments, an IEP team must ensure that:

- The student's cognitive ability and adaptive skill levels prevent completing the standard academic curricula, even with modifications and accommodations.
- The student requires extensive direct instruction in multiple settings to apply and transfer skills.
- The student is involved in a functional, basic-skills education program.
- The student's inability to complete the standard academic curricula is not the result of extended absences; visual, auditory, or physical disabilities; emotional-behavioral disabilities; specific learning disabilities; or social, cultural, or economic differences.

Section 504 of the Rehabilitation Act of 1973 requires accommodations for some students with disabilities. Its purpose is to help students whose disabilities may limit their access to instruction. A 504 Accommodation Plan is not an Individualized Education Program. However, a student moving from a special education to

a regular education placement could be served under a 504 Accommodation Plan. As with students in special education, the 504 team makes one of the above decisions regarding how students will participate in assessments.

The Importance of Including Parents

The consequences of testing have changed significantly with the implementation of Sec. 14.03.075. Students must now pass the High School Graduation Qualifying Examination in order to receive a diploma. Students with disabilities and students who are Limited English Proficient are included in this requirement. For this reason it is very important that schools make concerted efforts to involve parents in decisions about testing that may affect their children. Decisions about testing are often difficult to make and the probability of making the best choices are improved when the student and parent are included.

Accommodation Guidelines for Students in Special Education and Students with a 504 Accommodation Plan

In order to provide fair and valid assessments, students will be allowed appropriate accommodations when being tested. Test accommodations are defined as follows:

A testing accommodation is a change made to ensure that information obtained from a test is an accurate reflection of what the test is intended to measure rather than a measure of the student's disability. Accommodations are changes to the setting, scheduling, timing, presentation or response format of a test made to reduce confounding influences of a disability. Accommodations are designed for specific individuals to meet specific needs that these individuals have. While meeting these needs, accommodations must not compromise the validity of the test. (adapted from Models for Understanding Task Comparability).

Test Accommodations versus Test Modifications

Some changes to the setting, scheduling, timing, presentation or response format of a test alter what is measured by the test. For example, when the questions on a reading test are read to an examinee, the test results do not represent reading ability. Similarly, when a calculator is used on a test of basic mathematics competencies, it is a skill other than computation that is being measured. Other changes can alter the level of performance expected on a test, for example administering a 3rd grade test to a 6th grade student. Changes to a testing situation that alter what the test measures or the level of performance that must be met are called test modifications. Thus, modified tests produce invalid test scores. While IEP and 504 teams may modify tests based on the individual needs of students with disabilities, a **modified High School Graduation Qualifying Examination does not lead to a high school diploma.**

Selecting Test Accommodations for Students with Disabilities

Because of the close link between assessment and instruction, accommodations for assessment must be part of the student's instruction. The IEP or 504 Accommodation Plan of students with disabilities must describe the accommodations. This allows those who best understand the student's needs to choose assessment accommodations.

IEP and 504 teams should understand that research has shown that new test accommodations given to students with disabilities that have not been a part of their special education program can actually lower achievement levels in some cases. In other words, an accommodation should not be added immediately before an examination in the mistaken hope that it will improve test scores. In general, any accommodations provided to a student must have been used in that student's regular or special education classes for at least three (3) months prior to testing. Educators must document on the IEP or 504 Accommodation Plan their use and provide a clear rationale for determining assessment accommodations.

Any list of accommodations will eventually be rendered incomplete because advances in the technology of adaptive and assistive devices will eventually lead to new accommodations. For this reason, the accommodations listed in Table 1 should not be viewed as exhaustive. In some circumstances an IEP team may have to consider the appropriateness of an accommodation not included in Table 1. In such circumstances, the IEP team should evaluate the appropriateness of a potential accommodation by considering the following questions:

1. Is the change being considered a modification or an accommodation? In other words, will the change alter the validity of the test?
2. Will the change give the student an unfair advantage in the test?
3. Is the change needed to lessen the impact of a disability, or will it artificially raise the test score of the student?
4. Will the change compromise test security or violate test administration rules?

Once test accommodations have been selected and documented in the IEP or 504 Plan, the person responsible for administering the test must be informed. If this important step is omitted a student may be denied an accommodation for the simple reason that the test administrator or test proctor is not aware of the need to provide the accommodation. Additionally, some accommodations may require the assistance of support personnel or assistive devices and plans should be made to ensure their availability at the time of testing.



PARENTS

Families Assisting Families of Children With Disabilities

April 3, 2001

Dear Rep. Fred Dyson,

First of all my name is Catherine Burgess and I'm a parent of a child that has multiple disabilities and well be taking the Alternative Assessment test based on his IEP goals. I'm also a parent advocate of a non-profit agency: PARENTS, Inc. located in Anchorage, AK.

All Special Education students do deserve the opportunity to receive a diploma. Because each child that has a certain disability learn in their own unique style that is based around their IEP goals and that one test is not adequate to serve all children that have different disabilities when they learn in their own unique way.

I would encourage that you support all children that have disabilities deserve a high school diploma in which they have work so hard in getting.

Thank you for your time,

Catherine Burgess

Subject: concern over House changes to HSGQE bill

Date: Tue, 3 Apr 2001 20:26:52 -0800

From: "Dave and Valorie Ringle" <dvringle@ptialaska.net>

To: <Senator_`yda_Green@legis.state.ak.us>, <Representative_Brian_Porter@legis.state.ak.us>, <Representative_Peggy_Wilson@legis.state.ak.us>, <Representative_Fred_Dyson@legis.state.ak.us>, <Representative_Gretchen_Guess@legis.state.ak.us>, <Representative_Gary_Stevens@legis.state.ak.us>

Dear Representative Bunde:

As I read statements about representatives' opinions regarding students with disabilities and the state competency tests for graduation, I am disturbed by the failure to provide for students with disabilities who cannot pass the competency tests.

As a teacher, I feel that the tests, especially when accompanied with benchmark exams in the 6th and 8th grades, are a welcome challenge for most students. They have not changed the way I teach, but they have helped me modify and clarify objectives students must meet. For most students, these tests are a welcome motivation to remind them that social promotion is not going to result in a diploma.

There are, however, a few exceptions to every rule. I have students with disabilities who will be challenged by the test, yet I have no questions about their ability to function or their deserving of a high school diploma, assuming they continue their present level of work.

Two students come to mind. One is a boy with severe dyslexia. This student tests as the lowest reader in my class, yet he is one of the best students I have taught. He is artistically and mathematically gifted, sets high standards for himself, and compensates for his lack of reading in amazing ways. Currently he is willing to get tapes of books, listen orally, and complete all written work I require. He gives oral reports that surpass most students. His writing structure and organization is above grade level, and he understands the need for spell-checking and human proofreading to compensate for his poor spelling abilities. He at times avoids working in groups because he does not want to work with people who do not share his high standards. This student has success written all over his school performance, yet is almost certain not to pass the high school reading exam.

Another student I have comes from a severely abusive environment. Currently we are seeing improvement of two to three grade levels in her performance as she receives a supportive educational environment and a very supportive mother. As this improvement continues, I am seeing a marked difference in her oral skills and her written skills, as diagnosed by her learning disability. While orally she can complete many skills on grade level, her written work lags significantly behind. Given the tenacity with which she has overcome a potentially tragic situation and her current skills, despite her learning disability, this person has the skills it will take to function in society--something specialists did not think possible three years ago. However hard she works to overcome the stigma of abuse, because of her learning disability I fear she will leave high school with another stigma because no accommodations are made with the competency tests for unique situations that I as an educator have seen too many times.

I urge you to reconsider your stance on the house revisions to this test and include provisions for those students who work so hard, yet because of diagnosed learning disabilities show their success in ways your test does not measure.

Dave Ringle
3786 McGinnis
Juneau, AK 99801
home: 907-790-7249
work: 907-463-1899

Subject: students with disabilities

Date: Tue, 03 Apr 2001 17:20:14 -0800

From: Daniel Lee Hasenfang <dannylee@alaska.net>

To: Representative_Con_Bunde@legis.state.ak.us, Senator_Lyda_Green@legis.state.ak.us,
Representative_Brian_Porter@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Gretchen_Guess@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us

My name is Marianne Sharp and my address is 10209 Heron Way, Juneau, AK 99559.

I understand you are meeting tomorrow about granting students with disabilities a Certificate of Attendance instead of a high school diploma.

I wanted to write to state my opinion that I believe that all students with disabilities have a right to receive a diploma if they can pass a test geared toward their special needs and fulfill their Individual Education Program goals.

Sincerely,

Marianne Sharp

Subject: School Exit Exams

Date: Tue, 3 Apr 2001 17:02:11 -0800

From: "Hollie Swanson" <hollie@parentsinc.org>

To: <Representative_Brian_Porter@legis.state.ak.us>,
<Representative_Peggy_Wilson@legis.state.ak.us>,
<Representative_Fred_Dyson@legis.state.ak.us>

CC: <Representative_Gretchen_Guess@legis.state.ak.us>,
<Representative_Gary_Stevens@legis.state.ak.us>

Dear Representatives:

I am writing in response to an alert I received today RE: Exit Exams and children who have disabilities. As the parent of a child who has severe learning disabilities, I strongly believe that children who have special learning needs have the opportunity to receive a diploma and should not be denied a diploma because of their disability. I also believe that Exit Exams for students with disabilities should be geared toward their specific disability.

Thank you.

Hollie Swanson

Representative Fred Dyson
Fax 907-465-4587

RE: Exit Exam

Dear Representative,

I had the wonderful opportunity to be in DC during the inauguration for the Bush Administration.

I was very proud when George W. Bush announced that the cornerstone of his Administration would be Bipartisan education reform. President Bush explained that he was looking forward to working with Congress to ensure that no child is left behind

I have received the legislature alert and find that the Last Frontier wants to leave behind children with disabilities if they waiver from the exit exam. You want to deny them proper recognition of all the hard work they have done. This move invalidates the proven fact that one test does not suit all students.

We (families with children with disabilities) believe that all students with disabilities have a right to a diploma if they can pass a test geared toward their special needs and fulfil their IEP.

I ask that you leave in the language so those children with disabilities have an opportunity to receive the diploma they have earned. It is not sad enough that the child has a life long challenge from the beginning now they are being handed the ultimate challenge, the challenge to compete with children without disabilities. IDEA says that all children have a right to a free and appropriate education. IDEA is mandated through the Federal Government shouldn't we also follow mandates in the Last Frontier?

Please consider the children of Alaska, they need your support.
Thank you,

Cecilia White

Subject: All the kids have worked hard

Date: Tue, 3 Apr 2001 15:33:51 -0800

From: "Robert P. Conte" <rpconte@gci.net>

To: "Representative Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>, <Senator_Lyda_Green@legis.state.ak.us>, <Representative_Brian_Porter@legis.state.ak.us>, <Representative_Peggy_Wilson@legis.state.ak.us>, <Representative_Fred_Dyson@legis.state.ak.us>, <Representative_Gretchen_Guess@legis.state.ak.us>, <Representative_Gary_Stevens@legis.state.ak.us>

My name is Bob Conte. I live at 517 Sixth Street in Juneau. I am the father of a son who experiences mental retardation. I appose the idea that students with severe disabilities who take any sort of alternative exam should only get a Certificate of Attendance, thereby denying them proper recognition of all the hard work they have done. It is not correct to think that one test will suit all students and will be fair in all situations.

As the treasurer of PARENTS, Inc., the Parent Training and Information Center for the State of Alaska, I have been told by staff, that they hear from hundreds of parents and teachers from numerous communities around Alaska who all believe that all students with disabilities have a right to receive a diploma if they can pass a test geared toward their special needs and fulfill their Individual Education Program goals.

I ask you to please consider the importance of receiving an educational diploma that recognizes the hard work that all students give to learning and achieving educational goals.

Thank you,

Bob Conte

Subject: IEP Diplomas

Date: Sat, 17 Mar 2001 23:12:31 -0900

From: "Cheryl" <scekstro@gci.net>

To: <Representative_Fred_Dyson@legis.state.ak.us>

Good Morning,

I am writing to you this morning because I just got some disturbing news. I heard that there are two bills being considered by the Legislature right now which impact all students with IEP's. These bills are SB 133 and HB 94.

It is my understanding that these Bills propose that all students with IEP's receive an IEP diploma even if they are not severely disabled and are able to earn a regular diploma. All children with IEP's are not severely cognitively disabled. Many have learning disabilities that do not block them from learning, but cause them to have special needs.

I do not support a blanket IEP diploma, nor do I support implementation of a program that will label all students with learning disabilities of any kind as less than able. These Bills before you do just that and should not be allowed to pass.

I would like to ask you to consider these Bills and their long term impact carefully and to use your influence to see that the students of this State receive a fair and appropriate education and foundation for the rest of their lives.

I thank you for your time and for your efforts on behalf of my family and our beautiful state!

Sincerely,

Cheryl Ekstrom

Mother of 7 (2 graduates of Anchorage School Dist. and 5 currently attending school therein)
Anchorage Alaska

Subject: High School Graduation Qualifying Exam

Date: Wed, 04 Apr 2001 14:03:00 -0800


From: Richard Rainery <rainery@pobox.alaska.net>

To: Representative_Brian_Porter@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Gretchen_Guess@legis.state.ak.us

Dear Representatives Porter, Dyson, Wilson, Stevens, and Guess:
Attached you will find a copy of a resolution concerning the High School Graduation Qualifying Exam adopted by the Alaska Mental Health Board (AMHB) earlier this year.

The AMHB strongly believes that all students with disabilities should have the opportunity to earn a diploma based on fair assessment and recognition of their achievements. We support an exit exam. We urge the Legislature to allow students with disabilities the accommodations necessary to tackle such an exam and to succeed on it to the best of their abilities. Success, as for other students, should take the form of a diploma. Thank you.

Richard Rainery
Acting Executive Director
Alaska Mental Health Board
431 North Franklin, Suite 200
Juneau, Alaska 99801
rainery@pobox.alaska.net
907.465.4765
907.465.3079 (fax)

	HSExitExamfinal.doc	<p>Name: HSExitExamfinal.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
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Subject: exit exams

Date: Wed, 4 Apr 2001 13:18:38 -0800

From: Leilani Knight <lknight@ccthita.org>

To: "Representative_Fred_Dyson@legis.state.ak.us" <Representative_Fred_Dyson@legis.state.ak.us>

Children with disabilities have the right to take exams that are structured to meet their needs for the way that they learn. They learn differently therefore exams need to be made in a way they can understand and succeed. Please understand this when you vote on the exit exam bill for our children.

Holly Kristiansen

From: "Holly Kristiansen" <snowfall@acsalaska.net>
To: "Tim Weiss" <tim@parentsinc.org>; "Faye Nieto" <Nieto@parentsinc.org>; <Cecilia
Cc: <Representatives>
Sent: Tuesday, April 03, 2001 10:08 PM
Subject: Exit Exam For Children With Disabilities

Dear Representative *Fred Dypson,*

I am quite disappointed that you have not totally supported children who experience disabilities in regards to this codicile decreeing that they require only a letter of Certification of Attendance after completion of twelve years of schooling. If that is all that the State of Alaska believes my child would deserve after working to the best of his ability, year after year, day after day, surrounded and reminded and living with his disabilities, then what is the purpose of compulsory education? Because it certainly cannot be for the benefit of an education for those who, mostly often through no fault of their own, face life's many challenges ON A DAILY BASIS from childhood on because they have NO OTHER CHOICE but to do so. They did not ask to come into this world with body parts that don't work well, with brains that have difficulty processing sensory information just enough to make it a lot harder for them to learn, and they are all aware that they are not like other children.

If I needed to prove my child sat in school for twelve years, I wouldn't need the school to let me know. I'd write him that letter myself and keep him home and away from all the hard and difficult projects he has worked so hard to complete. Why? Because no one else would ever have any use for A Letter of Space Taken Up. He would be denied the right to serve his country, or receive any education that could help him become employable, help him with supports so that he could live on his own, feel good that he has accomplished to the best of his ability, and generally become a happy and productive member of our society. Because he is blind, or because he is deaf, or because his parents drank while he was in utero, or because a car ran over him when he was three years old, or because he suffered a birth defect, or acquired a serious seizure disorder, does the State of Alaska deem him a second class citizen? This will be confirmed if this Certificate of Attendance is allowed to become law.

I would like to remind you of two interesting facts concerning disabilities:

1. A great majority of them are/were preventable or unavoidable and/or have no known "cause". Sometimes it's the luck of the draw.
2. A disability can occur or be diagnosed at any age and can happen to anyone. Many people feel that aging in itself can be comparable to a disability when seen with respect to loss of function, inability to remember, less limber limbs and many more falls, and jerky, uncoordinated movement, etc.

It has been said that one of our state mottos is "Children are our most important resource". That is so hard to envision when Alaska is the FIFTH WORST STATE in the nation to provide services to children who are in desperate need. Must we also have legislators whom take away the civil rights of disabled children to earn their diplomas? Let's allow college bound youngsters to earn a Regency diploma, and celebrate those whom work just as hard for them, and cheer their high achievements, and let's give children with disabilities, many for whom just arriving at school is a tremendous daily struggle, the diplomas that they too have worked so hard to achieve.

For myself, this is a serious civil rights violation and laws have been passed at the federal level

4/3/01

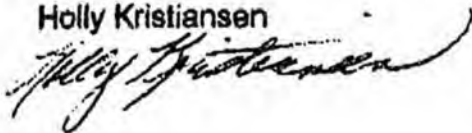
to ensure that this population is afforded the full protection under the law that they so richly deserve. Just a few weeks ago, those of us whom support people who experience disabilities, came to Juneau with many families during the Key Campaign, a once a year event, to tell our stories to our neighbors, our friends, to you, our legislators. We voted to put you in office to effect change and build policies to make our state a greater state and one that we can proudly support and continue to love and take pride in the fact that we are the last frontier and darn proud to be Alaskans. But in order to feel that trust that we charged you with on our behalves, we need to know that ALL of us are family, that ALL of us are welcome to the banquet, and that you wish to support ALL of us within ALL of our communities. Please don't continue to prove that this is a have-have not world. We already know that life is often not fair. We live it every day. Please don't prove it through state law by dooming our children to live lives with little quality, increase their risk of lifelong poverty, ignore the depression and suicide rates, high frustration and loss of opportunity, and white wash wasted talents left undiscovered. The cruelest barrier that each one of them faces is not how they are but how they are perceived to be by others.

Please consider your vote carefully tomorrow morning. You hold the future of many frightened and beautiful little hearts in your hands, if you could just open up your palms to see them waiting there.

Thank you for listening to these enormously complicated issues through another's eyes. If it helps, it has been my experience that, no matter how hard the climb, and how long or rough the terrain, choosing the better path makes all the difference in both the journey and the view.

Sincerely,

Holly Kristiansen



4/3/01

Fax

To: Rep. Fred Dyson From: Holly Kristiansen
Fax: 465-4587 Pages: _____
Phone: _____ Date: 4.3.01
Re: EXIT EXAM CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Please read before vote in a.m.
Thank You

March 26, 2001

Representative Fred Dyson
Alaska State Legislature
Juneau, Alaska

I have reviewed the revised SB 133 and find it to be a noticeable improvement. Particularly Section 1 addresses the intent of the original Act concerning the issue of essential skills including reasonableness and fairness. The present exit exam does not test to these skills.

I still believe that the original intent of this exam idea was to hold the districts and their teachers accountable. It's unfortunate that it got twisted to the point where the students are the ones who must be punished for the public schools lack of accountability. Hopefully, Section 4 will begin to address the accountability of the education staff. Now maybe the inclusion of parents in this process will become a fact.

I also take exception to the elitist attitude suggested by the Juneau offices that the majority of response is against postponement. This is an inappropriate attitude especially in light of the fact that 75% of Alaskan students have failed the present exam. I understand perfectly well how stats can be manipulated to prove a point. Placing an endorsement on the student's diploma identifying the areas of the exam that were successfully passed is just an attempt to indulge these elitists and serves no purpose for the student other than to label the student.

People's ideas of success vary. The public school system must address all needs. Our students' successes should not be measured by politics.

Kaye Ekstedt-Pullen
P.O. Box 770961
Eagle River, Ak 99577

Faye Nieto

From: Tim Weiss <tim@parentsinc.org>
To: <staff@parentsinc.org>
Sent: Tuesday, April 03, 2001 10:17 AM
Subject: Exit Exam Alert

4/3/01

ALERT – Please Pass On

The right for children with disabilities to get a diploma is under attack again. A group of individuals are trying to convince the Legislature that students with severe disabilities who take any sort of alternative exam should only get a Certificate of Attendance, thereby denying them proper recognition of all the hard work they have done. This move also invalidates the proven fact that one test does not suit all students.

PARENTS, Inc. has heard from hundreds of parents and teachers from numerous communities around Alaska who all believe that all students with disabilities have a right to a diploma if they can pass a test geared toward their special needs and fulfill their IEP goals.

The Legislature will be deciding TOMORROW on this. E-mail and Fax these legislators now!

Representative_Brian_Porter@legis.state.ak.us

Fax: 465-3834

Representative_Peggy_Wilson@legis.state.ak.us

Fax: 465-3175

Representative_Fred_Dyson@legis.state.ak.us

Fax: 465-4587

Please respond on your responses:

Representative_Gretchen_Guess@legis.state.ak.us

Fax: 465-6615

Representative_Gary_Stevens@legis.state.ak.us

Fax: 465-3517

*Note: 8:30 Am Hearing HES5 -
Tomorrow 4/4/01. Be on line!*

4/3/01

Legislative Activity log

Board / Staff _____

Date _____

- 1. # Packets sent or given _____
- 2. Presentations given to who/where
Outcome/Results expected

- 3. Public opinion messages sent # _____
- 4. Letters to legislators sent # _____
- 5. # of Mailers sent _____
- 6. # of follow-up phone contacts made _____

PLEASE COMPLETE THESE LOGS AND TURN THEM INTO FAYE EACH WEEK UPON COMPLETION OF POLICY MAKING EFFORTS!

Subject: [Fwd: Rep. Bunde, Please forward to Rep. Dyson and other intested parties.]

Date: Mon, 09 Apr 2001 10:50:42 -0800

From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Organization: Alaska State Legislature

To: Randy Lorenz <Randy_Lorenz@legis.state.ak.us>

Randy --

I'm forwarding this just in case Mrs. Lefler didn't send it directly to Rep. Dyson.

Karen

Barbara Lefler wrote:

Dear Representatives Bunde and Dyson,

Thank you for this opportunity to comment on the latest proposed amendment to HCS CSSB 133. Although we understand that the legislature has the 'best interest' of our children with learning disabilities in mind, again we are concerned about how these special needs are being addressed. Precious time, and tax payers dollars are being spent on devising a way to lower expectations and standards for our children. I must reiterate the fact that the majority (approx. 98%) of children with IEP's have the cognitive ability to learn and meet state standards, if and when they are provided specialized programing to meet their individual needs. Rather than being offered this specialized programing by their districts, most parents must know exactly what to ask for and be prepared to use due process laid out by the Individuals with Disabilities Education Act (IDEA). Most parents don't know what to ask for or understand their rights under the law, and our children are suffering, by the thousands.

It is distressing that our legislature is more interested in endorsing or 'flagging' the diploma than they are about teaching our children basic reading, writing and math skills so they can earn the diploma by meeting the same standards as their peers.

I am inserting an article regarding recent case law established to protect people with disabilities from discriminatory practices due to test flagging.

Believe in our children. You won't be disappointed.
Sincercly, Barbara Lefler

Disabled Win Halt to Notations of Special Arrangements on Tests

February 8, 2001

By TAMAR LEWIN

In a major victory for disability rights groups, the Educational Testing Service announced yesterday that on many of its standardized exams it would stop flagging the results of students with physical or learning disabilities who receive special

Subject: Foundation Funding

Date: Tue, 03 Apr 2001 14:27:08 -0800

From: "John Lund" <jlund@sesa.org>

To: Representative_Mary_Kapsner@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us

CC: Representative_Fred_Dyson@legis.state.ak.us

Representatives Joule, Kapsner, and Dyson

Good Morning. It was nice visiting with you the other week. I realize what a difficult job you have in trying to balance all the needs of the state with the monies the state has available.

I do want to mention two points, for your consideration.

Point one: Personally, I don't like the word inflation in reference to school funding. It is confusing, particularly when you turn on CNBC and hear that inflation is down. Yet, within education it is up 34%.

I prefer to state that the fixed costs associated with education are up significantly (actually, out of our control). For example:

-Textbooks costs have increased significantly. I called Prentice Hall and asked them why the costs of textbooks have increased when inflation is down. Their response was that texts cost more to design and develop due to better bindings, improved paper quality, more costly pictures and graphics, better print quality for readability, and higher consultant costs.

-Increased fuel costs goes without saying. The remote sites in rural Alaska are of course hit the hardest, but rising fuel cost impacts everything.

-Health Benefits are on the rise. Medical insurance keeps going up with no ceiling in sight. Lyda Green touched on that with what the state is facing in terms of Medicare Costs. Medical costs are a huge and important cost.

-Decreasing availability of air carriers. With carriers such as Penn(decreasing sites served) and Reeve folding, costs to travel to rural school sites have increased. Pilot costs are also up (Frank Murkowski is working on that with his bill to allow pilots to fly past sixty years of age). Furthermore, the increased fuel costs impacts the airlines. The big impact for remote sites is freight costs. This combined with the cycle of increased passenger rates when less people fly and less people fly as costs get higher.

The bottom line is fixed costs for schools are up and continue to climb. That is why the same dollar amount for education is being eroded.

Point Two: In my field of special education, I am finding that in the small rural sites the total student population may be decreasing but the severe special education population is increasing. This is not unique to rural sites either. Anchorage school district is also reporting a similar trend of increasing numbers of students with severe special needs. This most likely is due to the improvement in medical technology to save infants who in the past would not have survived to attend school. The amount of dollars to care for and educate children with severe needs continues to greatly impact school budgets and continues to rise.

I appreciate you have the total state budget to consider and every program in the state has needs. I trust your judgement. My hope in writing to you is to paint the education budget picture a little different way.

I appreciate you listening and respect your efforts in the past on behalf of education.

Take Care

John Lund
Special Education Service Agency

accommodations, like extra time, for the tests.

The new policy, covering the Graduate Record Examination, the Graduate Management Admission Test, the Test of English as a Foreign Language and Praxis, a test for teachers, will go in effect in October. More than two million students take those tests each year, and thousands receive accommodations for disabilities.

The announcement is part of the settlement of a lawsuit filed two years ago by a California man with no hands who was granted extra time and the use of a computer with a trackball for taking the management test.

It does not cover the tests given for medical or law school. Nor does it cover the SAT, which is also administered by Educational Testing Service but owned by the College Board, an independent entity not named in the lawsuit. Nonetheless, the settlement includes an agreement that the College Board will convene a group to re-examine its flagging policy and recommend by March 31, 2002, whether it should be continued, changed, or ended.

"This is a huge, major step forward for equal opportunity in testing," said Robert Schaeffer, the public education director of FairTest, a Cambridge, Mass., group that is critical of standardized testing. "The pressure now is on the College Board to do the same for the SAT, since it's untenable to have one policy for the graduate-school admission test and a completely different one for the SAT."

For decades, students granted extra time or other accommodations on the standardized tests had their results flagged with the notation "Scores Obtained Under Special Conditions."

When the plaintiff in the California suit, Mark Breimhorst, was rejected from the business schools to which he applied, he filed his suit charging that the testing service's flagging policy violated state and federal anti-discrimination laws, stigmatizing disabled students with a kind of scarlet letter.

The International Dyslexia Association and Californians for Disability Rights joined his suit.

The testing service initially moved to dismiss Mr. Breimhorst's lawsuit, but last year, Judge William Orrick of Federal District refused to do so, ruling that the service's exams should "equally measure the skills of disabled and nondisabled test-takers" — and that, if they did so, there would be no reason to flag the scores of test-takers who received accommodations.

In settling the case, the testing service did not admit any

violation of the law.

"Having carefully weighed the expressed concerns of people with disabilities," said Kurt Landgraf, the president of the testing service, "we decided, in the spirit of furthering opportunity, to end flagging" for the tests.

David Wilson, president of the Graduate Management Admission Council, said yesterday that business school admissions officers seemed comfortable with the settlement.

"The people I've talked to say that if that's what the applicants want, so be it," Mr. Wilson said. "The unfortunate thing is, most of them thought it was beneficial for applicants to have that flag, because when admissions officers looked at the applicant's experience, and saw that a person had achieved all that despite a disability, it usually had a positive effect."

Although Mr. Breimhorst had a physical disability, the largest, fastest-growing and most controversial group of students with disabilities — accounting for 9 out of every 10 accommodation granted — are those with attention deficit disorder or a learning disability like dyslexia.

Over the last decade, the number of students diagnosed with such disabilities, and requesting special accommodations, has mushroomed.

At the same time, there has been increasing concern that affluent white students receive accommodations on their standardized tests far more often than poor black or Hispanic students. Last year, for example, the California state auditor found that, among the state's 1999 high school graduates, students in private schools were four times more likely than students in public schools to have received accommodations on the SAT.

Whether for physical or learning disabilities, almost all the accommodations include extended time. But there is little solid data on how much extra time disabled students need to fairly show their skills.

With ever-more competitive college admissions, and more high-stakes testing, the debate over accommodating disabled students has heated up. And with increasing awareness of the federal anti-discrimination laws, students with disabilities have become more litigious about their right to receive accommodations on everything from bar exams and medical-school admission tests to the yearly state assessment tests.

"Our settlement doesn't cover every standardized test," said

Joshua Konecky, the lawyer at Disability Rights Advocates in Oakland, Calif., who represented Mr. Breimhorst, "but E.T.S. is so important in the field that we are hoping other groups, like the one that administers the medical school test, will look and see that if E.T.S. can administer tests without flags, they can, too."

The SAT is the test for which the most accommodations are granted: nearly 50,000 tests will be administered under special conditions this year, compared with about 17,000 in 1990-91. About two million students applying for college take the SAT each year.

As part of the settlement, the College Board has agreed to have a panel of experts on testing, university admissions and disabilities examine the practice of flagging, and make recommendations on whether it should be continued, changed or ended.

"There are good reasons for flagging," said Gaston Caperton, president of the College Board, who is himself dyslexic, "and we are pleased that the merits will be weighed by an expert panel."

Chiara Coletti, the spokeswoman for the board, said there was a consensus among the colleges and universities on the board that accommodations and flagging warrant re-examination.

Among other things, the experts will consider the extent to which extended time affects the comparability of scores between people with disabilities and people without them.

"One easy way to end the whole problem would be to give everyone more time on the test, like four and half hours instead of three, or to remove enough questions, so that reading speed is no longer an issue," said Mr. Konecky of the Disability Rights Advocates. "If you don't have time restraints, you don't have the problem with accommodations. I expect that will be on the table."

Under the terms of the settlement, Mr. Konecky can take the issue back to court before the same judge if the disability groups he represents do not accept the panel's recommendations.

<http://www.nytimes.com/2001/02/08/national/08TEST.htm?ex=982660010&ei=1&en=4567b7da4a30c377>

AMENDMENT NO. _____

BY: Representative _____

Amending Section 3 of HCS CSSB 133 (EDU):

At page 3, lines 18-19:

Delete subsection (C) and insert:

"(C) demonstrating mastery of state performance standards established by the board through completion of an alternate assessment program that is specified in the student's individualized education program or required in the education plan developed for the student under 29 U.S.C. 794. 'Alternate assessment program' as used in this paragraph means a program designed under regulations adopted by the department to measure competency, may include a portfolio of work, and shall be established in writing by February 1 of the student's second year of enrollment in a secondary school; and"

At page 4, line 6:

Delete "and"

At page 4, line 7:

Delete period and insert:

"; and (3) alternate assessment programs under (c)(1)(C) of this section."

Subject: Who is fit for a Diploma

Date: Tue, 03 Apr 2001 21:33:16 -0800

From: pkmonagle <pkmonagle@gci.net>

To: Conley R Bunde <Representative_Con_Bunde@legis.state.ak.us>, Lyda N Green <Senator_Lyda_Green@legis.state.ak.us>, Brian S Porter <Representative_Brian_Porter@legis.state.ak.us>, Peggy A Wilson <Representative_Peggy_Wilson@legis.state.ak.us>, Frederick J Dyson <Representative_Fred_Dyson@legis.state.ak.us>, Gretchen G Guess <Representative_Gretchen_Guess@legis.state.ak.us>, Gary L Stevens <Representative_Gary_Stevens@legis.state.ak.us>

It is my understanding the H.E.S.S. committee will be deciding on whether high school students should receive a valid High School diploma, if they have a mental illness.

Need we go there ladies and gentleman? Will a 'certificate of attendance' achieve anything other than create more rules and regulations against those who already suffer? Why would you even consider a bill that would belittle the efforts of these people? Are you afraid these people will steal their way into college? Are you fearful that they will be taking away skilled positions in the workplace?

I don't think our society will suffer if we give a few individuals the dignity of receiving a valid diploma if they meet all the requirements set forth by the State Department of Education! Show a little compassion and humility. May those who work hard continue to have the right of receiving a valid High School diploma!

Pat Monagle

Subject:

Date: Wed, 4 Apr 2001 08:15:43 -0800

From: "Lee Ray and Lynne" <flower24@gci.net>

To: <Representative_Con_Bunde@legis.state.ak.us>, <Senator_Lyda_Green@legis.state.ak.us>, <Representative_Brian_Porter@legis.state.ak.us>, <Representative_Peggy_Wilson@legis.state.ak.us>, <Representative_Fred_Dyson@legis.state.ak.us>, <Representative_Gretchen_Guess@legis.state.ak.us>, <Representative_Gary_Stevens@legis.state.ak.us>

I believe that all students with disabilities have a right to receive a diploma if they can pass a test geared toward their special needs and fulfill their Individual Education Program goals.

Thanks for listening to concerned parents.

Lynne Clements
Juneau, Alaska

Subject: High School Graduation Qualifying Exam

Date: Wed, 04 Apr 2001 14:03:00 -0800


From: Richard Rainery <rainery@pobox.alaska.net>

**To: Representative_Brian_Porter@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Gretchen_Guess@legis.state.ak.us**

Dear Representatives Porter, Dyson, Wilson, Stevens, and Guess:
Attached you will find a copy of a resolution concerning the High School Graduation Qualifying Exam adopted by the Alaska Mental Health Board (AMHB) earlier this year.

The AMHB strongly believes that all students with disabilities should have the opportunity to earn a diploma based on fair assessment and recognition of their achievements. We support an exit exam. We urge the Legislature to allow students with disabilities the accommodations necessary to tackle such an exam and to succeed on it to the best of their abilities. Success, as for other students, should take the form of a diploma. Thank you.

Richard Rainery
Acting Executive Director
Alaska Mental Health Board
431 North Franklin, Suite 200
Juneau, Alaska 99801
rainery@pobox.alaska.net
907.465.4765
907.465.3079 (fax)

 <u>HSExitExamfinal.doc</u>	Name: HSExitExamfinal.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message
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Subject: exit exams

Date: Wed, 4 Apr 2001 13:18:38 -0800

From: Leilani Knight <lknight@ccthita.org>

To: "Representative_Fred_Dyson@legis.state.ak.us" <Representative_Fred_Dyson@legis.state.ak.us>

Children with disabilities have the right to take exams that are structured to meet their needs for the way that they learn. They learn differently therefore exams need to be made in a way they can understand and succeed. Please understand this when you vote on the exit exam bill for our children.

Holly Kristiansen

From: "Holly Kristiansen" <snowfall@acsalaska.net>
To: "Tim Weiss" <tim@parentsinc.org>; "Faye Nieto" <Nieto@parentsinc.org>; <Cecilia
Cc: <Representatives>
Sent: Tuesday, April 03, 2001 10:06 PM
Subject: Exit Exam For Children With Disabilities

Dear Representative *Fred Dixon,*

I am quite disappointed that you have not totally supported children who experience disabilities in regards to this codicile decreeing that they require only a letter of Certification of Attendance after completion of twelve years of schooling. If that is all that the State of Alaska believes my child would deserve after working to the best of his ability, year after year, day after day, surrounded and reminded and living with his disabilities, then what is the purpose of compulsory education? Because it certainly cannot be for the benefit of an education for those who, mostly often through no fault of their own, face life's many challenges ON A DAILY BASIS from childhood on because they have NO OTHER CHOICE but to do so. They did not ask to come into this world with body parts that don't work well, with brains that have difficulty processing sensory information just enough to make it a lot harder for them to learn, and they are all aware that they are not like other children.

If I needed to prove my child sat in school for twelve years, I wouldn't need the school to let me know. I'd write him that letter myself and keep him home and away from all the hard and difficult projects he has worked so hard to complete. Why? Because no one else would ever have any use for A Letter of Space Taken Up. He would be denied the right to serve his country, or receive any education that could help him become employable, help him with supports so that he could live on his own, feel good that he has accomplished to the best of his ability, and generally become a happy and productive member of our society. Because he is blind, or because he is deaf, or because his parents drank while he was in utero, or because a car ran over him when he was three years old, or because he suffered a birth defect, or acquired a serious seizure disorder, does the State of Alaska deem him a second class citizen? This will be confirmed if this Certificate of Attendance is allowed to become law.

I would like to remind you of two interesting facts concerning disabilities:

1. A great majority of them are/were preventable or unavoidable and/or have no known "cause". Sometimes it's the luck of the draw.

2. A disability can occur or be diagnosed at any age and can happen to anyone. Many people feel that aging in itself can be comparable to a disability when seen with respect to loss of function, inability to remember, less limber limbs and many more falls and jerky, uncoordinated movement, etc.

It has been said that one of our state mottos is "Children are our most important resource". That is so hard to envision when Alaska is the FIFTH WORST STATE in the nation to provide services to children who are in desperate need. Must we also have legislators whom take away the civil rights of disabled children to earn their diplomas? Let's allow college bound youngsters to earn a Regency diploma, and celebrate those whom work just as hard for them, and cheer their high achievements, and let's give children with disabilities, many for whom just arriving at school is a tremendous daily struggle, the diplomas that they too have worked so hard to achieve.

For myself, this is a serious civil rights violation and laws have been passed at the federal level

4/3/01

to ensure that this population is afforded the full protection under the law that they so richly deserve. Just a few weeks ago, those of us whom support people who experience disabilities, came to Juneau with many families during the Key Campaign, a once a year event, to tell our stories to our neighbors, our friends, to you, our legislators. We voted to put you in office to effect change and build policies to make our state a greater state and one that we can proudly support and continue to love and take pride in the fact that we are the last frontier and darn proud to be Alaskans. But in order to feel that trust that we charged you with on our behalves, we need to know that ALL of us are family, that ALL of us are welcome to the banquet, and that you wish to support ALL of us within ALL of our communities. Please don't continue to prove that this is a have-have not world. We already know that life is often not fair. We live it every day. Please don't prove it through state law by dooming our children to live lives with little quality, increase their risk of lifelong poverty, ignore the depression and suicide rates, high frustration and loss of opportunity, and white wash wasted talents left undiscovered. The cruelest barrier that each one of them faces is not how they are but how they are perceived to be by others.

Please consider your vote carefully tomorrow morning. You hold the future of many frightened and beautiful little hearts in your hands, if you could just open up your palms to see them waiting there.

Thank you for listening to these enormously complicated issues through another's eyes. If it helps, it has been my experience that, no matter how hard the climb, and how long or rough the terrain, choosing the better path makes all the difference in both the journey and the view.

Sincerely,

Holly Kristiansen



Fax

To: Rep. Fred Dyson From: Holly Kristiansen
Fax: 465-4584 Pages:
Phone: Date: 4.3.01
Re: EXIT EXAM CC:

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Please read before vote in a.m.
Thank You

March 26, 2001

Representative Fred Dyson
Alaska State Legislature
Juneau, Alaska

I have reviewed the revised SB 133 and find it to be a noticeable improvement. Particularly Section 1 addresses the intent of the original Act concerning the issue of essential skills including reasonableness and fairness. The present exit exam does not test to these skills.

I still believe that the original intent of this exam idea was to hold the districts and their teachers accountable. It's unfortunate that it got twisted to the point where the students are the ones who must be punished for the public schools lack of accountability. Hopefully, Section 4 will begin to address the accountability of the education staff. Now maybe the inclusion of parents in this process will become a fact.

I also take exception to the elitist attitude suggested by the Juneau offices that the majority of response is against postponement. This is an inappropriate attitude especially in light of the fact that 75% of Alaskan students have failed the present exam. I understand perfectly well how stats can be manipulated to prove a point. Placing an endorsement on the student's diploma identifying the areas of the exam that were successfully passed is just an attempt to indulge these elitists and serves no purpose for the student other than to label the student.

People's ideas of success vary. The public school system must address all needs. Our students' successes should not be measured by politics.

Kaye Ekstedt-Pullen
P.O. Box 77096
Eagle River, Ak 99577

Faye Nieto

From: Tim Weiss <tim@parentsinc.org>
To: <staff@parentsinc.org>
Sent: Tuesday, April 03, 2001 10:17 AM
Subject: Exit Exam Alert

4/3/01

ALERT – Please Pass On

The right for children with disabilities to get a diploma is under attack again. A group of individuals are trying to convince the Legislature that students with severe disabilities who take any sort of alternative exam should only get a Certificate of Attendance, thereby denying them proper recognition of all the hard work they have done. This move also invalidates the proven fact that one test does not suit all students.

PARENTS, Inc. has heard from hundreds of parents and teachers from numerous communities around Alaska who all believe that all students with disabilities have a right to a diploma if they can pass a test geared toward their special needs and fulfill their IEP goals.

The Legislature will be deciding TOMORROW on this. E-mail and Fax these legislators now!

Representative_Brian_Porter@legis.state.ak.us

Fax: 465-3834

Representative_Peggy_Wilson@legis.state.ak.us

Fax: 465-3175

Representative_Fred_Dyson@legis.state.ak.us

Fax: 465-4587

Please cc: on your responses:

Representative_Gretchen_Guess@legis.state.ak.us

Fax: 465-6615

Representative_Gary_Stevens@legis.state.ak.us

Fax: 465-3517

*Note: 8:30 Am Hearing HES5 -
Tomorrow 4/4/01. Be on line!*

Legislative Activity log

Board/Staff _____

Date _____

- 1. # Packets sent or given _____
- 2. Presentations given to who/where _____
 Outcome/Results expected _____

- 3. Public opinion messages sent # _____
- 4. Letters to legislators sent # _____
- 5. # of Mailers sent _____
- 6. # of follow-up phone contacts made _____

PLEASE COMPLETE THESE LOGS AND TURN THEM INTO FAYE EACH WEEK UPON COMPLETION OF POLICY MAKING EFFORTS!



Alaska State Legislature

Please enter into the record my testimony to the H. HESS
committee name
 committee on HB 164, dated April 3, 2001
bill/subject

5 PAGES

Including Cover Sheet

Signed: Shazik Lee Shields
Testifier
Grandparents Rights Organization Committee
Representing (Optional)
He 02 Box 7347 Palmer, AK 99645
Address
(907) 745-3106
Phone No.

April 5, 2001

Dear Sir or Madam:

My name is Kris S. Johnston, and I am a parent with a child having an IEP (Individualize Education Plan), living in Cordova, Alaska. I would like to address your Bill #SB133 Version R, concerning the Exit Exam.

I would like to give my support for the Green portion of Bill 133. I also believe the additional language in the revision of this bill for individuals with an IEP to show "mastery" of the performance standards that will be decided by the IEP team and a board will put unreasonable expectations on these students.

My son, Kristofer, has worked really hard to get as far as he has, that other children attain with just coasting through school. If he needs to show "mastery" of the performance standard that other children also need to do then he is not given any consideration for the distance that he has come with so much work. I believe he deserves that diploma, even if it was not with an endorsement of meeting the standards. He would then get credit for all that he worked for and as far as he had gone.

This is one of the reasons that I support the Green portion of the SB133 bill, and would like to understand the reason that your committee feels this would water down the diploma. I do not feel that an endorsement process would do this. I believe all children that work really hard to learn deserves a diploma. Just as an individual that work really hard deserves a paycheck. We do not need to shortchange our most vulnerable.

Thank you,

Kris Johnston

By: Assemblymember Colver
Adopted: 03/27/01

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 01-022**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING
SB 133 RELATING TO SCHOOL COMPETENCY EXAMINATIONS.

WHEREAS, SB 133 delays the exit exam until 2004, which allows for the two-year period the Department of Education has testified it will need to make sure the exams are testing the appropriate skill sets; and

WHEREAS, existing statute does not address the needs of students with an Individual Education Plan (IEP); and

WHEREAS, SB 133 allows IEP students to earn their diplomas when they pass the exam and provides flexibility in allowing modifications or accommodations; and

WHEREAS, the existing statute does not allow the Department of Education, the State Board of Education, or local school districts to address extraordinary situations by creating a waiver system; and

WHEREAS, SB 133 provides for development of a waiver process by the board defining procedure and requirements; and

WHEREAS, nothing in the current law directs the department to test for essential and foundational skills; and

WHEREAS, the extension of time ensures that students have a fair opportunity to take the courses necessary to build the skills they need.

Subject: SB 133

Date: Tue, 13 Mar 2001 21:10:49 -0900

From: Tom Conley <prophet@ptialaska.net>

To: Lyda Green <Senator_Lyda_Green@legis.state.ak.us>

Dear Senator Green, BRAVO!! I'm impressed. As a school board member (for Sitka), a parent of a child with disabilities, and as a pediatrician, I am happy to see your serious and well thought out approach to the exit exam as it effects the child with special needs. I think the approach you are taking in SB 133 will immunize the state against potential liability. Most importantly it will preserve the dignity and sense of worth of children with special educational needs.

Tying graduation to the successful completion of the goals set in the IEP is of course the rational answer to the dilemma whether or not the exit exam is in the picture (the exam will be possible for a surprising number as long as special accommodations are provided as outlined in their IEP's). It also seems very wise to avoid trying to be minutely prescriptive as the problems of the individual child almost always tend to be unique and specific.

The one thing I would ask you to consider as the bill goes through mark-up is Senator Bettye Davis' idea in SB 129 for holding off the math requirement until 2005. Aligning curriculum to be ready for reading and composition in 2004 is something we should be able to do; aligning things for the math part takes a bit more time. I think we are ready in Sitka but then we have been working at this for a number of years. It is likely to be much harder to reach that standard in the bush where resources are much thinner on the ground.

Again thanks. I think the special education lobby will award you a hero medal and those guys are a hard lot to impress. Tom Conley

105 Cascade Creek Rd.
Sitka, AK 99835
VR: 02-270/D

POM for Senator Green



From: Rebecca A Mix
PO Box 7744

vr: 01-110/R

Telephone: 247-2271

Ketchikan, AK 99901
Email:

NON Constituent

Registered Voter: V

Bill: SB 133 Title: PUBLIC SCHOOL EXIT EXAM
Message:

I support SB 133. It is important to give all students a chance to succeed. Special need students need special consideration. Thank you.

Entered in KTN on 3/12/01 POMID:99658

Distribution: 60

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Message 7 out of 21.

AMENDMENT

3

OFFERED IN THE HOUSE

BY REPRESENTATIVE CISSNA

TO: HCS CSSB 133(EDU)

1 Page 2, line 5:

2 Delete "sec. 7"

3 Insert "sec. 4"

4

5 Page 2, line 13, through page 4, line 12:

6 Delete all material and insert:

7 **"* Sec. 2.** AS 14.03.075, added by sec. 1, ch. 58, SLA 1997, is repealed and reenacted to
8 read:

9 **Sec. 14.03.075. Academic standards for high school graduation. (a)**

10 Before graduating from high school, each student is required to

11 (1) be tested in a graduation examination in the areas of reading,
12 English, and mathematics; and

13 (2) meet academic requirements established by the state and the
14 governing body.

15 (b) The department shall determine the form and contents of the graduation
16 examination and shall score completed examinations.

17 (c) Based on the results of the graduation examination, each student receiving
18 a high school diploma shall receive an endorsement on the diploma as follows:

19 (1) a student who exhibits proficiency in mathematics - a mathematics
20 endorsement;

21 (2) a student who exhibits proficiency in reading - a reading
22 endorsement;

23 (3) a student who exhibits proficiency in writing - a writing
24 endorsement; and

1 (4) a student who is not eligible for an endorsement under (1) - (3) of
2 this subsection - an endorsement consisting of the Alaska flag symbol.

3 (d) The department shall establish by regulation uniform standards for
4 awarding an endorsement required under (c) of this section."
5

6 Renumber the following bill sections accordingly.
7

8 Page 5, line 9, through page 6, line 15:

9 Delete all material.
10

11 Renumber the following bill sections accordingly.
12

13 Page 7, lines 8 - 29:

14 Delete all material.
15

16 Renumber the following bill sections accordingly.
17

18 Page 7, line 30:

19 Delete "Except as provided in sec. 11 of this Act, this"

20 Insert "This"

SITE: Kenai LIO

COMMITTEE: HHES

DATE: 4-10-01

**SUBJECT OF MEETING:
SB133**

UPDATE #:



PLEASE SIGN IN

PLEASE PRINT:

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
Dr. Ed McLain	148 N. Binkley Soldotna, AK 99669	KPBSD	Y

**POINTS FOR FURTHER CONSIDERATION
SB 133**

1. Rep. Bunde has made the point that he believes that currently some children with learning disabilities are on a "non-diploma track." Perhaps the Department has a response to this statement.
2. Everything else seems to be addressed in Dr. Bruce Johnson's letter dated April 6th, 2001.

From

Sen Green's office

Wes

Firm Agrees to Stop Flagging Disabled Students' Test Scores

Exams: After being sued by rights group, Educational Testing Service drops policy of using an asterisk to mark results of those who got extra time.

By KENNETH R. WEISS, LA Times Education Writer

The Educational Testing Service announced Wednesday that it will discontinue flagging the results of disabled students who received extra time or other special accommodations on standardized tests widely used by colleges and graduate schools.

The new policy, developed to settle a lawsuit by an Oakland-based disability rights group, covers the Graduate Record Exam; the Graduate Management Admission Test, popular among MBA programs; the Praxis, a test of teachers; and the Test of English as a Foreign Language.

The new policy does not cover the SAT, the nation's most popular test used for college admissions. Nor does it cover exams that help determine who gets into law school or medical school.

"The testing industry flags scores not to identify students as disabled, but rather to let score users know that the tests were taken with extended time," said Kurt Landgraf, ETS president. The longtime practice of flagging such tests with an asterisk has been the subject of increasingly heated debate since Congress passed the Americans With Disabilities Act a decade ago.

Educators and admissions officers argue that the asterisk gives them insights into certain students' scores on tests that are all supposed to be taken under identical conditions. Sometimes, they said, an asterisk can help explain why a student does not do as well on standardized tests. Meanwhile, advocates for the disabled said the flag, "Scores Obtained Under Special Conditions," subjects such students to potential discrimination. Some have argued that colleges reject disabled students to avoid the extra costs of providing them with an education.

In 1999, Oakland-based Disability Rights Advocates sued ETS on behalf of Mark Breimhorst, a man with a physical disability who was rejected by business schools after his GMAT scores were flagged. Breimhorst, who has no hands, was granted the use of a computer with a tracker ball and given 25% more time to complete the GMAT. The International Dyslexia Assn. and the Californians for Disability Rights joined the legal action, saying that ETS violated a variety of federal and state laws to protect the disabled. As part of the settlement, the Princeton, N.J.-based ETS agreed to stop flagging by Oct. 1. The ETS did not admit any wrongdoing or violation of any laws. The settlement did not cover the SAT, which is owned by the College Board, a membership organization of high school and college officials.

College Board President Gaston Caperton, who is dyslexic, said, "There are many good reasons for flagging" such results. But he agreed that the board would convene a panel of experts and issue a report by March 31, 2002, on whether to end its flagging practice. Chiara Coletti, a College Board vice president, noted that surveys of the organization's members showed a consensus that no change should be made without extensive research.

Many high school counselors and college admissions officers worry that removing the flag will encourage more white, wealthy students to attempt to gain an edge in college admissions by getting 4 1/2 hours to take the SAT, normally limited to three hours. A recent report by the California state auditor found that a disproportionate share of students getting extra time on the SAT were white students from wealthy families—some of whom didn't need it. Auditing the files of 330 students in 18 public schools, it found the basis for their special treatment to be questionable in 60 cases, or 18.2%. Students at private schools are four times as likely to get extra time. The audit also showed that such special accommodations were nearly nonexistent for poor, minority students in urban public schools because of a lack of awareness of their rights or the school's failure to identify students with learning disabilities. "Some [undeserving] students may have received extra time on standardized tests, possibly giving these students an unfair advantage over other students taking the same test," the audit concluded. The asterisk next to such test scores, high school counselors and ETS researchers have said, discourages some students from seeking special treatment on the high-stakes test. But if it were to be removed, they said, it would open the floodgates to those trying to use the system to their advantage.

Subject: [Fwd: Rep. Bunde, Please forward to Rep. Dyson and other intested parties.]
Date: Mon, 09 Apr 2001 10:50:42 -0800
From: Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>
Organization: Alaska State Legislature
To: Randy Lorenz <Randy_Lorenz@legis.state.ak.us>

Randy --

I'm forwarding this just in case Mrs. Lefler didn't send it directly to Rep. Dyson.

Karen

Barbara Lefler wrote:

Dear Representatives Bunde and Dyson,

Thank you for this opportunity to comment on the latest proposed amendment to HCS CSSB 133. Although we understand that the legislature has the 'best interest' of our children with learning disabilities in mind, again we are concerned about how these special needs are being addressed. Precious time, and tax payers dollars are being spent devising a way to lower expectations and standards for our children. I must reiterate the fact that the majority (approx. 98%) of children with IEP's have the cognitive ability to learn and meet state standards, if and when they are provided specialized programing to meet their individual needs. Rather than being offered this specialized programing by their districts, most parents must know exactly what to ask for and be prepared to use due process laid out by the Individuals with Disabilities Education Act (IDEA). Most parents don't know what to ask for or understand their rights under the law, and our children are suffering, by the thousands.

It is distressing that our legislature is more interested in endorsing or 'flagging' the diploma than they are about teaching our children basic reading, writing and math skills so they can earn the diploma by meeting the same standards as their peers.

I am inserting an article regarding recent case law established to protect people with disabilities from discriminatory practices due to test flagging.

Believe in our children. You won't be disappointed.
Sincerely, Barbara Lefler

Disabled Win Halt to Notations of Special Arrangements on Tests

February 8, 2001

By TAMAR LEWIN

In a major victory for disability rights groups, the Educational Testing Service announced yesterday that on many of its standardized exams it would stop flagging the results of students with physical or learning disabilities who receive special

accommodations, like extra time, for the tests.

The new policy, covering the Graduate Record Examination, the Graduate Management Admission Test, the Test of English as a Foreign Language and Praxis, a test for teachers, will go into effect in October. More than two million students take those tests each year, and thousands receive accommodations for disabilities.

The announcement is part of the settlement of a lawsuit filed two years ago by a California man with no hands who was granted extra time and the use of a computer with a trackball for taking the management test.

It does not cover the tests given for medical or law school. Nor does it cover the SAT, which is also administered by Educational Testing Service but owned by the College Board, an independent entity not named in the lawsuit. Nonetheless, the settlement includes an agreement that the College Board will convene a group to re-examine its flagging policy and recommend by March 31, 2002, whether it should be continued, changed, or ended.

"This is a huge, major step forward for equal opportunity in testing," said Robert Schaeffer, the public education director of FairTest, a Cambridge, Mass., group that is critical of standardized testing. "The pressure now is on the College Board to do the same for the SAT, since it's untenable to have one policy for the graduate-school admission test and a completely different one for the SAT."

For decades, students granted extra time or other accommodations on the standardized tests had their results flagged with the notation "Scores Obtained Under Special Conditions."

When the plaintiff in the California suit, Mark Breimhorst, was rejected from the business schools to which he applied, he filed his suit charging that the testing service's flagging policy violated state and federal anti-discrimination laws, stigmatizing disabled students with a kind of scarlet letter.

The International Dyslexia Association and Californians for Disability Rights joined his suit.

The testing service initially moved to dismiss Mr. Breimhorst's lawsuit, but last year, Judge William Orrick of Federal District refused to do so, ruling that the service's exams should "equally measure the skills of disabled and nondisabled test-takers" — and that, if they did so, there would be no reason to flag the scores of test-takers who received accommodations.

In settling the case, the testing service did not admit any

violation of the law.

"Having carefully weighed the expressed concerns of people with disabilities," said Kurt Landgraf, the president of the testing service, "we decided, in the spirit of furthering opportunity, to end flagging" for the tests.

David Wilson, president of the Graduate Management Admission Council, said yesterday that business school admissions officers seemed comfortable with the settlement.

"The people I've talked to say that if that's what the applicants want, so be it," Mr. Wilson said. "The unfortunate thing is, most of them thought it was beneficial for applicants to have that flag, because when admissions officers looked at the applicant's experience, and saw that a person had achieved all that despite a disability, it usually had a positive effect."

Although Mr. Breimhorst had a physical disability, the largest, fastest-growing and most controversial group of students with disabilities — accounting for 9 out of every 10 accommodation granted — are those with attention deficit disorder or a learning disability like dyslexia.

Over the last decade, the number of students diagnosed with such disabilities, and requesting special accommodations, has mushroomed.

At the same time, there has been increasing concern that affluent white students receive accommodations on their standardized tests far more often than poor black or Hispanic students. Last year, for example, the California state auditor found that, among the state's 1999 high school graduates, students in private schools were four times more likely than students in public schools to have received accommodations on the SAT.

Whether for physical or learning disabilities, almost all the accommodations include extended time. But there is little solid data on how much extra time disabled students need to fairly show their skills.

With ever-more competitive college admissions, and more high-stakes testing, the debate over accommodating disabled students has heated up. And with increasing awareness of the federal anti-discrimination laws, students with disabilities have become more litigious about their right to receive accommodations on everything from bar exams and medical-school admission tests to the yearly state assessment tests.

"Our settlement doesn't cover every standardized test," said

Joshua Konecky, the lawyer at Disability Rights Advocates in Oakland, Calif., who represented Mr. Breimhorst, "but E.T.S. is so important in the field that we are hoping other groups, like the one that administers the medical school test, will look and see that if E.T.S. can administer tests without flags, they can, too."

The SAT is the test for which the most accommodations are granted: nearly 50,000 tests will be administered under special conditions this year, compared with about 17,000 in 1990-91. About two million students applying for college take the SAT each year.

As part of the settlement, the College Board has agreed to have a panel of experts on testing, university admissions and disabilities examine the practice of flagging, and make recommendations on whether it should be continued, changed or ended.

"There are good reasons for flagging," said Gaston Caperton, president of the College Board, who is himself dyslexic, "and we are pleased that the merits will be weighed by an expert panel."

Chiara Coletti, the spokeswoman for the board, said there was a consensus among the colleges and universities on the board that accommodations and flagging warrant re-examination.

Among other things, the experts will consider the extent to which extended time affects the comparability of scores between people with disabilities and people without them.

"One easy way to end the whole problem would be to give everyone more time on the test, like four and half hours instead of three, or to remove enough questions, so that reading speed is no longer an issue," said Mr. Konecky of the Disability Rights Advocates. "If you don't have time restraints, you don't have the problem with accommodations. I expect that will be on the table."

Under the terms of the settlement, Mr. Konecky can take the issue back to court before the same judge if the disability groups he represents do not accept the panel's recommendations.

<http://www.nytimes.com/2001/02/08/national/08TEST.htm?ex=982660010&ei=1&en=4567b7da4a30c877>

Subject: REVISED TESTIMONY FROM PARISH (cut in dupes and length)

Date: Mon, 09 Apr 2001 13:21:12 -0700

From: Louise Parish <bells@alaska.net>

**To: Representative_Fred_Dyson@legis.state.ak.us,
Peggy Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
John Coghill <Representative_John_Coghill@legis.state.ak.us>,
Representative_Vic_Kohring@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us,
Con Bunde <Representative_Con_Bunde@legis.state.ak.us>**

April 9, 2001

REVISED

Dear Rep. Dyson and members of the committee,

I would like this to be submitted as written testimony to HESS on HCS CSSB 133 version R and distributed to all HESS committee members before the April 10 meeting. I was unable to attend the April 5 HESS meeting. Thank you!

I just got back from my LIO. Through the new audio technology, I was able to listen to the April 5 committee meeting. I was unable to attend the April 5 teleconference. I had been "warned" through friends on the Internet that I should testify again. I went to listen to your meeting at my earliest opportunity, today, so I could better tailor my testimony

to your discussion.

At the end of your April 5 meeting, Rep. Dyson, you told anyone who felt

their voices hadn't been heard to speak up and do so to your office. I am availing myself of that opportunity. I understand that I should be succinct. As this is the last time I will probably be able to try to influence this legislation, I beg your indulgence. I am on deadline and do not have time for extensive editing. I would like to respond to a number of comments made in the April 5 meeting. Then, I will address offered amendments. The bill is going "fast and furious." I'm trying to

keep up.

I'd like to remind you all that I am in a unique position to offer you information and opinions. I have no position, promotion or election that will be jeopardized by my plain speaking. I have been following the exit exam issue closely since 1997. Thank you.

While I appreciate the hard work the Senate HESS committee put into crafting legislation on SB 133, I do not support it. I support the House

Education Committee's version. I am against Rep. Steven's amendment because it will further lower expectations, and Rep. Cissna's amendment because it would take away the "high stakes" portion of the exit exam integral to reform. So far, I am supporting HCS CSSB 133.

I have no strong views on whether you use the words "minimum competency"

or "essential skills." As a lay person, they mean the same thing to me. Perhaps you have some knowledge I don't that makes this an issue. (I was

a sales rep for many years. In Anchorage I was called an account executive. That didn't change the number of pairs of shoes I wore out.)

I appreciated Karen McCarthy's "laying out of the reasoning" for the changes made to CSSB 133 in the House Edu Committee. They made sense and

required demonstrating proficiency. HCS CSSB 133/R makes it very clear to parents HOW their kids can get a diploma. This is good.

It is EXTREMELY important that the committee maintain the intention of raising expectations for disabled kids through participation in statewide assessments. The federal government speaks of doing so:

- 1.) without accommodations
- 2.) with accommodations
- 3.) or in an alternate assessment.

(Please be very clear that you understand the difference between alternate and alternative. I support alternate, I do not support alternative.)

This is what you should stick with. Adding in an "alternative" assessment condones poor services and creates more chaos.

The Senate side seems to "buy-in" to the DEED's views. The result will be continued failures in life for kids with disabilities.

Remember that I am an actual parent, as are the other folks I network with. We are not "buying-in" to ANYTHING. Many of the folks you are asking for information of have "stakes" in the decision you make. We parents are the only ones who have a NON-INFLUENCED "stake."

Yes, our sped failure rates are atrocious. We've known that would be so for years and waited for the stats to come out so that you would DO something about it. We wanted you to tell DEED to change! Now you want to buy-in to DEED's view that we should give them time to change and THEN we could add in accountability. No, Sir. DEED won't change unless there is a consequence. For you to figure out ways to give kids diplomas even though the system is failing them is BAD NEWS and continues a BAD pattern.

I did not like it when I heard Deputy Commissioner Johnson say "Our goal is to create winners!" and that he wants "success for the (disabled) population," while insinuating that a DIPLOMA constitutes success. Success for our special ed kids will be premised on whether or not we INCLUDE them in educational reform by requiring accountability. This CAN

be done. Early intervention at the K-2 level to proven methods of research-based systematic, sequential phonemic awareness and language instruction can significantly reduce sped numbers and lead to success for all. This can be so for writing and math as well. In fact, the writing and math skills are probably not there because if you can't read

well you begin to fall behind in all areas. DEED, through my understanding, has supported the idea that schools should be WARY of proven methods of instruction. I think it's a political quagmire, but one that can get resolved. California is including early intervention using proven methods in California right now. I will send a link, but I digress.

I also take exception to some of the statements Dr. Ed McClain made, including that we will "do right" by sped kids if we simply have them do

all that is expected of them to get diplomas. That's the problem for struggling kids. Low expectations are set for them because it's easiest.

He the exit exam committee to IEP teams. You cannot and should not make this sort of comparison. One is setting objective standards. The other is usually not. I told you before that in my districts compliance monitoring review notes it stated, "minimums are given," as though schools are to give sped kids minimums. THIS is the crux of it. DEED is really trying to get around admitting that they encourage schools to give minimums. They want to continue this pattern. The problem is that the minimums slide even further down the totem pole to near nothing.

All I want you to do is to give sped kids the same MINIMAL COMPETENCY expectations as their non-disabled peers. This is NOT UNREASONABLE and CAN BE MET. As a matter of fact the systemic reform it would require would cover sped, 504's, AND the kids who struggle but do not qualify for sped assistance. Schools should be trying to keep kids OUT of sped. It's cheaper and more productive in the long run anyway. It's tough to change an entrenched system. Buying-in to DEED on sped isn't going to do it.

I imagine schools could even be saying, "If they aren't going to give us money for sped, we're not going to do it." The problem is, they COULD be doing it with early intervention that would help ALL kids INCLUDING IEP kids, Section 504 kids AND the kids who DON'T QUALIFY for sped but struggle. If you take out the piece that requires schools to improve for sped, the whole early intervention piece cracks and falls.

My daughter didn't get any services until she was in the final two months of her FIFTH year of schooling. That is why I had to fight. She sat at 3rd grade reading level forever. I fought and it was expensive for the schools and expensive for our family. Now I believe she will pass the exit exam. I am NOT advocating that the schools give expensive high school one-to-one remediation for all kids. I AM advocating systemic change so that other kids don't fall farther and farther behind like Katie did way back in first grade and all of her elementary school.

You'll have to follow up with money for remediation and professional development, but that's where we should be headed.

DLC wants high expectations too. They advocate for the assessment with or without accommodations, or an alternate assessment (not alternative.)

They differ from me in that they think it's OK to give a diploma for an alternate assessment (1 percent of the population severely cognitively impaired...) I could be persuaded in this area, I suppose, but it doesn't

seem to make sense. I simply don't want to have ALL kids get alternative (any kind of assessment an IEP team wanted) assessments just so the "alternate" assessment kids can get a diploma. I guess you'll have to figure out if you want to give a diploma to the "alternate" kids or not. But PLEASE DON'T add in a new "alternative assessment" category.

Mr. Maloney gave you miserable sped stats, as though to encourage you to

lower standards and kowtow. I am against that. Some of the words and phraseology that gets bandied about might need explaining. Mr. Maloney used the phrase "appropriate" accommodations. When DEED says "appropriate

accommodations," they mean the ones they listed in the "participation guidelines" book. What was represented to teachers and parents was that

their list was appropriate and somehow different than an IEP team setting appropriate accommodations. Really they all mean the same thing.

It's all in how you present it. This has been very messy at the parental level, at least. I begin to wonder if they wanted their stats even worse than they are so they won't have to change the sped system because you'll be so horrified about them.

Let me explain a few things from a parental point of view. The system hasn't caught up yet regarding kids taking the exam with "appropriate" accommodations. The IEP forms teams currently use (at least in my district) have "check off lists" for allowable accommodations. This list

was limited to less than a dozen appropriate allowable accommodations, including small group delivery and writing in the test booklet instead of transferring the information to an answer sheet. (This may even be old and designed for old bubble-tests...) Anyway, most IEP forms haven't caught up to the test. In addition, parents usually only visit with their IEP team once a year. Parents haven't discussed accommodations much. My district sped teachers and I only got the sped "participations guidelines" in the mail a week prior to this year's exam. There was mass confusion. The booklet said that new accommodations had to be in place three months prior to the exam, yet no one had had the book to tell you how to do it. In addition, the book was not all inclusive and did not highlight well enough that IEP teams could list their own accommodations

and how to do that legally. Teachers and districts waited for DEED to tell them what to do and how to do it. So far, it's not been done well.

My district was also told they would get audiotapes so sped kids could have the writing and math portions read to them if they wanted it. Sped families were told that this would be available and the district set the

testing up as such (ready for headphones etc. so the kid could go over and over confusing parts to lower their frustration levels if their reading was slow). There was only one proctor. But then the tapes didn't

get in. With only one proctor, she couldn't go around and read the test to all the kids that were to be allowed these accommodations. So we have

parents and teachers and kids that don't know what's coming the day of the test. This may sound discouraging. It is. My point is that these "bugs" can all get worked out.

They apparently haven't been a priority, however. I asked for participation guideline books to be sent to me since 1998. Three months before the exam, I called my own IEP team meeting. We wrote into an amendment that my daughter could read the reading portion aloud to herself as an accommodation. This is not a modification and was allowed.

At that meeting, I urged my principal to order the booklets and insure that parents had them before the three month deadline to change their child's accommodations. For some reason, these things didn't happen. DEED sent me a copy in the mail that I received the day after the test. Anyway, I think my daughter may have passed the exit exam or some portions of it. She now has the skills she needs to read.

I digress somewhat. I apologize. My point was that these sped failure numbers are messy. The accommodations haven't really been explored at the local level. They are probably fairly close to truth in that the sped system fails our children. Our kids need skills, not diplomas.

Regarding Tim Weiss's comments....I attended almost all of the exit exam

teleconferences that Tim Weiss of PARENTS, INC. spoke of. PARENTS, INC., while a worthy organization in many respects, has a "Stake." Parents know that when it comes to political leanings they are close to DEED. Tim said we need not worry because OSEP closely monitors for lowering of standards, etc. I would say the opposite. I would say DEED is under corrective action on paper and districts are often on corrective action on paper, but little is happening in the area of true reform. As far as the exit exam teleconferences go, my view was that parents were most concerned because schools are not providing their children with the opportunity to benefit to meet the same competencies as their non-disabled peers.

Regarding endorsements, I think you come close to the line with these. While I appreciate Mr. Reeve's references to the IEDLR and OCR, I believe you may get hitched up on these anyway.

I don't believe we can "wait until we get the system working" to include sped kids. This exam is for the purpose of "getting the system working." Don't leave our sped kids out.

Rep. Guess's amendments and Rep. Steven's amendments seem to protect DEED and the system as it is. So does the Senate version. I believe they leave our kids out of a decent education while appearing to be inclusive by giving out diplomas.

I will attach another letter I was working on before I went to listen to your April 5 teleconference today at my LIO with the real-audio player option. The letter duplicates much of what I have already said. I apologize again. I am very close to this issue, and am on deadline. I have other responsibilities I must attend to today.

I urge you to read the following letter in its entirety. If you can't, at least read the part at the bottom where I tell you what my daughter and I will do if she can't pass the exam. The diploma is not as important as the education!

Dear House HESS committee,

Please do not adopt the amendment re: HCS CSSB 133 offered by Rep. Stevens last week in your committee. I am strongly against it. I appreciate your continued indulgence. Please read the entire piece. I have offered specifics to begin with, and then added a discussion area.

Stevens Amendment of April 5, 2001 and my comments....

Insert new paragraph to read:

(d) It is the intent of the legislature that the Department of Education

and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program teams' inappropriate lowering of the individualized educational program goals and objectives for the purpose of

providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action."

MY COMMENTS: This paragraph sounds nice, but means almost nothing.

1.) "...review THE POTENTIAL for an IEP teams inappropriate lowering of the IEP program goals." Potentials are always there. What might the DEED do? Say

there is potential that these goals are too low? How would they know? One can't tell appropriate goals without having intimate knowledge of the child. Giving a district a doc that says, "You might be too low," doesn't do much of anything. Also, their "federally mandated" reviews are only required once every three years.

2.) "...for the purpose of providing them with a diploma...." The early intervention and benchmarks are where diploma track is decided. By the time the kid gets to his junior year, the team won't HAVE to turn around and give them low goals to pass. They already did way back in elementary school because an alternative assessment system let them.

3.) "...who has not achieved, to the maximum extent practicable...." This is again subjective not objective and appears to be a "feel-good" phrase. Schools and teams will be able to continue to give poor services and call it what is "practicable."

4.) "...take appropriate corrective action." This is a nonissue because DEED won't "find" more than token problems. Remember, they can't find out if goals were too low from a piece of paper. Besides, corrective action that DEED can hand out is often just a reminder to improve. This can go on forever.

Page 3, lines 10-19:

A student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 19 USC 794; an alternative assessment program must, to the maximum extent possible, conform to the state performance standards established for the competency examination required under (a) of this section.

MY COMMENTS:

1.) "...alternative assessment program..." This LOWERS goals again.

I GUARANTEE

YOU it will. Once you allow alternative assessments, schools won't change. No systems of early intervention programs for kids (including IEP and Section 504 kids) will occur. In addition, you will have also lost the potentiality for proven research-based programs that would benefit "borderline" kids who struggle but are not on any sped track.

2.) "...an alternative assessment program must, to the maximum

extent possible, conform to state performance standards established for the competency section...." More subjective wording. How will this be monitored. By DEED? I don't think they can or will.

Page 4, following line 7:

Insert new subsections to read:

(f) "A student shall receive an endorsement on the student's diploma and

transcript identifying the areas of the examination successfully passed."

(g) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program under (c) (1) of this section may not be changed after Feb. 1 of the student's junior year of study."

MY COMMENTS:

1.)..." receive and endorsement and transcript identifying areas successfully passed...." This flags sped kids again. I don't think it's legal to allow flags that identify sped kids. A diploma is a diploma. If it's starred or unstarred differently for sped kids than regular kids, it flags them.

2.) "...the department shall by regulation establish uniform standards for an alternative assessment program required under (c) (1)." With this total amendment, you will have teams creating alternative assessments and the department creating alternative

assessments. You are encouraging a lot of creativity, but not the kind our kids need. The schools should be getting creative with early intervention for all. This entire amendment seems to

be figuring out ways to let schools stay at status quo instead.

3.) "...may not be changed after Feb. 1 of the student's junior year of study." Again, this is a meaningless statement once you have changed the whole assessment system to allow alternative assessments. The statement appears to be designed to allow you to feel good about a bad decision. If schools know the kid will be ABLE to have an alternative assessment sometime in the future they won't change. The child will receive low goals way back in elementary school. Teams won't have to set lower standards for them after their junior year. This will already have occurred. Once you start allowing schools to remain at status quo, the harder it is for other non-spmed kids to get raised expectations as well.

The system needs an overhaul. Have the schools rethink their entire service delivery, not just for some, but for all. That's the only way schools will really change.

Page 7, lines 16-18

Delete

MY COMMENTS: The purpose of this portion of the amendment is that the portfolio will no longer be needed, apparently, because you have already allowed all the kids to pass with alternative assessments. I do not support alternative assessments. I support the exit exam with team-approved accommodations.

DISCUSSION AREA

Please do not allow the amendment offered by Rep. Stevens. It appears that the special education issue is a political hotbed, and the amendments are flying hot and heavy. I don't think the motivations are in the interest of the kids.

The answer seems simple to me. Keep an exam that requires minimal competencies but allow IEP teams to set accommodations. For the rest of it, simply continue to require improvement in our education systems. That was the point to begin with.

Cut scores were lowered already. Don't reduce accountability further. I have not testified against the cut score reductions because I believe minimum competencies are appropriate considering our failure rates, urban/rural and diverse populations (including languages and sped), and other issues. Now, however, it appears that DEED and others want you to further lower the standards so they have less work to do in raising expectations

and effecting reform. I understand their motivations. What I want you to understand is that overall systemic reform requires "buy-in" and "accountability." With even more reduced standards, these won't occur. So far, as a matter of fact, I believe these have been lacking. If you reduce the NEED to change, you reduce CHANGE itself. I believe 95 percent of ALL kids CAN meet the minimum competencies. Schools will simply have to start devising and implementing early intervention programs.

I am sure that districts could say, "We aren't going to change if we don't get the money to do it." I agree schools need more money for remedial and professional development opportunities. I am, however, becoming unsure that schools WOULD change even if they HAD the money. Countless round tables around the nation are discussing this topic. We KNOW of the proven research-based replicable methods and programs that can help our kids. We just AREN'T getting it into the systems and down to them. I'm coming to believe this is simply due to plain old politics. We should be thinking of the kids instead. I sit in the unique position of being on no one's "side." Not democrats, not republicans. I'm on the kids' side. I don't have a position, promotion or election that my plain speaking could cause me to lose.

When you start reducing accountability in the sped system you lose the impetus for schools to enact reform. With the plain minimum competency expectation, schools will have to offer

better SYSTEMS that will benefit disabled kids AND the kids who simply struggle but don't qualify for assistance. If you adopt special reduced accountability for sped kids, you are throwing the baby out with the bath water. Schools will not need systemic change and will "target areas" instead. This will be ineffective.

What will parents do if their sped kids can't graduate, anyway? I have thought about this for quite a while. Sped kids can stay an extra year or two by law. If you had enacted the law in 2002, my daughter would have had to pass it. She is currently set to graduate in 2003 at 19 years old (she was retained in first grade instead of given early intervention).

We discussed options as early as 1997. First was to try to pass the test. Next was to try to pass the test with accommodations. Next, was stay in school an extra year or two to continue to try to pass the test (allowed for sped kids). If she hated it, it wasn't helping or that was too embarrassing, go to a community college with open enrollment (There's one right here in our town). Or get into a regular college that has a strong LD program (looked into and it is possible). Also, there are colleges that are only for LD kids. If she wanted to work somewhere where she needed a diploma or just plain wanted one, she could take an accredited high school study program via the Internet. We also looked at technical programs. She has mentioned culinary arts and others. Many of them do not require diplomas. There are a myriad of opportunities.

We understand that there are many avenues for her to take. Of course she wants to walk down that aisle with her friends, and get the same diploma. Of course that's what I want too. We hope that will happen. But what we really want to see is for the educational system improve. The schools must rise to the occasion of teaching ALL of our kids BASIC competencies.

What I FIGHT for and what YOU should fight for is a decent public K-12 education for all struggling kids, so that they are truly learning skills that will help them for the rest of their lives. I think that's what your minimum competency is all about and I applaud you. Don't buckle in to political heat. We should be trying to give these kids SKILLS to take on

in life, not pieces of paper. If schools reform, all kids will have a better chance. My daughter was experiencing great difficulty and now I believe she will pass the minimum competency exam in 2002. I believe with early intervention and reform, 95 percent of kids will be able to pass.

Thank you,
Louise Parish
P.O. Box 1182
Valdez, AK 99686
907.835.4231

8

Amendment
Rep Stevens

Page 2, following line 12:

Insert a new subsection to read:

“(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program team’s inappropriate lowering of individualized education program goals and objectives for the purpose of providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action.”

Page 3, lines 10-19:

Delete all material and insert:

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes and alternative assessment program required by the student’s individualized education program or required in the education plan developed for the student under 19 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;”

Page 4, following line 7:

Insert new subsections to read:

“(f) A student shall receive an endorsement on the student’s diploma and transcript identifying the areas of the examination successfully passed.

Send to - STUDENT

(g) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program under (c)(1) of this section may not be changed after February 1 of the student’s junior year of study.” *ISB*

Page 7, lines 16-18

Delete

SB 133: PUBLIC SCHOOL EXIT EXAM

BY SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

SECTIONAL ANALYSIS

Prepared by Aurora Hauke, Senate HESS Committee Aide

Sec.	Statute	Existing	Changes
1	Uncodified law	None.	New section INTENT added. The intent of this Act is to encourage schools and districts to develop endorsements, implement reasonable testing procedures, and that the exam should focus on skills one is expected to know in order to function in society.
2	AS 14.03.075 added by sec. 1 ch. 58, SLA 1997 Education, Libraries, and Museums Public Schools Generally General Provisions Secondary <u>student</u> [PUPIL] competency <u>examination</u> [TESTING]	A pupil cannot be issued a high school diploma unless that student passes a competency examination. A pupil who fails the exam shall receive a certificate of attendance and may be reexamined not more often than once every three months and must pass the test within three years of ceasing to attend school.	In addition to passing the test, the student can receive a waiver from the governing body but not before their final semester of attendance. Students who fail the test will not get a certificate of attendance. The procedures for reexamination are to be established by the department.
3	AS 14.03.075 added by sec. 1 ch. 58, SLA 1997	None.	New subsections added. A student will receive an endorsement on their diploma for each part of the exam passed. A student with a disability who fails the exam is eligible for a diploma if they complete their IEP or 504 plan and meet other graduation requirements. The department will establish standards for pre-examination study materials, administration procedures, and the awarding of waivers and procedures for recording exam results on transcripts.
4	AS 14.03.120(d) Education, Libraries, and Museums Public Schools Generally Education planning	Each public school must provide a report of their performance annually. The report must include various types of information which are intended to show the performance of the school.	The report must also include the number of students who received a diploma under a waiver.

Sec.	Statute	Existing	Changes
5	AS 14.07.165 Education, Libraries, and Museums Administration of Public Schools State Board of Education Duties	The board must adopt statewide goals, require local goals and adopt various regulations for grants, charter schools, boarding schools, etc.	The board must also adopt regulations implementing the exams, including criteria and procedure for waivers which includes provisions that the student satisfy the performance standards to the maximum extent possible.
6	Section 3, ch. 58, SLA 1997 Education, Libraries, and Museums Public Schools Generally General Provisions Secondary pupil competency testing	This Act takes effect January 1, 2002.	This Act takes effect February 1, 2004.
7	Uncodified law	None.	New section APPLICABILITY added. The standards and requirements required by AS 14.03.075 as amended by this Act apply to students who graduate on or after February 1, 2004.
8	Uncodified law	None.	New section TRANSITION: ACADEMIC STANDARDS FOR PUBLIC HIGH SCHOOL GRADUATION added. Between February 1, 2002 and January 31, 2004, each student is required to take a competency examination or alternative assessment and meet academic requirements established by the state and local school board in order to receive a diploma. The department will determine the form and contents of the exam. A student will receive an endorsement on their diploma for each section of the exam passed.
9	Uncodified law	None.	New section TRANSITION: REGULATIONS added. The department may immediately proceed to adopt regulations necessary to implement the changes made by this Act. The regulations will take effect when the changes take effect.
10	Uncodified law	None.	New section REPORT added. The department shall deliver a report to the Legislature that describes proposed criteria, procedures and statutory changes for waivers by Feb. 15, 2002.
11	Effective date		Sections 2-5 of this Act take effect February 1, 2004.
12	Effective date		Sections 6 and 9 of this Act take effect immediately.
13	Effective date		The rest of this Act takes effect February 1, 2002.

Amendment

By: Rep. Joule

Page 2, following line 12:

Insert a new subsection to read:

“(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program team’s inappropriate lowering of individualized education program goals and objectives for the purpose of providing a diploma to a student who has not achieved the state performance standards to the maximum extent practicable and take appropriate corrective action.”

Page 3, lines 10-19:

Delete all material and insert:

(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student’s individualized education program or required in the education plan developed for the student under 19 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;”

Page 4, following line 7:

Insert new subsections to read:

“(f) A student shall receive an endorsement on the student’s diploma and transcript identifying the areas of the examination successfully passed.

(g) The department shall by regulation establish uniform standards for an alternative assessment program required under (c)(1) of this section. The alternative assessment program under (c)(1) of this section may not be changed after February 1 of the student’s junior year of study.”

Page 7, lines 16-18

Delete



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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SECTIONAL ANALYSIS CSHB 166 (EDU) Version J Dated 3/27/01

Title Change: From "An Act relating to the year in which public school student competency testing begins", to "An Act relating to pupil competency testing, to the issuance of secondary school diplomas, and to certain reports regarding academic performance of schools; and providing for an effective date"

Section 1: Intent Language added to the uncodified, or temporary, state law.

Section 2: Amends the 1997 Competency Test law so that the Competency Test is truly a diagnostic tool from 10th to 12th grade. Allows adults to retake the test in order to earn a diploma.

- a) deletes Certificate of Attendance language.
- b) requires all students to take the failed portions of the Competency Test at least once a year unless the student's IEP team recommends against that.
- c) deletes language that prevented reexaminations from occurring more than once every three months and required that reexaminations of students who are no longer in attendance occur within three years.

Section 3: Amends the 1997 Competency Test law to assure that all non-severely cognitively disabled special education students receive an opportunity to learn the state performance standards and are responsible for demonstrating mastery of them. Provides non-severely cognitively disabled special education students the opportunity to demonstrate the standards in other ways. Provides that students who are unable to pass all sections of the Competency Test are recognized for the qualifications they do offer to employers and institutions of higher learning.

- a) a student with an I.E.P. may qualify for a diploma by 1) passing all portions of the test without accommodations, 2) passing all portions with accommodations described in their I.E.P., or 3) demonstrating mastery of the state performance standards with a portfolio of work.
- b) provides a provision for reciprocity for those students who have transferred, during high school, from another state. Those students shall receive a diploma if they meet their Alaskan high school's graduation requirements and passed a competency test in the state from which they transferred.

- c) This section also establishes a Certificate of Achievement for those students who do not pass all sections of the Competency Test in high school or through reexamination. A Certificate of Achievement may include the portions of the test that were passed, the student's attendance record, and other information about the student's qualifications that the school district determines to be appropriate.

Section 4: ~~Requires the Department of Education to submit a report to the Legislature by January 15 of each year regarding the progress of each school district toward high academic performance by all students. This report is intended to give the Legislature and Alaskans additional accountability for the funding provided through the Foundation Formula and the Quality Schools Initiative. The report must include, at a minimum:~~

- a) the number of students in each school who pass the Competency Test and the number who pass each section of the Competency Test.
- b) the progress of the Department in implementing the school designator system
- c) the progress of the Department in assisting high schools to become accredited
- d) a description of the resources provided to each school district for coordinated school improvement activities and staff training
- e) each district's progress in aligning curriculum to state performance standards
- f) a description of the Department's efforts to assist those schools designated to be deficient or in crisis
- g) a description of each school district's efforts to provide intervention for students who are not passing the Benchmark Tests or the Competency Test.

Section 5: Amends the 1997 Competency Test law by postponing the effective date to February 1, 2004. This change will protect those students who, for whatever reason, graduate at the end of the fall semester rather than the spring semester, provide students with additional opportunity to learn, and provide districts additional opportunity to align curriculum and train staff.

Section 6: Provides provisions for Competency Testing between February 1, 2002 and January 31, 2004. This section is added to the uncodified, or temporary, state law.

- a) As directed by the Board of Education, the test will be given at least twice a school year.
- b) Students' final results will be reflected in their transcript and diploma as directed by the Board of Education.
- c) Students will be re-tested at least once each school year on those portions the student has not passed, unless the student's I.E.P. team recommends against it.

Section 7: The effective date of Section 3 takes effect on February 1, 2004.

Section 8: Except for Section 3, this Act takes effect immediately.