

SCOMM

125:29



Alaska State Legislature

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SECTIONAL ANALYSIS CSHB 94 (EDU) Version F Dated 3/27/01

Title Change: From "An Act relating to initiatives for quality schools; relating to pupil competency testing and the issuance of secondary school diplomas; relating to certain reports regarding academic performance of schools; and providing for an effective date." 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 uncoded, 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.

Side by Side Comparison of HB 94 and CSHB 94 (EDU) Version F

HB 94 (Governor)		CSHB 94 (EDU)	
Section 1	Intent Language	Section 1	Intent Language
Section 2	Requires DoE to submit a report to the Legislature by January 15 of each year regarding the progress of each school toward high academic performance for all students.	Section 4	Requires same report and lists seven indicators that must be included that show the progress of schools toward high academic performance for all students and the Department's assistance to that goal.
Section 3	Allows the Board of Education to determine the requirements for a special education student with an I.E.P. to qualify for a diploma.	Section 3	A special education student with an I.E.P. will qualify for a diploma if the student passed the Competency Test without accommodations, with accommodations, or by demonstrating mastery of the state performance standards through a portfolio of work.
	No similar provision in HB 94.	Section 3	Provides that students who transfer into high school from another state to be granted a diploma if they have passed the competency test in the state from which they transferred and fulfilled the Alaskan district's requirements.
	No similar provision in HB 94.	Section 3	Establishes a Certificate of Achievement for students who do not pass all sections of the test. The Certificate may include the portions of the test that were passed, the student's attendance record, other information indicating the qualifications of the student as the district sees as appropriate.
Section 4	Students will be required to pass the Competency Test by January 1, 2006 in order to be granted a diploma .	Section 5	Students will be required to pass the Competency Test by February 1, 2004 in order to be granted a diploma .
Section 5	The Board of Education shall recommend a different effective date than January 1, 2006 if they feel that would be reasonable, fair and in the best interest of Alaska students.		This provision is deleted in CSHB 94 (EDU).
Section 6	Interim Competency Testing - the results of the test shall be reflected in the student's transcript as directed by the Board of Education.	Section 6	Interim Competency Testing - the results of the test shall be reflected in the students transcript and on the diploma as directed by the Board of Education. The student will be re-tested once per year unless the student's I.E.P. team recommends against that.
	No similar provision in HB 94.	Section 2	Deletes language from original law limiting the number of times the test may be given per year and for how many years after a student leaves school. Adds language requiring students to take the test at least once a year unless the student's I.E.P. team recommends against that.

Waivers / Alternative Assessments / Certificates
State Requirements and Recommendations for Students / Students with Disabilities
March 23, 2001

STATE	Does the state grant waivers? If so to whom and under what conditions?	Special Education Students Requirements/ Provisions	Severely Cognitively Disabled Students Requirements / Provisions
New Jersey	No provision for waivers in the state statute.	In order for a student with disabilities to participate in a statewide assessment at a high school level they must take it their junior year for the first time, or if they are not assigned a grade, at age 18. The IEP team may determine that a student with a disability will not take the HSPT (exam) until senior year. Accommodations and/or modifications are allowed to enable the student to participate if they take the exam.	Students with disabilities, who will not participate in all or part of the existing statewide assessment as determined by the IEP team, will participate in other assessments selected by the IEP team. They must measure the student's progress in the general education curriculum and the Core Curriculum Standards.
New Mexico	No provision for waivers in the state statute.	IEP team is responsible for the student's program of study making them eligible for a diploma or certificate. A special ed. student can receive a diploma if the program of study meets or surpasses NM standards with or without reasonable modification. New Mexico Code 6.30.2	IEP team is responsible for the student's program of study making them eligible for a diploma or certificate. No special provision mentioned for severely cognitively disabled students. A student can receive a certificate and be eligible for special education services to the age of 22. New Mexico Code 6.30.2
Nevada	No provision for waivers in the state statute. They provide 3 types of diplomas (standard, adjusted and a certificate of attendance) that were not defined in the state statute.	Requires IEP for each disabled student. Has an adjusted diploma for those who meet the standards set by the IEP, and also has a certificate of attendance.	The state statute makes no mention of waivers or requirements of severely cognitively disabled students.
Arizona	No provision for waivers in the state statute. Arizona Educ. Code 17-702	Accommodations may be used for students who have necessity in a particular content area. (i.e. math or writing) Decisions about providing accommodation and/ or exempting a student from the exam must be clearly documented in the student's IEP or 504 plan. They should be based on the student's needs, and they should be neither disability specific nor based on performance expectations or reporting predictions. This is so all students can be included in assessment.	The only exemption from the exam will be for the students (1-2%) whose IEPs exempt them from performing in the exam, even with accommodations available. These students have disabilities so significant that they cannot participate meaningfully in the traditional assessment. Alternate assessments will be constructed by the school districts for these students as required by their IEPs.
Texas	No provision for waivers in the state statute. However a student can graduate if they complete curriculum requirements, have an IEP, or the board can issue a certificate to participate in a graduation ceremony even if the student fails to perform satisfactorily on the assessment instruments specified, if the student completes curriculum requirements. The transcript will state whether the student received a diploma, or a certificate of course work completed. Tex. Educ. Code 28.025 All special ed. students for whom the TAAS is an appropriate measure of their academic achievement will take TAAS. Tex Edu. Code 39.023	Graduation with a regular diploma terminates a student's eligibility for special education services. The special education student may graduate and receive a diploma if they have completed the minimum academic requirements for special ed. students, including satisfactory performance on a exit level assessment, or the student completes the minimum academic requirements and has been exempted from the exit level assessment because modifications and accommodations provided during instruction would render the result invalid. Tex Edu. Code 89.1070	The special education students can receive a diploma if they complete the minimum academic requirements and have been exempted from the exit level assessment because modifications and accommodations provided during instruction would render the result invalid. Tex Edu. Code 89.1070
Tennessee	No provision for waivers in the state statute. However, the student who does not pass the exam can receive a certificate of attendance or certificate of less-than-satisfactory performance. Tenn. Code. Ann. 49-6-6001	Special ed. students who successfully complete their IEP and pass the three Gateway tests will earn a high school diploma. If they complete the IEP and fail any of the tests they will be issued a special education diploma. Special Conditions: Accommodations may be used by students receiving special ed services who have the need documented in their IEPs.	The state statute makes no mention of waivers or requirements of severely cognitively disabled students.

(These states were selected based upon the similarities to our statutes and competency exam.)
(Information provided by the Education Commission of the States)

22-GH1006F
Ford
3/27/01

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:**

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

7 **PURPOSE.** (a) As part of the state's quality schools initiative, the purpose of this Act
8 is to maximize the opportunity for the success of all public school pupils by (1) continuing to
9 measure pupil performance through appropriate testing based on specific standards; (2)
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.

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

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

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

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

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

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

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

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

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

1 (A) passing all portions of the examination described under (a)
2 of this section;

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

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

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

10 (A) meets graduation requirements imposed by the governing
11 body and the state; and

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

14 (d) A pupil who fails to pass the examination required under (a) of this section
15 or a reexamination under (b) of this section shall be awarded a certificate of
16 achievement. A certificate of achievement may include the following information:

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

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

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

22 (e) In this section,

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

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

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

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

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

4 (2) progress of the department

5 (A) toward implementing the school accountability provisions
6 of AS 14.03.123; and

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

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

10 (4) each school district's progress in aligning curriculum with state
11 education performance standards;

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

14 (6) a description of intervention efforts by each school district for
15 students who are not meeting minimal competency standards.

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

17 Sec. 3. Section 1 of this Act takes effect **February 1, 2004** [JANUARY 1,
18 2002].

19 * **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to
20 read:

21 INTERIM PUPIL COMPETENCY TESTING. (a) Beginning February 1, 2002, and
22 ending January 31, 2004, and as directed by the state Board of Education and Early
23 Development, the governing body of each school district in the state shall give the
24 competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school
25 year. The results of the examination of a pupil under this section shall be reflected in that
26 pupil's transcript and diploma as directed by the state Board of Education and Early
27 Development.

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

1 subsection,

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

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

6 * **Sec. 7.** Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997,
7 as amended by this Act.

8 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect immediately under
9 AS 01.10.070(c).

22-LS0607\O

Ford

3/15/01

Moved, with two adopted amendments, 3/16/01.

CS FOR SENATE BILL NO. 133(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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; and providing for an effective
4 date."

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

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

8 **INTENT.** It is the intent of this Act

9 (1) to encourage schools and school districts to develop and promote
10 endorsements and awards that document high levels of academic, artistic, or vocational
11 achievement on the part of graduating students;

12 (2) to implement testing procedures that are reasonable, fair, and in the best
13 interest of students who are being tested; and

14 (3) that the secondary school student competency examination focus on skills

1 in the areas of reading, English, and mathematics that the general community would expect a
2 student to have or know in order to function in our society.

3 * Sec. 2. AS 14.03.075, added by sec. 1, ch. 58, SLA 1997, is amended to read: (Effective 2/1/04)

4 **Sec. 14.03.075. Secondary student [PUPIL] competency examination**
5 **[TESTING].** (a) A student [PUPIL] may not be issued a secondary school diploma
6 unless the student [PUPIL] passes a high school student competency examination in
7 the areas of reading, English, and mathematics or receives a waiver from the
8 governing body. The department shall determine the form and contents of the
9 examination and shall score completed examinations. [A PUPIL WHO FAILS TO
10 PASS THE EXAMINATION REQUIRED UNDER THIS SUBSECTION AND
11 WHO IS NO LONGER IN ATTENDANCE SHALL RECEIVE A CERTIFICATE
12 OF ATTENDANCE FROM THE SCHOOL DISTRICT INDICATING THE YEARS
13 OF ATTENDANCE AND THAT THE PUPIL HAS NOT PASSED A
14 COMPETENCY EXAMINATION OR RECEIVED A DIPLOMA.]

15 (b) A student [PUPIL] who fails the examination required under this section
16 may be reexamined under procedures established by the department. A
17 reexamination may not be offered more often than once every three months [AND
18 MUST OCCUR WITHIN THREE YEARS AFTER THE DATE THE PUPIL IS NO
19 LONGER IN ATTENDANCE. A PUPIL WHO PASSES THE REEXAMINATION
20 AND WHO MEETS ANY OTHER GRADUATION REQUIREMENTS SHALL
21 RECEIVE A DIPLOMA FROM THE SCHOOL DISTRICT].

22 * Sec. 3. AS 14.03.075, added by sec. 1, ch. 58, SLA 1997, is amended by adding new
23 subsections to read: (Effective 2/1/04)

24 (c) A student shall receive an endorsement on the student's diploma and
25 transcript identifying the areas of the examination successfully passed.

26 (d) A student who is a child with a disability and who does not achieve a
27 passing score on the examination required under (a) of this section is eligible to
28 receive a diploma if the student

29 (1) successfully completes an alternative assessment program required
30 by the student's individualized education program or required in the education plan
31 developed for the student under 29 U.S.C. 794; and

(2) meets other requirements for graduation imposed by the board.

(e) The department shall by regulation establish

(1) uniform standards for

(A) pre-examination study materials;

(B) procedures to be followed during administration of an examination;

(C) awarding a waiver under (a) of this section; and

(2) procedures for recording examination results on a student's transcripts.

(f) In this section,

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

(2) "individualized education program" means a program described under AS 14.30.278.

* Sec. 4. AS 14.07.165 is amended to read:

Effective 2/1/04

Sec. 14.07.165. Duties. The board shall adopt

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

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

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

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

(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.

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

(Takes effect immediately)

Sec. 3. This Act takes effect **February 1, 2004** [JANUARY 1, 2002].

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

1 APPLICABILITY. The academic standards and requirements required by
2 AS 14.03.075, as amended by secs. 2 and 3 of this Act, apply to students who graduate on or
3 after February 1, 2004.

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

6 TRANSITION: ACADEMIC STANDARDS FOR PUBLIC HIGH SCHOOL
7 GRADUATION. (a) Beginning February 1, 2002, and ending January 31, 2004, before
8 graduating from public high school, each student is required to

9 (1) take a competency examination or an alternative assessment approved by
10 the student's individualized education program in the areas of reading, English, and
11 mathematics; and

12 (2) meet academic requirements established by the state and the school board
13 of the borough or city school district or regional educational attendance area in which the
14 student is enrolled.

15 (b) The Department of Education and Early Development shall determine the form
16 and contents of the competency examination and shall score completed examinations.

17 (c) A student shall receive an endorsement on the student's diploma and transcript
18 identifying the areas of the examination successfully passed.

19 (d) In this section, "individualized education program" means a program described
20 under AS 14.30.278.

21 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
22 read: *(Takes effect immediately)*

23 TRANSITION: REGULATIONS. The Department of Education and Early
24 Development may immediately proceed to adopt regulations necessary to implement the
25 changes made by this Act, including the adoption of uniform standards for awarding an
26 endorsement required under sec. ^{8C}~~7(c)~~ of this Act. The regulations take effect under AS 44.62
27 (Administrative Procedure Act), but not before the effective date of the applicable statutory
28 change.

29 * Sec. 9. Sections 2 - ⁵~~7~~ of this Act take effect February 1, 2004.

30 * Sec. 10. Sections ⁶~~8~~ and ⁹~~8~~ of this Act take effect immediately under AS 01.10.070(c).

31 * Sec. 11. Except as provided in secs. ~~9 and 10~~ of this Act, this Act takes effect February 1,

10 = 11

WORK DRAFT

WORK DRAFT

22-LS0607\O

1 2002.

Senate HES just passed CSSB 133 (HES) out of committee with two amendments regarding waivers. The two amendments require that:

- 1) DoE report to the Legislature by January 31, 2003 their proposed criteria and procedures under which districts could grant waivers,
- 2) districts will report how many diplomas were granted with waivers,
- 3) criteria regarding granting waivers must include provisions requiring that the student satisfied the performance standards to the maximum extent possible, and
- 4) some technical section numbering changes.

CSSB 133 (HES) now includes:

- Section 1: Intent language
- Section 2:
- a) Students must pass the "high school student competency examination" or receive a waiver in order to get a diploma
 - b) Takes out the Certificate of Attendance language
 - c) Limit on number of years students may be reexamined after graduation was removed
- Section 3:
- a) Students get an endorsement on the diploma and transcripts for the sections of the test they pass.
 - b) Students with disabilities who don't pass the test are eligible to receive a diploma if they successfully complete an alternative assessment program required by the IEP or Section 504 Plan
 - c) Meets other requirements imposed by the board
 - d) DoE shall establish regulations for pre-exam study materials, procedures for administration of the exam, awarding a waiver, recording results on transcripts
- Section 4:
- a) The board will adopt regulations implementing the competency test provisions, including criteria and procedures for districts to grant waivers
 - b) Waiver criteria must include provisions requiring that a student satisfied the performance standards to the maximum extent possible.
- Section 5:
- a) This Act takes effect February 1, 2004.
- Section 6:
- a) Standards and requirements of AS 14.03.075 as amended by Sections 2 and 3, apply to students who graduate on or after February 1, 2004.
- Section 7:
- a) Between February 1, 2002 and January 31, 2004, each student is required to, before graduating, take the Competency Test or alternative assessment and meet requirements established by the state and local school boards.
 - b) DoE will determine the form and contents of the test and score it.
 - c) Students shall receive endorsements on diploma and transcripts identifying portions of the test that were passed.
- Section 8: DoE may immediately proceed to adopt regulations necessary to implement changes in this Act, including those for endorsements.
- Section 9: Sections 2 through 5 take effect February 1, 2004.
- Section 10: Sections 6 & 7 take effect immediately.
- Section 11: This Act takes effect February 1, 2002, except for Sections 10 and 11.

CSSB 133 (HES) is scheduled to go to Senate Finance next. Senator Green's office is waiting for the Fiscal Note before sending the bill to the Senate Secretary's office for its further referrals. Beth Nordlund of DoE expects a zero fiscal note. A waiver from Senate Finance is not out of the question, to my knowledge.

adopted

22-LS0362J.2
Ford
3/27/01

AMENDMENT #9

OFFERED IN THE HOUSE
TO: CSHB 166(EDU)

BY REPRESENTATIVE BUNDE

1 Page 5, following line 5:

2 Insert a new bill section to read:

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

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

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

10 (2) evaluating the process described under (1) of this section."
11

12 Renumber the following bill sections accordingly.
13

14 Page 5, line 8:

15 Delete "sec. 7"

16 Insert "sec. 8"

adopted

AMENDMENT #8

OFFERED IN THE HOUSE
TO: CSHB 166(EDU)

BY REPRESENTATIVE BUNDE

1 Page 5, following line 5:

2 Insert a new bill section to read:

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

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

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

9 (2) an appeals process for a pupil who is denied a high school diploma."
10

11 Renumber the following bill sections accordingly.
12

13 Page 5, line 8:

14 Delete "sec. 7"

15 Insert "sec. 8"

*A waiver may include
a portfolio of work.*

*intent is to provide review outside the board room and
that DOE suggest firm circumstances under which
waiver would be granted Asking for sideboard to
waivers.*

Stakeholder Contacts List

Send the amended version of CSHB 94 and SB 133 to the following groups with an updated Sectional Analysis and Side by Side.

<u>Group:</u>	<u>Fax Number:</u>
Alaska Association of School Administrators.....	874-3137
Alaska Association of Secondary School Principals.....	746-9301
Alaska Business Education Compact.....	278-4932
Alaska Council of School Administrators.....	586-5879
Association of Alaska School Boards.....	586-2995
Disability Law Center.....	586-1627
Governor's Council of Disabilities and Special Education.....	269-8995
Department of Education.....	4156
NEA - Alaska.....	586-2744
Juneau L.I.O. for distribution to all L.I.O.s.....	2864
Parents for Effective Reading Curriculum (Doug and Barb Lefler).....	call 243-1539
Parents, Inc.....	586-6433
Al Johnson, Ketchikan School Board.....	e-mail at ajohnson@ktn.net

Waivers / Alternative Assessments / Certificates
State Requirements and Recommendations for Students / Students with Disabilities
March 23, 2001

STATE	Does the state grant waivers? If so to whom and under what conditions?	Special Education Students Requirements/ Provisions	Severely Cognitively Disabled Students Requirements / Provisions
New Jersey	No provision for waivers in the state statute.	In order for a student with disabilities to participate in a statewide assessment at a high school level they must take it their junior year for the first time, or if they are not assigned a grade, at age 18. The IEP team may determine that a student with a disability will not take the HSPT (exam) until senior year. Accommodations and/or modifications are allowed to enable the student to participate if they take the exam.	Students with disabilities, who will not participate in all or part of the existing statewide assessment as determined by the IEP team, will participate in other assessments selected by the IEP team. They must measure the student's progress in the general education curriculum and the Core Curriculum Standards.
New Mexico	No provision for waivers in the state statute.	IEP team is responsible for the student's program of study making them eligible for a diploma or certificate. A special ed. student can receive a diploma if the program of study meets or surpasses NM standards with or without reasonable modification. New Mexico Code 6.30.2	IEP team is responsible for the student's program of study making them eligible for a diploma or certificate. No special provision mentioned for severely cognitively disabled students. A student can receive a certificate and be eligible for special education services to the age of 22. New Mexico Code 6.30.2
Nevada	No provision for waivers in the state statute. They provide 3 types of diplomas (standard, adjusted and a certificate of attendance) that were not defined in the state statute.	Requires IEP for each disabled student. Has an adjusted diploma for those who meet the standards set by the IEP, and also has a certificate of attendance.	The state statute makes no mention of waivers or requirements of severely cognitively disabled students.
Arizona	No provision for waivers in the state statute. Arizona Educ. Code 17-702	Accommodations may be used for students who have necessity in a particular content area. (i.e. math or writing) Decisions about providing accommodation and/ or exempting a student from the exam must be clearly documented in the student's IEP or 504 plan. They should be based on the student's needs, and they should be neither disability specific nor based on performance expectations or reporting predictions. This is so all students can be included in assessment.	The only exemption from the exam will be for the students (1-2%) whose IEPs exempt them from performing in the exam, even with accommodations available. These students have disabilities so significant that they cannot participate meaningfully in the traditional assessment. Alternate assessments will be constructed by the school districts for these students as required by their IEPs.
Texas	No provision for waivers in the state statute. However a student can graduate if they complete curriculum requirements, have an IEP, or the board can issue a certificate to participate in a graduation ceremony even if the student fails to perform satisfactorily on the assessment instruments specified, if the student completes curriculum requirements. The transcript will state whether the student received a diploma, or a certificate of course work completed. Tex. Educ. Code 28.025 All special ed. students for whom the TAAS is an appropriate measure of their academic achievement will take TAAS. Tex Edu. Code 39.023	Graduation with a regular diploma terminates a student's eligibility for special education services. The special education student may graduate and receive a diploma if they have completed the minimum academic requirements for special ed. students, including satisfactory performance on a exit level assessment, or the student completes the minimum academic requirements and has been exempted from the exit level assessment because modifications and accommodations provided during instruction would render the result invalid. Tex Edu. Code 89.1070	The special education students can receive a diploma if they complete the minimum academic requirements and have been exempted from the exit level assessment because modifications and accommodations provided during instruction would render the result invalid. Tex Edu. Code 89.1070
Tennessee	No provision for waivers in the state statute. However, the student who does not pass the exam can receive a certificate of attendance or certificate of less-than-satisfactory performance. Tenn. Code. Ann. 49-6-6001	Special ed. students who successfully complete their IEP and pass the three Gateway tests will earn a high school diploma. If they complete the IEP and fail any of the tests they will be issued a special education diploma. Special Conditions: Accommodations may be used by students receiving special ed services who have the need documented in their IEPs.	The state statute makes no mention of waivers or requirements of severely cognitively disabled students.

(These states were selected based upon the similarities to our statutes and competency exam.)
(Information provided by the Education Commission of the States)

22-GH1006(F)
Ford
3/27/01

*Karen's
marked up
copy*

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:**

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

7 **PURPOSE.** (a) As part of the state's quality schools initiative, the purpose of this Act
8 is to maximize the opportunity for the success of all public school pupils by (1) continuing to
9 measure pupil performance through appropriate testing based on specific standards; (2)
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.

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

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

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

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

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

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

Amended. A student who passes any portion of the test may not re-take that portion.

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

(c) Notwithstanding (a) of this section,

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

1 (A) passing all portions of the examination described under (a)
2 of this section;

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

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

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

10 (A) meets graduation requirements imposed by the governing
11 body and the state; and

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

14 (d) A pupil who fails to pass the examination required under (a) of this section
15 or a reexamination under (b) of this section shall be awarded a certificate of
16 achievement. A certificate of achievement may include the following information:

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

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

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

22 (e) In this section,

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

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

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

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

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

(2) progress of the department

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

(B) in assisting high schools to become accredited;

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

(4) each school district's ^{Amnt 1, and each school's} progress in aligning curriculum with state education performance standards;

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

(6) a description of intervention efforts by each school district ^{Amnt 2 and each school} for students who are not meeting minimal competency standards.

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

Sec. 3. Section 1 of this Act takes effect February 1, 2004 [JANUARY 1, 2002].

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

INTERIM PUPIL COMPETENCY TESTING. (a) Beginning February 1, 2002, and ending January 31, 2004, and as directed by the state Board of Education and Early Development, the governing body of each school district in the state shall give the competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school year. ^{Amnt 7 transcripts would show portions of test passed or not passed.} The results of the examination of a pupil under this section shall be reflected in that pupil's transcript and ^{endorsement on the} diploma as directed by the state Board of Education and Early Development. ^{Amnt 3}

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

Amnt 5 add (8) # of teachers in districts add (7) # of % of turnover in certified personnel & superintendents. Amnt 7 transcripts would show portions of test passed or not passed. Amnt 3

element h.s. Amnt 2 and each school

1 subsection,

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

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

6 * **Sec. 7.** Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997,
7 as amended by this Act.

8 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect immediately under
9 AS 01.10.070(c).

Subject: suggested amendments

Date: Fri, 30 Mar 2001 10:40:39 -0900

From: Beth Nordlund <Beth_Nordlund@eed.state.ak.us>

To: hans R Neidig <Hans_Neidig@legis.state.ak.us>,
representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

OK. These really only work if the vehicle is HB 94. Sorry--should have found out which one you were using!

The main issues are adding the wavier language back it of course, and adding the ability for students to take the assessment with modifications. SB 133 does that, but we thought if you are using the CS for HB 94 we could just give you clarifying language.

If you then add the waiver position and the modification position, then we like keeping the endorsements on transcripts into the future to add incentive for high achievement.

 <u>AMENDMENTS B TO CSHB94b.doc</u>	Name: AMENDMENTS B TO CSHB94b.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message
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Department of Education & Early Development

AMENDMENTS TO CSHB94 – VERSION 22-GH1006V

Page 2, line 8; after "... reading, English, and mathematics" insert:

" , or receives a waiver from the governing body. The governing body may not grant a waiver to a student before the student's final semester of attendance."

No

Explanation: Incorporates the waiver provision from SB133 as enacted by the Senate.

Page 2, line 10; after "...examination." add:

"Each district shall ensure that, to the maximum extent practicable, each student enrolled as a sophomore in the district schools shall take the examination during the spring offering of the student's sophomore year."

no

Page 3, lines 6 - 7; replace "accommodations" with "modifications", and delete "team" in order that AS 14.03.075(c)(1)(B) reads:

"(B) passing all portions of the examination described under (a) of this section with the modifications approved by the pupil's individualized education program; or"

20

Explanation: The current proposed paragraph (B) -- using the term "accommodations" -- is redundant. By definition an "accommodation" does not affect the validity of the examination, and so passing the exam with accommodations is no different than passing the exam without accommodations. Thus a student who passes with accommodations is included under paragraph (A). Modifications, on the other hand, do (by definition) impact the validity of the examination. By replacing "accommodations" with "modifications", paragraph (B) may serve to encourage IEP teams to utilize the examination to the extent that it reasonably tests to the student's IEP curriculum, while acknowledging that

110

some parts of the exam may be outside the scope of the individualized education program that the student has been provided throughout their years of public education.

Page 3, lines 8 – 9; amend AS 14.03.075(c)(1)(C) to read:

NO
“(C) demonstrating, through a portfolio of work, satisfactory completion of goals and objectives set out in the pupil’s individualized education program that conform to the maximum extent practicable with the state performance standards established by the board; and”

Explanation: The exit exam is intended to show a basic level mastery of the state performance standards. We understand that the intent of this paragraph is to allow a special education student to receive a diploma for achieving the individualized standards that are set for the student in their IEP. The proposed language “demonstrating, through a portfolio, mastery of state performance standards . . .” appears to apply essentially the same exam standards to a special ed student as a regular ed student, which would in some cases be a higher standard than the IEP standard. *wrong*

Page 3, line 16; insert a new (d) to read:

“(d) Each student shall receive an endorsement on the student’s transcript identifying the areas of the examination successfully passed.”

Explanation: This is intended to provide an incentive for students who may qualify for earning a diploma without passing the examination to strive to pass the regular assessment in order to receive endorsements on the transcript. *argued*

Page 3, line 16 -- 17; re letter the proposed AS 14.03.075(d) to (e), and amend the first sentence to read:

“(d) A pupil who fails to qualify for issuance of a diploma under this section shall be awarded a certificate of achievement.” *good*

Explanation: We expect that it is not intended that a pupil who receives a diploma would also receive a certificate of achievement.

Page 4, line 23; insert a new bill section 5 to read:

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

Sec. 14.07.165. Duties. The board shall adopt

- (1) statewide goals and require each governing body to adopt written goals that are consistent with local needs;
- (2) regulations regarding the application for and award of grants under AS 14.03.125;
- (3) regulations implementing provisions of AS 14.11.014(b);
- (4) regulations requiring approval by the board before a charter school, state boarding school, or a public school may provide domiciliary services;

(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 requiring that a student satisfy the performance standards developed under AS 14.07.020(b) to the maximum extent possible.

10

Explanation: This provision expressly requires the State Board to adopt regulations that define under what circumstances a local governing body (district school board) may grant a waiver under AS 14.03.075(a). This is language from CS SB 133 (HES) am.

Pages 4 and 5; renumber subsequent bill sections.

WORK DRAFT - HOUSE EDU AND HOUSE HES VERSION

HOUSE CS FOR CS FOR SENATE BILL NO. 133 (HES) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Amended: 3/28/01

Offered: 3.20.01

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

A BILL

FOR AN ACT ENTITLED

SB 133 "An Act relating to a two-year transition for implementation of the public high school competency examination, to certain reports regarding academic performance of schools, and to establishing a secondary student competency examination as a high school requirement; and providing for an effective date."

Title change - can't change it w/o Resolution to Waive Uniform Rules. Mike

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA: *will advise if that's necessary*

SECTION 1. The uncoded law of the State of Alaska is amended by adding a new section to read:

HB 94 INTENT. ~~It is the intent of this Act~~

(1) As part of the state's quality schools initiative, the purpose of this Act is to maximize the opportunity for the success of all public school pupils by (a) continuing to measure pupil performance through appropriate testing based on specific standards; (b) allow the Department of Education and Early Development to continue to develop and perfect the test to measure minimum competencies and testing method; (c) ensure that school districts and families receive performance data from standards-based assessments of pupils. The performance data is to be used to better determine appropriate academic intervention and support for pupils. and (d) to encourage schools and school districts to develop and promote endorsements and awards that

document high levels of academic, artistic, or vocational achievement on the part of graduating students.

41E
414
(2) The purpose of the change of date made by sec. 5 of this Act is to (a) allow for specific standards to be set and maintained for public schools in the state; and (b) ensure maximum opportunity for all pupils to learn and for school districts to improve.

HB 94 **SECTION 2.** AS 14.03.075, enacted by sec.1, ch. 58, SLA 1997, is amended to read:

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

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

HB 94 **SECTION 3:** AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended by adding new subsections to read:

(c) Notwithstanding (a) of this section,

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

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

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

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

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

(A) meets graduation requirement imposed by the governing body and the state; and

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

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

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

(2) the pupil's attendance record; and

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

(e) In this section,

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

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

HB 44 SECTION 4. AS 14.30 is amended by adding a new section to read:

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

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

(2) the progress of the department

(A) toward implementing the school accountability provisions of AS 124.03.123; and

(B) in assisting high schools to become accredited;

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

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

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

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

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

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

Both **SECTION 5.** Section 3, ch. 58, SLA 1997, is amended to read:

Sec. 3. Section 1 of this Act takes effect February 1, 2004 [JANUARY 1, 2002]

HB 44 **SECTION 6.** The uncodified law of the State of Alaska is amended by adding a new section read:

HB 594 **INTERIM PUPIL COMPETENCY TESTING.** (a) Beginning February 1, 2002, and ending January 31, 2004, and as directed by the state Board of Education and Early Development, the governing body of each school district in the state shall give the competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school year. The results of the examination of a pupil under this section shall be reflected (1) in that pupil's transcript in a manner than indicates which sections of the examination were passed and which were failed; and (2) as endorsements on the pupil's diploma that reflect the sections of the examination that were passed, as directed by the state Board of Education and Early Development.

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

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

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

HB94 **SECTION 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

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

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

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

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

BB133 **SECTION 8:** as 14.03.075, added by sec. 1, ch. 58, SLA 1997, is amended by adding a new subsection to read:

(e) The department shall by regulation establish

(1) uniform standards for

(A) pre-examination study materials; and

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

RENUMBERED
FROM
11B94 **SECTION 9.** Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997, as amended by this Act.

SECTION 10. Except as provided in Sec. 8 of this Act, this Act takes effect immediately under AS 01.10.070(c).

Subject: Bill 133**Date:** Thu, 29 Mar 2001 20:47:06 -0900**From:** Barbara Lefler <lefler@alaska.net>**To:** Representative Con Bunde <Representative_Con_Bunde@legis.state.ak.us>

Dear Representative Bunde,

Thank you for this opportunity to express our thoughts and concerns regarding Bill 133, which was recently passed by the senate.

Just when we, as parents, were hoping for some serious accountability from the Department of Education and our school districts, this bill pops up. We have stated more than once that we believe that the students with specific learning disabilities are capable of passing the competency exam. . .when they are provided the appropriate curriculum which addresses their needs.

Now we learn that Sec.3 AS14.03.075 states "(d) 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

(1) successfully completes an alternative assessment program required by the student's IEP or required in the education plan developed for the student under 29 U.S.C 794; " etc. . . so the question is, where is the accountability? Senator Green said that this section applies only to those students with developmental disabilities. Unfortunately, that is not what the bill says. This section opens the door for ANY student with an IEP to be subject to recommendations by the 'team' to settle for the IEP diploma if they "do not achieve a passing score on the examination"! We emphatically oppose this language.

Furthermore, we do not understand the need for endorsements on the diploma or the transcript regarding the various levels of accomplishments. The bill states, "(c) A student shall receive an endorsement on the student's diploma and transcript identifying the areas of the examination successfully passed." If the purpose of the exam is to demonstrate ". . .skills in areas of reading, English , and mathematics that the general community would expect a student to have or know in order to function in our society" we do not see the purpose of endorsements. Students either have been taught the skills in these areas or they have not.

Although it is not mentioned in the bill, we are also concerned that any agreed upon accommodation used to 'level the playing field' will, in some way, be noted on a transcript in the form of a flag. It has already been established, by law, that flagging accommodations is illegal and discriminatory.

Finally, the issue of providing waivers in place of passing the exam is very disturbing. It may be understandable that students who move in from another state late in their schooling or have a profound medical emergency, might be considered for a waiver. However, when Barbara specifically asked Senator Green who would be monitoring the distribution of waivers, we DO know that it will not be the legislature. However, we are still not clear about who will be making sure that the waiver process will not be abused. If by chance the DEED is monitoring the districts on this matter, it would be another case of the proverbial 'fox guarding the hen house'. Again, where is the accountability we have all been hoping for?

Representative Bunde, we implore the house to carefully consider this package known as Bill 133. You can see, from the disaggregated scores of the students with learning disabilities, their entire education is in desperate need of revamping. If this bill passes in the house, parents will be back to square one. We will have no leverage to insure an appropriate education when the districts can recommend an IEP diploma or worse. . .a waiver. Thank you for requesting our comments.

Sincerely,

Doug and Barbara Lefler



NEA-ALASKA

Affiliated with the National Education Association

TO: House Special Committee on Education
FROM: Rich Kronberg
President, NEA-Alaska
DATE: March 29, 2001
RE: CSHB 54 94

NEA-Alaska wants to thank the committee members, and in particular Chairman Bunde, for the seriousness with which they have approached the issue of delaying the effective date of the High School Graduation Qualifying Examination. The long weeks of listening to testimony are very clearly reflected in the thoughtful approach to the issue taken by HB 54.

NEA-Alaska does support a delay in the effective date of the examination until February 1, 2006. Our Delegate Assembly adopted this position. Our delegates wanted to provide all students in the state with the necessary ingredients for success in meeting or exceeding standards. We have, in prior testimony, articulated a fairly comprehensive list of those ingredients. You have heard from many others, in particular from four Alaskan Teachers of the Year, support for those ingredients. Chief among them are:

- ❖ aligned curricula,
- ❖ quality teachers for all our students,
- ❖ safe and orderly classrooms,
- ❖ opportunities for remediation,
- ❖ alternative ways to demonstrate mastery of standards that do not punish special education students,
- ❖ up to date textbooks,
- ❖ well-maintained facilities, and
- ❖ reasonable class sizes

While you are not delaying the effective date until 2006, we are satisfied that the members of this committee have listened very carefully to the testimony that has been presented. In particular we are pleased to note the approach the committee has taken to move our schools forward towards success, and not allow a delay in the effective date to be misused. The reporting requirements that are a major component of the Committee Substitute for HB 54 are a very positive step. They reflect the concerns we have heard from our members, and will keep all of us in education focused on the changes that need to take place for all our students to be successful. In particular, the impact of staff turnover and teaching out of area

of licensure need to be considered as we move forward to raise student performance. Your reporting requirements will appropriately focus districts on the issue.

We believe you have adequately addressed the issue of appropriate assessment for special education students. We hope that as we move into other discussions you are mindful that this places an additional responsibility on special educators. The whole issue of attracting and retaining special educators is not one that is directly tied to this legislation but it is not something we can forget as we move forward on this issue.

The issue of how we deal with extraordinary circumstances could be particularly thorny. We believe the opportunity to spend more time in crafting solutions to this issue is one that ought to be taken. The input of the Department and the State Board of Education are important and allowing them additional time to craft a response before legislative action takes place is a good one.

We do want to urge you to reconsider the effective date, and we want to once again thank the members of the committee for their thoughtful efforts on this issue.

Subject: Comments on Exit Exam

Date: Fri, 30 Mar 2001 15:40:33 -0900

From: "Tim Weiss" <tim@parentsinc.org>

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

3/30/01

PARENTS, Inc Comments on HB 94 and SB 133

Prepared by Tim Weiss

Section 1

HB 94 is nice in the way it focuses in on the intent of maximizing students success rather than testing for the sake of testing. It also recognizes that this is not a one-time thing, but an on-going process of improvement in assessment and standards. SB 133 has a nice section in its intent that specifies that the exam should focus on skills that the general community expects students to know in order to function in society. This is much better than the current test developed by Alaska Department of Education and Early Development that is written and graded at almost a "college prep" level.

Section 2

I applaud the removal of the Certificate of Attendance.

Section 3

I like the endorsement on the diploma or transcripts.

I like the provisions in SB 133 better than HB 94 that state that a child with a disability who does not pass the competency test may receive a diploma if he successfully complete an alternative program required in his IEP, 504 plan, and meets the other requirements of the Board of Ed. HB 94 only states that students with disabilities who do not pass the test can only pass through demonstration through portfolio work. This assumes that all students who cannot pass the standardized test can only pass through a portfolio and not through some other means of testing that may be more appropriate. Also, the Department of Education has already given assurances that students tested through portfolio methods (and currently not eligible for a diploma) would only be the most severely disabled students. There are a large number of students in between who can prove themselves through alternative means devised by their IEP team and not through a State developed portfolio system.

HB 94 does however, give a Certificate of Achievement for those who cannot pass by any means. This is preferable to the Certificate of Attendance, but all means must be used to ensure that students are tested appropriately to their unique learning styles and differences.

Subject: SB 133**Date:** Fri, 30 Mar 2001 19:58:39 -0900**From:** "Jeff Friedman" <jfriedman@alaska.com>**To:** "Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>

Let's hope this works:

The big problem I see is in Section 1. The test is supposed to focus on the "essential and foundational skills in the areas of reading, English, and Mathematics that the general community would expect a student to have or know in order to function in society."

What are the essential and foundational skills that the general community expects? Are they the same in Anchorage and Wrangel? What about Kotzebue? I think there are some basic and essential skills that should be the same throughout Alaska, but I don't think we as a state have reached a consensus agreement as to what those are. People who want to be pastry chefs or auto mechanics need different skills than those who want to be civil engineers, but I do think there are some basic skills that all groups need. I just don't think there is agreement yet as to what those are. (I should add that probably the most important High School class I ever took was a "business" class designed for non-college bound students. It was more of a consumer awareness class that taught us about the stock market, how to write checks, interest on credit cards, and other basic real life skills. I use that knowledge daily, while I hardly ever solve a quadratic equation.)

Other thoughts:

I like the idea of administering the test on a day other than a day in session. (I assume this means in addition to the 180 day school year.) But that costs money. Anchorage has about 50,000 students. Assuming about 10% take the test on any given day, that means 5,000 are taking the test. Broken down into groups of 30, that means 167 classroom teachers (not counting the hall monitors). At \$150 per day, that is about \$25,000 for each of the three testing days. Not a huge amount in terms of the overall budget, but still significant.

How will the department determine the standards for the waiver? As I read it, waivers are available for students other than those who get diplomas as students with disabilities. Depending on how the waiver rule is implemented, it could swallow the testing rule.

To me, this proposal does little more than push back the inevitable for two years. The Department did not do a good job of defining what should be tested the first time around, and there is no reason to think they will do a better job the second time. In addition, I am concerned that the waiver provision will be abused.

I am not a fan of standardized tests. I think they can be a good tool in assessing whether a school as a whole is doing a good job. They can also help identify particular problem areas for individual students. I don't think they do a good job of determining whether an individual student should get a diploma. (Look at some of the people who were able to pass the Alaska Bar exam). If standardized tests are to be used, then I would prefer tests at each grade level starting with 8th grade and a requirement that the student pass a certain percentage of those tests.

That said, I realize that money and politics may make my views unrealistic. (that many tests would be expensive). The High School Qualifying Test can be made to work if there are two tiers. The tier one diploma would be for those who attend and pass the required classes and pass a relatively basic test level. The tier two diploma would be for those college bound students who can pass the more difficult test (maybe the existing test). Of course, that still doesn't solve the problem of deciding what constitutes the tier one knowledge. I suspect, however, that if there were two tiers, the professionals who developed the standards the first time would have a better chance of getting it right the second time. They would be focused on the distinction between what all High School graduates should know and what a college bound student should know.

The more I look at this problem, and the more I read about it, the more uncertain I become. This is a tough issue. I don't want students graduating who can not read or write. For that matter, I want them to understand basic statistics, probability, and logic. (Those math concepts are far more relevant than geometry and algebra.) At the same time, students should not be denied a diploma when we haven't even required them to take a course on a tested subject. In the long run, I think the debate on this topic has been good for Alaska. I only hope that the renewed focus on the importance of education will translate into additional funding. Throwing dollars at a problem, by itself, is not a guarantee of success, but money can buy improved quality when it is spent wisely. I know that the Anchorage School District has been cutting its budget for long enough that increased funding would be spent wisely. I suspect

the same is true for most other districts.

Probably more than you wanted to hear on this, but after a glass of wine I do tend to ramble on.

----- Original Message -----

From: Senator Taylor

To: Jeff Friedman

Sent: Tuesday, March 27, 2001 8:27 PM

Subject: Re: High School Exit Exam

Dear Jeff:

Please check out SB 133 and give me your good thoughts.

Sen. Robin Taylor

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 opportunities 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

Re: [Fwd: URGENT:Written testimony for April 2, 2001]

Subject: Re: [Fwd: URGENT:Written testimony for April 2, 2001]

Date: Sun, 01 Apr 2001 18:43:30 -0900

From: Al Johnson <ajohnson@ktn.net>

To: Louise Parish <bells@alaska.net>,

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>

CC: lefler@alaska.net, "Sen. Lyda Green" <Senator_Lyda_Green@legis.state.ak.us>,

Amy Headrick <aheadrick@dlc.ak.org>,

Debbie Ossiander <ossiander_debbie@msmail.asd.k12.ak.us>,

"family@ptialaska.net" <family@ptialaska.net>, Gigi Pilcher <warriorwoman@kpunet.net>,

HARRY MARTIN <martinh@kgbsd.org>, Jay Page <jaypage@gci.net>,

John Harrington <johnharrington@kpunet.net>, John Laird <lairdj@kgbsd.org>,

Kit Roberts <kitroberts@hotmail.com>, Marc Grober <marc@interak.com>,

Mary Kauffman <kauffman@ptialaska.net>, "plbickford@att.net" <plbickford@att.net>,

Shirley Holloway <Shirley_Holloway@eed.state.ak.us>, Sue Pickrell <spickrell@kictribe.org>

Dear members of the HESS committee.

I have received and reviewed the side by side for 133 and 94. Louise has put a better finish than I could on the concerns. We share the same views on this issue and I wish to be recorded as in full support of her efforts. She is to be commended for her personal involvement and tenacity in pursuing for the benefit of ALL children that are being mis-categorized. (All at her personal expense and time)

I can only stress that we are looking in the wrong corner for many of the solutions. If children are not taught to read in the primary grades you can expect to have no change in the frustration and energy levels reflected in this end result. In the main, getting a handle and your attention focused on the root problem will in the end reduce the efficiency on this end of the tunnel. What I hope I am not seeing here is the creation of loop holes to allow creative escape. I hope that you prove me correct.

Cordially,

Al Johnson Ketchikan, Alaska

Louise Parish wrote:

Subject: URGENT:Written testimony for April 2, 2001

Date: Sun, 01 Apr 2001 18:06:25 -0700

From: Louise Parish <bells@alaska.net>

To: Brian Porter <Representative_Brian_Porter@legis.state.ak.us>,

Con Bunde <Representative_Con_Bunde@legis.state.ak.us>,

Joe Green <Representative_Joe_Green@legis.state.ak.us>,

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Gary Stevens <Representative_Gary_Stevens@legis.state.ak.us>

April 1, 2001

Representative Bunde
House HESS committee
House Special Committee on Education

My written testimony on CSHB94 and CSSB133 reconciliation.

Dear Rep. Bunde,

When I asked my local LIO about SB 133 last Friday, they emailed me a link to your memo dated March 29, 2001. The memo spoke of CSHB94 and the side-by-side analysis with CSSB133. I understand on April 2, 2001, from 8 a.m. to 10 a.m., the House HESS committee and the House Special Committee on education will have a joint session to reconcile the differences between CSHB94 and CSSB133, and that there will be no public testimony hearing.

As such, I'd like to offer you some of my parental opinions for the record, and then go over some specific changes I'd like to see in CSHB94. I have been concerned with reduced accountability in the exit exam bills. I consider myself an advocate for the learning disabled. Here are some of my opinions, and a few specific requests regarding CSHB94. Thank you very much for your time. I know a lot of time and effort has been spent on these bills. I believe my views can also be very valuable to both committees.

OPINIONS

- 1.) ALL kids should be required to demonstrate proficiency at exit level competency to receive a diploma.
- 2.) State statutory language should not allow IEP teams to set lower standards for a diploma.
- 3.) Accommodations to demonstrate proficiency should be set by IEP teams.
- 4.) Stars on the diploma are inappropriate. The competency test is a subset of basic skills and should be a plain diploma. If accommodations are necessary, so be it. That child has demonstrated his exit level proficiency and could bring his accommodations to the workplace or to higher education. A "starred" diploma used to flag kids as using accommodations. That's been successfully challenged. Switching the stars over to the regular kids' diplomas doesn't change the value. A no-starred diploma flags sped kids just as much as a "With Accommodations" star.
- 5.) Don't insert language that encourages IEP teams to allow kids to opt out of the assessment process. If regular kids get examined, sped kids should get examined. Parents of regular kids AND sped kids NEED to receive performance data from standards-based assessments to better

determine appropriate intervention for their kids. If the child is severely cognitively disabled, he or she may take an alternate assessment that is less difficult. If not, the information that the regular assessment will provide is just as critical to determining what is necessary to that sped child's progress as any "regular" kid's. If the child scores poorly, the teams can use the information to determine better educational strategies, curriculum realignments or accommodation needs. Each year, the scores will help lead the teams to better decisions.

6.) To be quite frank, if state statutes specifically states that IEP teams can opt their kids out of the assessment process, teams may begin encouraging parents to leave their sped kids "out" of the assessments (as has happened before with CAT-5 etc. testing). This could artificially "boost" district pass rates. This is wrong. I don't think the legislature should be participating in this sort of allowance. We MUST have accurate and accountable participation and performance data on individual, district and statewide assessment levels. I believe that sped kids must participate in all assessments.

7.) It is inappropriate to have both waivers AND low standards for sped kids to receive diplomas. If you must keep waivers, do so. But DON'T subject the 15 percent of the population (sped kids) to no accountability by providing schools with a way to give them all diplomas without reaching competency levels. You will have brushed them aside and lost all accountability for 15 percent of your schools' populations. If you think schools will automatically try to ensure sped kids will be able to pass the competency exam instead of setting lower expectations, I think you better talk to some more parents.

I'd like to provide specific comments to you regarding the CS for House Bill 94 (EDU) Work Draft 22-GH1006J dated 3/28/01.

Section 2 (b) "This subsection does not apply to a pupil who is a child with a disability if the pupil's individualized education program team recommends the pupil not be retested."

MY COMMENTS: This will skew statistics on an individual, district and statewide basis. We must have accurate performance and disaggregation statistics. We should EXPECT inclusion and participation in the benchmarks and exit examination. We should NOT be so concerned with protecting their self-esteem. We should be concerned with teaching them. They will have greater self-esteem if they have greater skills. They will improve their self-esteem by taking the test and using that information to revise their programs to gain competency skills.

Section 3 (c)(1) (C) says, "Demonstrating, through a portfolio of work, mastery of state performance standards established by the board."

MY COMMENTS: This is OK, but change it to "mastery of state performance standards equal to the exit exam level." If you allow the state board to set "mastery" of state performance standards for portfolios, you have

just shortcircuited the entire sped accountability process. If you turn the "pass" level over to the state board of education, I believe they will reduce it to the least accountable level. They may think they are doing sped kids favors by allowing them to get diplomas easily. They're not. It won't just be limited to severely cognitively disabled kids. Don't let the state board set a different state performance competency standard level for sped kids than regular kids.

Section 4 (1) statesThe report required under this section must include.....

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

MY COMMENTS: Please add language that states all schools must report how many kids were excluded from taking the test. Or, conversely, the total number of kids that were eligible to take the test that year, but didn't. This is the most important stat of all. Without an accounting of all the kids, you can create "real" but "false" statistics all day long.

Thank you for allowing me to provide this written testimony. I hope you will hold schools accountable for all kids.

Louise Parish
P.O. Box 1182
Valdez, AK 99686
(907) 835-4231
bells@alaska.net

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**To: Brian Porter <Representative_Brian_Porter@legis.state.ak.us>,
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Louise Parish
P.O. Box 1182
Valdez, AK 99686
(907) 835-4231
bells@alaska.net

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.

yes
Stevens
Joule
Guess

No
Green
Wilson
Bonde

Amendment
Rep Guess

Sec 4, line 7

January 15 of each year an annual report regarding the progress of each school **and school district** towards

Sec 4, line 9

include **the information from 14.03.120(d) and**

Sec 4, line 10

The number **and percentage** of pupils in each school who pass the examination

Sec 4, line 17 and 18

(3) a description of the resources provided to **each school and** school district[s] for coordinated school improvement activities and staff training in **each school and** school district;

Sec 4, line 24

School for students who are not meeting **the state performance** [minimal competency] standards;

Amendment
Rep Guess

Sec 6, Line 10

delete "and which were failed"

Amendment
Rep Guess

Sec 4, line 12

Add new (2)

the number and percentage of pupils in each school who take and who successfully complete an alternative assessment program in reading, English, and mathematics; and the number and percentage of pupils in each school who successfully complete the alternative assessment program but did not reach the state performance standards at the competency exam level in reading, English, and mathematics.

Amendment
Rep Guess

Sec 7

Delete and replace with

- (1) The board shall by regulations a competency examination waiver process for pupils who enter the system late and for other pupils with rare or unusual circumstances that merit a waiver.
- (2) An appeals process for a pupil who is denied a high school diploma.

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 166(EDU)

BY REPRESENTATIVE BUNDE

1 Page 5, following line 5:

2 Insert a new bill section to read:

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

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

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

9 (2) an appeals process for a pupil who is denied a high school diploma."
10

11 Renumber the following bill sections accordingly.
12

13 Page 5, line 8:

14 Delete "sec. 7"

15 Insert "sec. 8"

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 166(EDU)

BY REPRESENTATIVE BUNDE

1 Page 5, following line 5:

2 Insert a new bill section to read:

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

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

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

10 (2) evaluating the process described under (1) of this section."
11

12 Renumber the following bill sections accordingly.
13

14 Page 5, line 8:

15 Delete "sec. 7"

16 Insert "sec. 8"

Side by Side Comparison of House CS for CSSB 133 (HES) am Version B and CSSB 133 (HES) am

	House CS for CSSB 133 (HES) am		CSSB 133 (HES) am
Section 1	Intent Language: 1) maximize opportunity for the success of all students by continuing to measure performance; 2) allow DEED to continue developing the method and perfect the test to measure minimum competencies; 3) ensure districts and families receive performance data from standards based assessments; and 4) to encourage schools and school districts to develop and promote endorsements and awards that document high levels of academic, artistic, or vocational achievement. Change of date is to 1) allow for specific high standards to be set and maintained by schools; and 2) ensure maximum opportunity for all pupils to learn and for districts to improve.	Section 1	Intent Language: 1) <u>encourage schools and districts to develop and promote endorsements and awards that document high levels of academic, artistic, or vocational achievement</u> ; 2) implement testing procedures that are reasonable, fair, and in the best interest of students; 3) <i>exam should focus on reading, English and math skills that the general community expects students to know in order to function in society.</i>
Section 2	Changes name of test to Secondary student competency examination from Secondary pupil competency testing.	Section 2	Changes name of test to Secondary student competency examination from Secondary pupil competency testing.
Section 2	Deletes Certificate of Attendance language from original law. Deletes language from original law limiting the number of times the test may be given per year. Deletes language limiting for how many years after a student leaves school that he may re-take the test.	Section 2	<u>Deletes Certificate of Attendance language from original law.</u> Keeps the language from original law limiting the number of times the test may be given per year. <u>Deletes the language limiting for how many years after a student leaves school he may re-take the test.</u>
Section 2	Requires students to re-take those portions of the test that the student has not passed unless the student's I.E.P. team recommends against that. Does not allow students to re-take passed portions.	Section 2	A student may not be issued a secondary school diploma unless the student passes the Competency Examination or receives a waiver from the governing body during the final semester of attendance.
Section 3	No provision for this change in the permanent section of statute. Similar language is located in the uncodified, or temporary section. See Section 6.	Section 3	<i>A student shall receive an endorsement on his diploma and transcript identifying the areas of the test successfully passed.</i>
Section 3	A child with a disability with an I.E.P. will qualify for a diploma if the student passed the Competency Test without accommodations, with accommodations, or by demonstrating mastery of the state performance standards through a portfolio of work.	Section 3	A student who is a child with a disability and who does not pass the Competency Test is eligible to receive a diploma if he successfully completes an alternative program required by his I.E.P. or 504 Plan and meets other requirements imposed by the Board of Ed. (The Department of Education feels that the language for alternative testing allows for modifications.)
Section 3	Provides that students who transfer into high school from another state may be granted a diploma if they have passed the competency test in the state from which they transferred and fulfilled the Alaskan district's requirements.	Section 3	No provision for this change.
Section 3	The Department of Education shall, by regulation, establish uniform standards for pre-exam study materials, procedures to be followed during the administration of the test.	Section 3	<u>The Department of Education shall, by regulation, establish uniform standards for pre-exam study materials, procedures to be followed during the administration of the test,</u> awarding a waiver, and procedures for recording test results on the student's transcripts.

Side by Side Analysis

Senate bill's column: Underlined language transferred to House CS. Shaded box indicates

**House CS for CSSB 133 (EDU) Version B and
CSSB 133 (HES) am**

in italics indicates a form of it was
KM 3/31/2001 5:15 pm

Side by Side Comparison of House CS for CSSB 133 (HES) am Version B and CSSB 133 (HES) am

	CSHB 94 (EDU) Version J		CSSB 133 (HES) am
Section 3	Establishes a Certificate of Achievement for students who fail to qualify for a diploma. The Certificate may include the portions of the test that were passed, the student's attendance record, other information indicating the qualifications of the student as the district sees as appropriate.	Section 3	No provision for this change.
Section 4	Requires a report from the Department of Education to the Legislature by January 15 of each year that lists nine indicators that must be included to show the progress of schools toward high academic performance for all students and the Department's assistance to that goal.	Section 4	Amends the Report Card to the Public section of statute, AS 14.03.120, to include the number of students who received a diploma under a waiver. (The Legislature is only notified that this report is available and it does not include the seven indicators required by the House version.)
Section 5	Students will be required to pass the Competency Test by February 1, 2004 in order to be granted a diploma. See Section 7 for House Version's waiver language.	Section 5	Adds language to the duties of the Board of Education under 14.07.165 that requires the Board to adopt regulations implementing the competency test provisions, including the criteria and procedures for districts to grant waivers. The section requires that the criteria for granting a waiver must include provisions requiring that the student satisfy the performance standards to the maximum extent possible.
	See Section 5.	Section 6	<u>This Act takes effect February 1, 2004.</u>
Section 6	Temporary Statute: Interim Competency Testing - As directed by the Board of Education, the student's transcripts will indicate which sections of the test were passed or failed. Endorsements on the diploma will reflect the sections that were passed. The student will be re-tested once per year unless the student's I.E.P. team recommends against that.		Endorsements for sections passed are contained in Section 3 of the bill, which would put them in permanent statute rather than temporary.
Section 7	Temporary Statute: The Department shall, by January 14, 2002, report back to the Legislature with recommendations for 1) waiver process for pupils who entered the system late and for other pupils with rare or unusual circumstances that merit a waiver; 2) an appeals process for students who are denied a diploma; 3) establishing a process that allows issuance of a diploma to a child with a disability based on a portfolio of work and 4) evaluating the process described under 3) of this section.		Somewhat similar to language in Section 4 regarding the number of waivers granted (Report Card to the Public) and Section 10 (report recommending language for waivers).
	Somewhat similar to Sections 2 and 6.	Section 8	Temporary Statute: Transition - Between Feb. 1, 2002 and January 31, 2004 each student is required to 1) take a comp test or an alternative assessment approved by the student's IEP team in reading, English and math; 2) meet other state and local requirements. Between those dates the Department will determine the form and contents of the test and score completed tests. Students will receive an endorsement on the diploma and transcript showing the sections passed.

Side by Side Comparison of House CS for CSSB 133 (HES) am Version B and CSSB 133 (HES) am

	CSHB 94 (EDU) Version J		CSSB 133 (HES) am
	No provision for this change.	Section 9	Temporary Statute: Transition: The Department may immediately adopt regulations necessary to implement this Act.
	See Section 7. The House version calls for the report by January 14, 2002 (the first day of session). The guidance provided to the Board is more strict re: waivers, it provides for an appeals process, and asks for recommendations on portfolios of work for children with disabilities.	Section 10	Temporary Statute: The Department shall, by February 15, 2002, deliver to the Legislature a report that describes the proposed criteria and procedure under which a school district could use a waiver to grant a diploma and recommend statutory changes necessary to maintain the accountability provisions of the school designator statute (AS 14.03.123). (Note that no direction is given to the Board in crafting those recommendations.)
Section 9	Section 3 takes effect on February 1, 2004.	Section 11	Sections 2-5 take effect February 1, 2004.
Section 10	Except as provided in Section 8, this Act takes effect immediately.	Section 12	Sections 6 & 9 take effect immediately.
		Section 13	Except as provided in Sections 11 & 12, this Act takes effect February 1, 2002.

Special Education Categories and Eligibility Criteria

Listed below are the criteria for the 14 disability categories that must be used to determine whether a child demonstrates a disability and is in need of special education and related services. The presence of a disability is not sufficient to establish eligibility for special education. The disability must result in an educational deficit that requires specially designed instruction (i.e. special education).

1. Autism

To be eligible for special education and related services as a child with autism, a child must:

- a. exhibit a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects educational performance; and
- b. require special facilities, equipment, or methods to make the child's educational program effective; and
- c. be diagnosed as autistic by a psychologist; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.
- e. Characteristics of autism include:
 - ☒ irregularities and impairments in communication.
 - ☒ engagement in repetitive activities and stereotyped movements.
 - ☒ resistance to environmental change or change in daily routines.
 - ☒ unusual responses to sensory experiences.

Note: A child who manifests the above characteristics after age 3 could be diagnosed as having autism.

2. Deafness

To be eligible for special education and related services as a child with deafness, a child must:

- a. exhibit a hearing impairment that hinders the child's ability to process linguistic information through hearing, with or without amplification; and
- b. require special facilities, equipment, or methods to make his or her educational program effective; and
- c. be diagnosed by a physician or audiologist as deaf; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

3. Deaf-Blindness

To be eligible for special education and related services as a child with deaf-blindness, a child must:

- a. exhibit concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in a special education program solely for deaf or blind children; and

- b. require special facilities, equipment, or methods to make his or her educational program effective; and
- c. be diagnosed by an optometrist or ophthalmologist and by a physician or audiologist, as appropriate, as deaf-blind; and
- d. be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

4. Emotional Disturbance

To be eligible for special education and related services as a child with emotional disturbance, a child must:

- a) exhibit one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance:
 - an inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - inappropriate types of behavior or feelings under normal circumstances;
 - a generally pervasive mood of unhappiness or depression; or
 - a tendency to develop physical symptoms of fears associated with personal or school problems.
- b) require special facilities, equipment or methods to make his or her educational program effective; and
- c) be diagnosed as emotionally disturbed by a psychiatrist or psychologist; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

Note: The term includes children who are schizophrenic but does not include children who are socially maladjusted (see Glossary). It is important to distinguish children with ED from children with other behavior problems. Information in Appendix J provides some suggested clarification of terminology to assist in making these distinctions.

5. Hearing Impairment

To be eligible for special education and related services as a child with a hearing impairment, a child must:

- a) exhibit a hearing impairment that adversely affects educational performance but which is not within the meaning of deaf; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician or audiologist as hard of hearing; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

6. Specific Learning Disability

To be eligible for special education and related services as a child with a learning disability, all of the following six components must be addressed:

- a) The child must exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

The term specific learning disability:

- includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- does not include children who have learning problems that are primarily the result of a visual disability; motor disability; hearing disability; mental retardation; emotional disturbance; environmental, cultural or economic disadvantage; or lack of attendance.

- b) The IEP Team must show that:

- The child demonstrates limited academic achievement for his or her age and ability levels in one or more of the following areas when provided with appropriate learning experiences:
oral expression; listening comprehension; written expression; basic reading skills; reading comprehension; mathematics calculation; or mathematical reasoning; and,
- The child demonstrates a severe discrepancy between intellectual ability and academic achievement in one or more of the above-mentioned areas.

- c) The IEP Team must also ensure the following:

- At least one IEP Team member, other than the child's regular teacher, must observe the child's academic performance in the regular classroom setting;
- In the case of a child who is out of school, a team member must observe the child in an environment appropriate for a child that age; and,
- The observation report must document the name and title of the observer, as well as the date and place of the observation. This report must also be attached to the Evaluation Summary and Eligibility Report.

- d) The IEP Team must prepare a written report of the evaluation results that includes statements of:

- Whether the child has a specific learning disability;
- The basis for making the determination;
- The relevant behavior(s) noted during the observation of the child;
- The relationship of these behavior(s) to the child's educational functioning;
- Medical information, if any, related to the child's educational functioning,

- The nature of the severe discrepancy between intellectual ability and academic achievement which is not correctable without special education and related services; and,
- The determination of the team regarding the effects of environmental, cultural, economic, or attendance factors on the child's academic performance.

The report must be dated and team members must indicate their agreement or disagreement with the report's conclusions, and then sign the report. A team member who disagrees with the conclusions of this report must submit a separate statement of his or her own conclusions.

- e) The child must require special facilities, equipment, or methods to make his or her education program effective.
- f) The child must be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

7. Mental Retardation

To be eligible for special education and related services as a child with mental retardation, a child must:

- a) score two or more standard deviations below the national norm on an individual standardized test of intelligence; and
- b) exhibit deficits in adaptive behavior manifested during the developmental period that adversely affect the child's educational performance; and
- c) require special facilities, equipment or methods to make his or her educational program effective; and
- d) be diagnosed as mentally retarded by a psychiatrist or psychologist; and
- e) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

8. Multiple Disabilities

To be eligible for special education and related services as a child with multiple disabilities, a child must:

- a) exhibit two or more of the conditions described in this section, the combination of which causes such severe education problems that he or she cannot be accommodated in a special education program for solely one of the conditions; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed as described in this section for each condition; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

Note: The term multiple disabilities does not include deaf-blindness. Children with multiple disabilities exhibit two or more severe disabilities that are likely to be life-long, significantly interfere with independent functioning, and necessitate environmental

modifications to enable the individual to participate in school and society. A learning disability and speech/language impairment does not constitute a multiple disability. Likewise, a student with mental retardation who receives speech therapy as a related service would not be found eligible under this category.

9. Orthopedic Impairment

To be eligible for special education and related services as a child with an orthopedic impairment, a child must:

- a) exhibit a severe orthopedic impairment, including impairments caused by a congenital anomaly, disease or other causes, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician as orthopedically impaired; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

10. Other Health Impairment

To be eligible for special education and related services as a child with a health impairment, a child must:

- a) exhibit limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, and is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

11. Preschool Developmental Delay

To be eligible for special education and related services as a preschool child with developmental delays, a child must:

- a) be not less than 3 years old nor more than 6 years of age; and
- be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services as a child with developmental delays by meeting the following criteria:
- I. function at least two standard deviations below the mean or 25% delayed in age equivalency in at least one of the following areas:
 - cognitive development
 - physical development which includes fine and gross motor

- speech and language development which includes articulation, fluency, voice and language
- psycho-social development and
- self-help skills;

or

II. function at least 1.7 standard deviations below the mean or 20% delayed in age equivalency in two or more of the five areas in "b" above;

and

III. has learning problems that are not primarily the result of bilingualism, cultural difference, environmental disadvantage, or economic disadvantage.

The category preschool developmental delay should not be used when the child clearly meets the eligibility for another disability category.

Note: There is no pre-school learning disability classification. A child with learning problems who is not less than 3 years nor more than 6 years of age must meet the above criteria for preschool developmentally delay to qualify for service.

12. Speech Impairment

To be eligible for special education and related services as a child with a speech impairment, a child must:

- a) exhibit a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects educational performance; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician or speech-language pathologist as speech impaired; and
- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

13. Traumatic Brain Injury

To be eligible for special education and related services as a child with a traumatic brain injury, a child must:

- a) exhibit an injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial maladjustment that adversely affects educational performance. The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma; and
- b) require special facilities, equipment, or methods to make his or her educational program effective; and
- c) be diagnosed by a physician as having a traumatic brain injury; and

- d) be certified by the IEP Team and other qualified professionals as qualifying for and needing special education services.

14. Visual Impairment

To be eligible for special education and related services as a child with a visual impairment, a child must:

- a) exhibit a visual impairment, not primarily perceptual in nature, resulting in measured acuity of 20/70 or poorer in the better eye with correction, or a visual field restriction of 20 degrees as determined by an optometrist or ophthalmologist, which even with correction, adversely affects educational performance; or
- b) exhibit a physical eye condition that affects visual functioning to the extent that specially designed instruction is needed; and
- c) require special facilities, equipment, materials, or methods to make his or her educational program effective as determined by a teacher of students with visual impairments; and,
- d) be certified by the IEP Team and other qualified professionals, which includes a certified teacher of students with visual impairments, as qualifying for and needing special education services.