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**HOUSE CS FOR CS FOR SENATE BILL NO. 133(EDU)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) pre-examination study materials; and

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

31 (f) In this section,

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

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

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

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

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

13 (2) progress of the department

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

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

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

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

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

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

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

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

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

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

1 2002].

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

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

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

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

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

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

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

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

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

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

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

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

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

**Amendments adopted by the House Special Committee on Education
CSHB 94 Work Draft Version F (dated 3/27/01)
March 28, 2001**

Conceptual Amendments:

Amendment 1:

Page 4, Line 10: add "and each school's" after "each school district's" so it will read, "each school district's and each school's progress in aligning curriculum..."

Amendment 2:

Page 4, Line 14: add "each school" before "each school district" so it will read, "a description of intervention efforts by each school and school district..."

Amendment 3:

Page 4, Line 26: add "as endorsements" before "on the pupil's diploma" and add "to show which sections were passed" after "diploma" so it will read, "The results of the examination of a pupil under this section shall be reflected in that pupil's transcript and, as endorsements on the pupil's diploma, to show which sections were passed, as directed by..."

Amendment 4:

Page 4, After Line 15: add "(7) number and percentage of turnover in certificated personnel and superintendents", which would add a report requirement.

Amendment 5:

Page 4, After Am't. 4: add "(8) number of teachers in districts and schools who are teaching outside of their area of endorsement in areas tested by the High School Competency Test." which would add a report requirement.

Amendment 6:

Page 2, Line 18: add, "A student who passes any portion of the test may not re-take that portion of the test." after "portions of the examination that the pupil has not passed." So it will read, "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 the pupil has not passed. A student who passes any portion of the test may not re-take that portion of the test."

Amendment 7:

Page 4, Line 25-27: add "to show which portions of the examination were passed and which were not passed" after "pupil's transcript" so that it will read, "The results of the examination of a pupil under this section shall be reflected in that pupil's transcript, to show which portions of the examination were passed and which were not passed, and as endorsements on the pupil's diploma, to show which sections were passed, as directed by the state Board of Education and Early Development".

Formal Amendments:

Amendment 8:

Amendment 22-LS036V.1 was adopted, without changes, by the committee.

Amendment 9:

Amendment 22-LS0362V.2 was adopted, without changes, by the committee.

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 (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. A student who passes any portion of the test may
19 not retake that portion of the test [MAY BE REEXAMINED. A
20 REEXAMINATION MAY NOT BE OFFERED MORE OFTEN THAN ONCE
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23 retested, passes the portions of the test not previously passed
24 [REEXAMINATION] and who meets any other graduation requirements shall receive
25 a diploma from the school district. This subsection does not apply to a pupil who is
26 a child with a disability if the pupil's individualized education program team
27 recommends that the pupil not be retested.

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

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

31 (1) a child with a disability who is receiving educational services

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

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

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

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

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

12 (A) meets graduation requirements imposed by the governing
13 body and the state; and

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

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

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

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

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

24 (e) In this section,

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

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

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31 January 15 of each year an annual report regarding the progress of each school toward

1 high academic performance by all pupils. The report required under this section must
2 include

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

6 (2) progress of the department

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

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

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

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

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

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

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

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

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

24 Sec. 3. Section 1 of this Act takes effect February 1, 2004 [JANUARY 1,
25 2002].

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

28 INTERIM PUPIL COMPETENCY TESTING. (a) Beginning February 1, 2002, and
29 ending January 31, 2004, and as directed by the state Board of Education and Early
30 Development, the governing body of each school district in the state shall give the
31 competency examination described in sec. 1, ch. 58, SLA 1997, at least twice each school

1 year. The results of the examination of a pupil under this section shall be reflected (1) in that
2 pupil's transcript in a manner that indicates which sections of the examination were passed
3 and which were failed; and (2) as endorsements on the pupil's diploma that reflect the sections
4 of the examination that were passed, as directed by the state Board of Education and Early
5 Development.

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

11 (1) "child with a disability" has the meaning given "children with disabilities"
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14 AS 14.30.350.

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

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18 by January 14, 2002, report back to the Alaska State Legislature with recommendations for

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

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

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

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

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

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

**HOUSE CS FOR CS FOR SENATE BILL NO. 133(EDU)
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TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

**Offered:
Referred:**

Spenser(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

5 (b) The purpose of the change of date made by sec. 7 of this Act is to

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

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

10 (c) It is the intent of sec. 2 of this Act to establish a secondary student competency
11 examination that focuses on the minimum competencies in the areas of reading, English, and
12 mathematics that a student should have to know in order to function in our society.

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

14 **Sec. 14.03.075. Secondary student [PUPIL] competency testing.** (a) A
15 **student [PUPIL] may not be issued a secondary school diploma unless the student**
16 **[PUPIL] passes a competency examination in the areas of reading, English, and**
17 **mathematics or receives a waiver from the governing body. A governing body**
18 **may not grant a waiver to a student before the student's final semester of**
19 **attendance.** The department shall determine the form and contents of the examination
20 and shall score completed examinations. [A PUPIL WHO FAILS TO PASS THE
21 EXAMINATION REQUIRED UNDER THIS SUBSECTION AND WHO IS NO
22 LONGER IN ATTENDANCE SHALL RECEIVE A CERTIFICATE OF
23 ATTENDANCE FROM THE SCHOOL DISTRICT INDICATING THE YEARS OF
24 ATTENDANCE AND THAT THE PUPIL HAS NOT PASSED A COMPETENCY
25 EXAMINATION OR RECEIVED A DIPLOMA.]

26 (b) A **student [PUPIL] who fails the examination required under this section**
27 **shall be retested at least once during a school year on those portions of the**
28 **examination that the student has not passed. A student who passes any portion**
29 **of the test may not retake that portion of the test [MAY BE REEXAMINED. A**
30 **REEXAMINATION MAY NOT BE OFFERED MORE OFTEN THAN ONCE**
31 **EVERY THREE MONTHS AND MUST OCCUR WITHIN THREE YEARS AFTER**

1 THE DATE THE PUPIL IS NO LONGER IN ATTENDANCE]. A student [PUPIL]
 2 who, when retested, passes the portions of the test not previously passed
 3 [REEXAMINATION] and who meets any other graduation requirements shall receive
 4 a diploma from the school district. This subsection does not apply to a student who
 5 is a child with a disability if the student's individualized education program team
 6 recommends that the student not be retested.

7 * Sec. 3. AS 14.03.075, enacted by sec. 1, ch. 58, SLA 1997, is amended by adding new
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10 (1) a child with a disability who is receiving educational services
 11 through an individualized educational program under AS 14.30.278 may qualify for
 12 the issuance of a secondary school diploma by

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

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

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

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

22 (A) meets graduation requirements imposed by the governing
 23 body and the state; and

24 (B) has passed a competency examination in the state from
 25 which the student transferred.

26 (d) A student who fails to qualify for the issuance of a diploma under (a) of
 27 this section or a retest under (b) of this section by the end of the student's final
 28 semester of attendance, but who has met all other graduation requirements of a
 29 governing body and the state, shall be awarded a certificate of achievement. A
 30 certificate of achievement may include the following information:

31 (1) the portions of the examination described under (a) of this section

1 that were passed;

2 (2) the student's attendance record; and

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

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

6 (1) pre-examination study materials; and

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

8 (f) In this section,

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

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

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

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

18 (1) information described under AS 14.03.120(d);

19 (2) the number and percentage of students in each school who pass the
20 examination required under AS 14.03.075, and the number who pass each section of
21 the examination;

22 (3) progress of the department

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

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

26 (4) a description of the resources provided to each school and school
27 district for coordinated school improvement activities and staff training in each school
28 and school district;

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

31 (6) a description of the efforts by the department to assist a public

1 school that receives a designation of deficient or in crisis;

2 (7) a description of intervention efforts by each school district and
3 school for students who are not meeting state performance standards;

4 (8) the number and percentage of turnover in certificated personnel and
5 superintendents;

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

9 * **Sec. 5.** AS 14.03.120(d) is amended to read:

10 (d) Annually, before the date set by the district under (e) of this section, each
11 public school shall provide, in a public meeting of parents, students, and community
12 members, a report on the school's performance and the performance of the school's
13 students. The report shall be prepared on a form prescribed by the department and
14 must include

15 (1) information on accreditation;

16 (2) results of norm-referenced achievement tests;

17 (3) results of state standards-based assessments in reading, writing, and
18 mathematics;

19 (4) a description, including quantitative and qualitative measures, of
20 student, parent, community, and business involvement in student learning;

21 (5) a description of the school's attendance, retention, dropout, and
22 graduation rates, including the number and percentage of students who received a
23 diploma under a waiver from the competency examination required under
24 AS 14.03.075(a), as specified by the state board;

25 (6) the annual percent of enrollment change, regardless of reason, and
26 the annual percent of enrollment change due to student transfers into and out of the
27 school district; and

28 (7) if Native language education is provided, a summary and
29 evaluation of the curriculum described in AS 14.30.420.

30 * **Sec. 6.** AS 14.07.165 is amended to read:

31 **Sec. 14.07.165. Duties.** The board shall adopt

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

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

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

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

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

16 * Sec. 7. 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. 8. The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 INTERIM STUDENT COMPETENCY TESTING. (a) Beginning February 1, 2002,
22 and 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 student under this section shall be reflected (1) in
26 that student's transcript in a manner that indicates which sections of the examination were
27 passed; and (2) as endorsements on the student's diploma that reflect the sections of the
28 examination that were passed, as directed by the state Board of Education and Early
29 Development.

30 (b) A student shall be retested at least once during a school year on those portions of
31 the competency examination described in sec. 1, ch. 58, SLA 1997, that the student has not

1 passed. This subsection does not apply to a student who is a child with a disability if the
2 student's individualized education program team recommends that the student not be retested.

3 In this subsection,

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

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

8 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

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

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

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

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

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

20 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **REPORT.** The Department of Education and Early Development shall, by
23 February 15, 2002, deliver a report to the Alaska State Legislature that describes the proposed
24 criteria and procedure under which a school district could use a waiver to grant a diploma to a
25 student and that recommends statutory changes to the competency examination waiver
26 requirements ~~that the department determines~~ are necessary to maintain the school
27 accountability provisions of AS 14.03.123.

28 * Sec. 11. Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA
29 1997, as amended by this Act.

30 * Sec. 12. Except as provided in sec. 11 of this Act, this Act takes effect immediately under
31 AS 01.10.070(c).



Alaska State Legislature

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

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

This bill includes the following provisions:

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

SECTIONAL ANALYSIS
HCS for CSSB 133 (EDU) Version "R"
As Amended by House HESS on April 5, 2001

Section 1: Intent Language in the Temporary section of statute.

- 1) The purpose of this Act is to maximize the opportunity for the success of all students by
 - a) continuing to measure performance through appropriate testing of specific standards;
 - b) allow DOE to continue to develop and perfect the test so that it measures minimum competency in essential skills and to perfect the testing method;
 - c) ensure districts and families receive data from assessments to better determine intervention and support for students;
 - d) encourage schools and districts to develop and promote awards and endorsements for academic, artistic, and vocational achievement.
- 2) The purpose of the change in date is to:
 - a) allow for specific high standards to be set and maintained by schools
 - b) ensure maximum opportunity for all students to learn and for school districts to improve.
- 3) The intent of Section 2 of this Act is to establish a test that focuses on the minimum competencies in essential skills for reading, English and math that a student should know in order to function in society.

Section 2: Requirements for a diploma for all students. Amends current Competency Test law (AS 14.03.075)

- 1) A student must pass the test in reading, English, and math, or receive a waiver, in order to receive a diploma.
- 2) A student who fails the test must be re-tested once a year on the failed portions unless the IEP team recommends against it.
- 3) A student who passes a portion may not re-take that portion.

Section 3: Ways for Special Education Students and Others to Receive a Diploma or Certificate of Achievement. Amends current Competency Test law (AS 14.03.075)

- 1) Children with disabilities who have an IEP may earn a diploma by:
 - a) passing the Competency Test without accommodations
 - b) passing the Competency Test with accommodations
 - c) demonstrating mastery of the state performance standards through a portfolio of work.
- 2) Students who transfer to an Alaskan high school and have passed another state's competency test, and who complete the Alaskan high school requirement, receive an Alaskan diploma.
- 3) Certificate of Achievement is given to all students who have not passed the Competency Test but who have met all other graduation requirements by the final semester of attendance. The certificate may include:
 - a) portions of the Competency Test the student did pass
 - b) student's attendance record
 - c) any other qualifications deemed appropriate by the governing body

- 4) DoE shall by regulation establish uniform standards for
 - a) pre-examination study materials
 - b) procedures to be followed in the administration of the test.

Section 4: Report of school quality indicators. Adds new section to statute at AS 14.03.078.

- 1) By February 15 of each year, the DoE will report to the Legislature on the following:
 - a) information regarding School Designations under 14.03.120 (d) from the Report Card to the Public;
 - b) number and percentage of students in each school who pass the test and who pass each portion of the test;
 - c) the progress of DoE toward implementing 14.03.123, which requires DoE to assign performance designations to each school from distinguished to in crisis;
 - d) a description of the resources provided to each school for coordinated school improvement and staff training;
 - e) each school's progress in aligning curriculum to the state performance objectives;
 - f) efforts by the department to assist schools designated as deficient or in crisis;
 - g) description of intervention efforts by each school for students who are not meeting state performance standards;
 - h) number and percent of turnover in certificated personnel and superintendents;
 - i) number of teachers by school who are teaching outside his/her endorsement areas in reading, English or math.

Section 5: Adds another item to be reported under the Report Card to the Public (AS 14.03.120(d)):

- 1) number and percent of students who receive a diploma under a waiver from the Competency Test.

Section 6: Adds another item to the duties of the Board of Education (AS 14.07.165):

- 1) The Board shall adopt regulations implementing the Competency Test provisions under AS 14.03.075, including:
 - a) the criteria and procedure for districts to grant waivers.
 - b) Waivers may only be granted for students who enter the system late or to those who have rare and unusual circumstances and
 - c) Waiver regulations must require that the student satisfy the performance standards to the maximum extent possible.

Section 7: Delays the requirement to pass the Competency Test in order to receive a diploma until February 1, 2004.

Section 8: Adds to the temporary section of statute guidelines for the Competency Test between February 1, 2002 and January 31, 2004.

- 1) Districts shall give the test at least twice each school year;
- 2) The portions passed by the student shall be reflected on the student's transcripts and as endorsements on the diploma; and
- 3) A student must take failed portions at least once a year unless his/her IEP team recommends against that.

Section 9: Adds to the temporary section of statute that the DoE must report, by February 15, 2002 with recommendations for:

- 1) an appeals process for a student who is denied a high school diploma; and
- 2) establishing the process for portfolios of work that will show mastery of the state performance standards.

Section 10: Adds to the temporary section of statute that the DoE must report, by February 15, 2002 with recommendations for:

- 1) proposed criteria and procedures for districts to grant waiver; and
- 2) recommending statutory changes for the waiver requirements in order to maintain the accountability provisions of the Report Card to the Public (AS 14.03.123)

Section 11: Makes Section 3 effective on February 1, 2004.

Section 12: Makes all other sections of this Act effective immediately.

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

	House CS for CSSB 133 (EDU) "R"		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; 2) ensure maximum opportunity for all pupils to learn and for districts to improve; and 3) focus on minimum competency that students need to function in society.	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 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. Keeps the language from original law limiting the number of times the test may be given per year. 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.		No provision for this change.
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 2	<u>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.</u>
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 8.	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.

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

	House CS for CSSB 133 (EDU) "R"		CSSB 133 (HES) am
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, awarding a waiver , and procedures for recording test results on the student's transcripts.</u>
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 ten 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.		No provision for this change.
Section 5	Adds a requirement that districts report, in the Report Card to the Public, the number and percentage of waivers granted to students.	Section 4	<u>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.)</u>
Section 6	The Board shall adopt regulations implementing waivers that may only be granted to students who enter the system late or have rare or unusual circumstances and must require that a student satisfy the performance standards to the maximum extent possible.		See Section 5 below.
Section 7	Students will be required to pass the Competency Test by February 1, 2004 in order to be granted a diploma.	Section 5	<u>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.</u>
	See Section 7.	Section 6	<u>This Act takes effect February 1, 2004.</u>
Section 8	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. 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.		<i>Endorsements for sections passed are contained in Section 3 of the bill, which would put them in permanent statute rather than temporary.</i>

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


	House CS for CSSB 133 (EDU) "R"		CSSB 133 (HES) am
Section 9	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.
	See Section 5.	Section 9	Temporary Statute: Transition: The Department may immediately adopt regulations necessary to implement this Act.
Section 9	Requires that DoE provide a report to the Legislature by January 14, 2002 (the first day of session) on their recommendations for waivers for students who enter school in high school or for "rare or unusual circumstances"; for an appeals process; and for a portfolio of work.	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 10	Requires DoE to report, through the Report Card to the Public, on Feb. 15, 2002, the proposed criteria and procedure for waivers to maintain the school designations provisions of 14.03.123.		
Section 11	Section 3 takes effect on February 1, 2004.	Section 11	Sections 2-5 take effect February 1, 2004.
Section 12	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.

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

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

From: Louise Parish <bells@alaska.net>

**To: Representative_Fred_Dyson@legis.state.ak.us,
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John Coghill <Representative_John_Coghill@legis.state.ak.us>,
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April 9, 2001
REVISED

Dear Rep. Dyson and members of the committee,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Maloney gave you miserable sped stats, as though to encourage you to lower standards and kowtow. I am against that. Some of the words and phraseology that gets bandied about might need explaining. Mr. Maloney used the phrase "appropriate" accomodations. When DEED says "appropriate accommodations," they mean the ones they listed in the "participation guidelines" book. What was represented to teachers and parents was that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dear House HESS committee,

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

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

Insert new paragraph to read:

(d) It is the intent of the legislature that the Department of Education and Early Development, through its existing federally required monitoring program of district special education programs, review the potential for an individualized education program teams' inappropriate lowering of the individualized educational program goals and objectives for the purpose of

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

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

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

there is potential

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

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

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

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

Page 3, lines 10-19:

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

MY COMMENTS:

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

I GUARANTEE

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

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

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

Page 4, following line 7:

Insert new subsections to read:

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

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

MY COMMENTS:

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

2.) "...the department shall by regulation establish uniform standards for an alternative assessment program required under (c) (1)." With this total amendment, you will have teams creating alternative assessments and the department creating alternative assessments. You are encouraging a lot of creativity, but not the kind our kids need. The schools should be getting creative with early intervention for all. This entire amendment seems to

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

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

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

Page 7, lines 16-18

Delete

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

DISCUSSION AREA

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

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

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

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

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

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

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

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

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

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

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

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

Thank you,
Louise Parish
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Alaska State Legislature

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STATEMENT OF EXPLANATION HCS for CSSB 133 (HES) Version "T"

HCS for CSSB 133 (HES) Version "T" is a combination of the Senate-passed version of SB 133 and the Education Committee's HB 94. It maintains accountability for the State Performance Standards. It also addresses the public's concerns about opportunity to learn, children with disabilities, and students who transfer into an Alaskan high school from another state. The work that has gone into this effort, by both the Senate and the House to date, is intended to make the High School Competency Test fair to all students and legally defensible.

This bill includes the following provisions:

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

SECTIONAL ANALYSIS -- HCS for CSSB 133 (HES) Version "T"

Section 1: Intent Language in the Temporary section of statute.

- 1) The purpose of this Act is to maximize the opportunity for the success of all students by:
 - a) continuing to measure performance through appropriate testing of specific standards;
 - b) allow DOE to continue to develop and perfect the test so that it measures minimum competency in essential skills and to perfect the testing method;
 - c) ensure districts and families receive data from assessments to better determine intervention and support for students;
 - d) encourage schools and districts to develop and promote awards and endorsements for academic, artistic, and vocational achievement.
- 2) The purpose of the change in date is to:
 - a) allow for specific high standards to be set and maintained by schools
 - b) ensure maximum opportunity for all students to learn and for school districts to improve.
- 3) The intent of Section 2 is to establish a test that focuses on the minimum competencies in essential skills for reading, English and math in order to function in society.

Explanation: Self-explanatory.

Section 2: Requirements for a diploma for all students. Amends current Competency Test law (AS 14.03.075)

- 1) A student must pass the test in reading, English, and math, or receive a waiver, in order to receive a diploma.
- 2) A student who fails the test must be re-tested once a year on the failed portions unless the IEP team recommends against it. Currently, students are not required to take the test more than once.
- 3) A student who passes a portion may not re-take that portion.

Explanation:

- 2) The Education Committee felt that students, parents and teachers needed the diagnostic information from taking the failed portions at least once per year so that appropriate remediation may be provided.
- 3) The Education Committee felt that some students might want to achieve higher scores by re-taking the test. As the score of the test is not an issue, but passing it is, this subsection was added.

Section 3: Ways for Special Education Students and Others to Receive a Diploma or Certificate of Achievement. Amends current Competency Test law (AS 14.03.075)

- 1) Children with disabilities who have an IEP may earn a diploma by:
 - a) passing the Competency Test without accommodations
 - b) passing the Competency Test with accommodations
 - c) demonstrating mastery of the state performance standards through a portfolio of work.
- 2) Students who transfer to an Alaskan high school and have passed another state's competency test, and who complete the Alaskan high school requirement, receive an Alaskan diploma.

- 3) Certificate of Achievement is given to all students who have not passed the Competency Test but who have met all other graduation requirements by the final semester of attendance. The certificate may include:
 - a) portions of the Competency Test the student did pass
 - b) student's attendance record
 - c) any other qualifications deemed appropriate by the governing body
- 4) DoE shall by regulation establish uniform standards for
 - a) pre-examination study materials
 - b) procedures to be followed in the administration of the test.

Explanation:

- 1) This subsection was added so that special education students may have the accommodations, as opposed to modifications, that they usually use in class to take the test or be able to demonstrate mastery through a portfolio. The Education Committee wanted to ensure that all special education students have the maximum opportunity to demonstrate that they had mastered the state performance standards in order to earn a diploma while maintaining accountability and high standards.
- 2) Reciprocity was added to ensure that those students who arrive to Alaska from another state have the opportunity to earn a diploma despite not having had the opportunity to learn Alaska's state performance standards. Twenty-four other states have competency tests of some sort.
- 3) The Certificate of Achievement would replace the "Certificate of Attendance" in current law, and was added so students who do not pass the Competency Test are provided with a fair and true representation of their abilities. This subsection would preserve the high standards and accountability of the Competency Test without punishing those who do not pass.
- 4) This subsection is original to the Senate-passed version. It was determined that many students have not had access to study materials and that schools have been administering the test in different ways.

Section 4: Report of school quality indicators. Adds new section to statute at AS 14.03.078.

- 1) By February 15 of each year, the DoE will report to the Legislature on the following:
 - a) information regarding School Designations under 14.03.120 (d) from the Report Card to the Public;
 - b) number and percentage of students in each school who pass the test and who pass each portion of the test;
 - c) the progress of DoE toward implementing 14.03.123, which requires DoE to assign performance designations to each school from distinguished to in crisis;
 - d) a description of the resources provided to each school for coordinated school improvement and staff training;
 - e) each school's progress in aligning curriculum to the state performance objectives;
 - f) efforts by the department to assist schools designated as deficient or in crisis;
 - g) description of intervention efforts by each school for students who are not meeting state performance standards;
 - h) number and percent of turnover in certificated personnel and superintendents;
 - i) number of teachers by school who are teaching outside his/her endorsement areas in reading, English or math.

Explanation:

- 1) This section was added by the Education Committee, who felt that this information would be valuable to the Legislature in determining the progress schools and districts are making toward accountability. It was also felt that the information would guide the Legislature in the necessity for making future appropriations or statutory changes.

Section 5: Adds another item to be reported under the Report Card to the Public (AS 14.03.120(d)):

- 1) number and percent of students who receive a diploma under a waiver from the Competency Test.

Explanation: This section was added so that local communities can be aware of the school district's rate of granting waivers. This would also be reported to the Legislature under Section 4's (1).

Section 6: Adds another item to the duties of the Board of Education (AS 14.07.165):

- 1) The Board shall adopt regulations implementing the Competency Test provisions under AS 14.03.075, including:
 - a) the criteria and procedure for districts to grant wavers.
 - b) Wavers may only be granted for students who enter the system late or to those who have rare and unusual circumstances and
 - c) Waiver regulations must require that the student satisfy the performance standards to the maximum extent possible.

Explanation: The Education Committee originally thought to require the Department of Education to recommend proposed regulations within the confines of students who enter an Alaskan high school from another state or country or who have "rare and unusual circumstances". The Legislature could then approve those proposed regulations or amend the statute to give stricter guidance. This section was amended to allow the Board of Education to adopt regulations. **I am offering an amendment to give that "policy call" back to the Legislature.**

Section 7: Delays the requirement to pass the Competency Test in order to receive a diploma until February 1, 2004.

Explanation: The test is delayed in order to provide more opportunity for students to learn the state performance standards on which they are tested, to provide more legal defensibility to the test, and to allow for regulations for waivers, appeals, and portfolios to be approved and adopted.

Section 8: Adds to the temporary section of statute guidelines for the Competency Test between February 1, 2002 and January 31, 2004.

- 1) Districts shall give the test at least twice each school year;
- 2) The portions passed by the student shall be reflected on the student's transcripts and as endorsements on the diploma; and
- 3) A student must take failed portions at least once a year unless his/her IEP team recommends against that.

Explanation: This section provides for diagnostic testing and the rewarding of students who have passed the Competency Test during the interim period until 2004.

Section 9: **Adds to the temporary section of statute that the DoE must report, by February 15, 2002 with recommendations for:**

- 1) an appeals process for a student who is denied a high school diploma; and
- 2) establishing the process for portfolios of work that will show mastery of the state performance standards.

Explanation: Self-explanatory. Also, this is the section in which the requirement for DoE to report to the Legislature on waivers was located.

Section 10: **Adds to the temporary section of statute that the DoE must deliver a report, by February 15, 2002, that describes:**

- 1) proposed criteria and procedures for districts to grant waiver; and
- 2) recommending statutory changes for the waiver requirements in order to maintain the school accountability provisions of AS 14.03.123.

Explanation: Duplicative of Section 9 if the committee adopts the waiver amendment.

Section 11: **Makes Section 3 effective on February 1, 2004.**

Explanation: Section 3 is the section on the three ways to pass the Competency Test.

Section 12: **Makes all other sections of this Act effective immediately.**

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BUNDE

TO: HCS CSSB 133(HES)

1 Page 1, line 3:

2 Delete "certain reports"

3 Insert "a report"

4

5 Page 2, line 5:

6 Delete "sec. 7"

7 Insert "sec. 6"

8

9 Page 5, line 31, through page 6, line 16:

10 Delete all material.

11

12 Renumber the following bill sections accordingly.

13

14 Page 7, line 13, following "(1)":

15 Insert "a competency examination waiver process for students who enter the school

16 system late and for other students with rare or unusual circumstances that merit a waiver;

17 (2)"

18

19 Page 7, line 14:

20 Delete "(2)"

21 Insert "(3)"

22

23 Page 7, line 17:

24 Delete "(3) evaluating the process described under (2)"

Changes the title to reflect one report, as this amendment deletes the reference to the Report sent to the Public in Sect. 5, page 5.

With this amendment, the bill would require Sections 5, so all sections move up one step.

This part of the amendment deletes the language allowing the D+E to implement regulations on waivers, and deletes the language that students could receive a waiver by satisfying performance standards to the maximum extent possible.

- replaces original intention that the legislature make the policy call on waivers based on recommendations from the public and the state school board. Preserves state boards.

Re numbers section appropriately.

continued on next page, re-numbers section appropriately.

1 **Insert "(4) evaluating the process described under (3)"**

2

3 **Page 7, lines 18 - 25:** Deletes Section 10. There is no need for
4 **Delete all material.** the Department to provide two reports
5 regarding waivers.

6 **Renumber the following bill sections accordingly.**

7

8 **Page 7, line 28:** With the deletions of sections 6 and
9 **Delete "ser. 11"** 10, the last section moves up two
10 **Insert "sec. 9"** steps

Suggested Comments to Address Any IEP Diploma Amendments

Representatives Guess, Stevens, and Joule have offered amendments substantially similar to the following. Rep. Guess's and Rep. Joule's have failed on tie votes. Rep. Stevens withdrew his.

The following amendment was offered to the "R" version that the Education Committee sent to HES. The citations may not now be completely accurate if you are looking at the "T" version that passed out of HES.

Insert new intent section:

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

Comment:

During the House HES hearing, testimony was taken from parents who pointed out that the DoE does not have the capacity to oversee all districts to make sure that special education students' IEP goals are appropriate. It was also pointed out that DoE does not, historically, consider their role to be enforcement, but does consider their role to be advisory.

Section 3:

(c)(1) delete and replace with

- (1) A student shall receive an endorsement on the student's diploma and transcript identifying the areas of the examination successfully passed
- (2) A student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's IEP or 504 Plan that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the board.
- (3) The criteria for the alternative assessment program shall not change for a child with a disability after February 1 of the student's junior year.
- (4) The department shall by regulation establish "alternative assessment program" and uniform standards and processes in creating an alternative assessment program.

Comment on (1):

If most non-special education students pass the exam, and only 2% of special education students are currently passing it, it will be obvious to employers based on the diploma or a simple question about endorsements which students are special ed. That could set special ed students up for discrimination. That is flagging, and that is illegal.

Comment on (2):

This would allow all special education students to earn a diploma whether they had mastered the state performance standards or not. "To the maximum extent practicable" would allow a student

with, for example, a 5th grade reading level to get a high school diploma. I don't think that's what we want. Parents of special education students want their children to be brought up to the standards. They don't want the standards brought down to them.

Comment on (3):

It was pointed out by special ed parents during the HES committee hearing that, if a junior in high school hadn't passed the competency test yet, it would be highly unlikely that an IEP team would be able to re-write that student's IEP before graduation. They characterized this as sort of a "red herring".

Comment on (4):

The department is given the authority to establish entirely separate testing standards and program for students with IEPs. This would allow for each IEP team to make their own test. It would allow for modifications, in which calculators could be used for addition and subtraction and the reading portion of the test could be read to the student.

Concluding Comments:

This entire amendment would deny the 98% of learning disabled students -- those without the severe cognitive disabilities -- the right to be taught to achieve the state performance standards.

It would allow IEP teams to continue with "business as usual".

I think this amendment would allow districts to abrogate their responsibilities to students with disabilities.

I was advised by the Disability Law Center that setting students up for discrimination was illegal.

I have not, and will not, support this amendment. It would allow school districts to do a great disservice to 15% of Alaskan students and would not uphold the kind of accountability we have been working for since 1996.

With this amendment, I could not support the bill and could not advocate for increased funding.

House Finance

AMENDMENT # 2

OFFERED IN THE HOUSE

TO: HCS CSSB 133(HES)

By: Lancaster

Hudson - yes
Lane - yes
Moses - yes
Williams - yes
Bunde - NO

Croft - yes
Davies - yes
Foster - yes
Harris - NO
Witt - yes
Hittner

Page 2, following line 13:

Insert a new subsection to read:

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

bwp

Page 3, lines 11-20:

Delete all material and insert:

"(1) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section;"

change

Page 4, following line 8:

Insert new subsections to read:

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

delete

flagging

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

Reletter the following subsection accordingly.

delete { Page 7, line 13, following "diploma":

Delete ";"

Insert "."

delete { Page 7, lines 14-17:

Delete all material.

Amendment
Rep Guess

~~5~~ 5

withdrawn

Insert new intent section

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

Section 3

(c)(1) delete and replace with

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

Bunde Amendment re: Waivers

This amendment will do three things:

- 1) Allow the Legislature, rather than the State Board of Education, to make the final decision about what criteria will be required for a student to receive a waiver;
- 2) Allow the Legislature to make that decision with input from the public and the Board of Education; and
- 3) Retain strong sideboards and accountability so that IEP Teams and school districts are not put under too great an amount of pressure to grant waivers.

Page 1, line 3: Change in the title from "certain reports" to "a report" because the amendment deletes Section 5, which required waiver information be added to the Report Card to the Public.

Page 2, Line 5: The amendment deletes Section 5, so all the sections after that move up one step.

**Page 5, Line 31 to
Page 6, Line 16:** Deletes the "Guess Amendment" language that allowed DoE to implement waiver regulations. Also deletes the language that says students could receive a waiver if they satisfy the state performance standards "to the maximum extent possible". Re-numbers subsequent bill sections.

Page 7, Line 13: Replaces the language from before the "Guess Amendment" that the DoE would make recommendations to the Legislature on waivers, within the sideboards agreed to by DoE -- late arrival and "rare & unusual circumstance". Allows the DoE to elicit public comment and the Legislature to make the policy call. Preserves the sideboards.

All other parts of the amendment re-number sections appropriately.

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MEMORANDUM

April 26, 2001

SUBJECT: High school exit exam - (HCS CSSB 133(FIN))

TO: Rep. Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have asked if the requirement in HCS CSSB 133(FIN) that a student's diploma indicate the areas of the exit exam that were passed creates an impermissible discrimination against students who have disabilities. I do not think that it does. While students with disabilities are entitled to be included in state assessment programs and to receive appropriate accommodations, if necessary, this type of distinction does not by itself constitute a violation of state or federal statutory protections. See Brookhart v. Illinois State Bd. of Ed., 697 F.2d 179 (7th Cir. 1983). Of course, there may be other grounds for a legal challenge by an individual student with a disability. Impermissible discrimination could arise from the particular testing accommodation or on the particular student's individual education program. While the use of a diploma to identify areas of an exam that are successfully passed has been criticized as a stigma for students, it does not, by itself, constitute a violation of the applicable federal or state disability laws.

Please contact me if you have further questions.

MFF:jhb
01-105.jhb

Subject: the amendment passed

Date: Tue, 24 Apr 2001 18:27:49 -0800

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

Organization: Alaska State Legislature

To: lefler@alaska.net, bells@alaska.net, family@ptialaska.net

Barb, Louise, and Dr. Pfeifer:

I am sorry to report that the amendment allowing IEP diplomas passed in House Finance this afternoon. Representative Williams, Hudson, Lancaster, Moses, Croft, Davies, Foster and Whittaker voted "yes". Representatives Harris and I voted "no". Representative Mulder was in another meeting.

The next step for SB 133 will be the House floor for a vote. I intend to offer an amendment that would at least require the department to approve students' requests to take an alternative assessment for portions of the test failed after they take the competency test at least once. I would limit the department's powers to grant such a request to students arriving in Alaska during high school and to rare and unusual circumstances.

As support for that amendment, I would very much appreciate it if you would send me, via e-mail, a maximum of one page (in 12-point font) on why IEP diplomas would hurt special education students, how districts resist providing full access to the general curriculum via the IEP, and your fight to get your children the education they were capable of achieving. I intend to use your information as back up to my amendment. Please do keep your comments concise, as legislators are inundated with information now and I want to make sure they read it.

If you could provide those by Wednesday afternoon, I would appreciate it. It's possible that SB 133 could be on the House floor Thursday morning.

Thank you very much for your continued assistance.
Con

Subject: Parish against alternative goals for all IEP kids

Date: Wed, 25 Apr 2001 13:14:20 -0700

To: Representative_Con_Bunde@legis.state.ak.us

IEP diplomas would hurt kids with disabilities. If IEP teams are allowed to give low goals to their kids they will. It's cheaper and easier. It's also supremely unfair, inappropriate and sometimes illegal.

An alternative low goal for a severely cognitively disabled child is one thing. An alternative low goal for a student with average intelligence, as most special ed kids are, is a shame. Low goals exclude special education students from the general curriculum. We must allow our special education students the same access and opportunity to benefit from the general curriculum as their non-disabled peers. This is law.

Most special ed kids have difficulty reading. Schools could be teaching them to read using research-based proven methods of instruction. This is what needs to change.

I fought with my district for years. I finally went to due process. About a year ago I filed a class action suit against DEED at the same time as I filed against my district. I let the DEED suit run out when I settled with my district because I was just too tired to fight anymore. If schools don't do a better job with their special education kids, the DEED could soon have a class action suit for failure to provide FAPE. The inequities are rampant.

Districts and DEED are encouraging you to allow IEP diplomas, citing fear of lawsuits. I would say the greater risk to districts and DEED is mass failure to provide a free appropriate public education (FAPE) to all of our special education kids. IEP diplomas (these alternative goals for all special education kids) could encourage this. IEP diplomas, through low goals, encourage schools to EXCLUDE special education kids from the general curriculum. This would be a FAPE failure. We should raise expectations for all, not just some.

My daughter didn't read, or read well. I believe most kids in the special education system are like her. They need special explicit instruction to learn how to read. Schools don't provide this. They provide low goals instead. I believe this constitutes a failure. Kids aren't allowed to benefit from the general curriculum. If the kids can't read, they can't progress. They can't open their textbooks and gain the same information as the other kids.

I ended up pulling my daughter from school and taking her to a reading clinic. She is now decoding six-syllable words and should pass the competency exam. We'll know soon.

I understand your desire to provide an alternative goal for severely cognitively disabled students or deaf students whose primary language is sign language (demonstrating proficiency in signing instead of reading.). These comprise a fairly small percentage of kids, though. I believe they could be considered rare or unusual circumstances.

I very much hope you do not extend alternative goals to all special education kids. I believe you would be denying them the opportunity to benefit from the same high expectations as their non-disabled peers.

Thank you,

Louise Parish

Subject: Reed Martin, J.D (http://www.reedmartin.com/iepgoalsinregulareducation.html)

Date: Wed, 25 Apr 2001 11:10:33 -0800

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

To: "Rep. Con Bunde" <Representative_Con_Bunde@legis.state.ak.us>,

"Sen. Lyda Green" <Senator_Lyda_Green@legis.state.ak.us>,

"Senator Robin Taylor" <Senator_Robin_Taylor@legis.state.ak.us>,

"Rep. Bill Williams" <Representative_Bill_Williams@legis.state.ak.us>

CC: "HARRY MARTIN" <martinh@kgsd.org>, "John Laird" <lairdj@kgsd.org>,


"Hannah Ramiskey" <amye@ptialaska.net>, "Pickrell Sue" <spickrell@kictribe.org>,

"Dorothy Smestad" <fuzzpaws@worldnet.att.net>, "Earlene Brown" <earlene@ktn.net>,

"Choc Schafer" <ccschafer25@hotmail.com>, "Al Johnson" <ajohnson@ktn.net>

I don't know if any of you subscribed to Reed Martin's free email newsletter but his article "YOUR CHILD'S IEP GOALS SHOULD BE TO SUCCEED IN REGULAR EDUCATION" should be of interest to you. This is especially timely given the recent vote in finance to add an alternative assessment for those with IEP's. I understand the emotional aspect of this, but I am disappointed in Rep. Williams with his vote, along with others who voted to add this alternative assessment. If the alternative is not a dummed down version, everyone should have equal access to take it. Will regular students be denied the opportunity to take the alternative assessment? Note his last paragraph, "No more fake "A's" and no more fake "promotion." The school has to produce on goals of raising the student to grade level equivalency." Share this article with anyone you wish.

Dr Bill

Getting Your Child With Autism What They Are Entitled To Under Federal Laws	Getting Control of the IEP Process Manual	ASK REED Answers to Special Education Questions	 Are You Really Ready To Ask For A Due Process Hearing?	Join us in the Special Education Chat Room for Parents
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Special Education Law

Reed Martin, J.D.

Your Child's IEP Goals Should Be To Succeed In Regular Education

Taken from Reed's manual:

Getting Your Child's Regular Education Teachers To Do What The Law Requires Them To Be Doing For Your Child

When your child's annual goals are related to academics that are objectively measurable, the goal should be to raise the student to grade level equivalency -- just like any other student in regular education.

A common problem for many students with special needs, as acknowledged by Congress in the 1997 IDEA, is the lowering of expectations by regular education teachers. Students are often allowed to progress at a slower rate so you should make sure the goal for your child is to achieve one grade level of growth for each year of instruction.

If your child's disability makes that difficult then that is exactly what evaluation is to explore, it is exactly what the IEP committee is to discuss and it is exactly what the Comprehensive System of Personnel Development is required for -- to acquire and disseminate promising educational practices that will enable your child's teachers to attempt to enable your child to have the same rate of accomplishment as other children in the class.

It is common to see regular education teachers expecting students with special needs to have a difficult time and to be performing below grade level. So if your child's evaluation shows a deficit, for example in reading of several years below the grade level of the rest of the class, then your goal should be more than one year's growth for one year of instruction -- it should be to get up to grade level. Your child has a right to the same goals and expectations of everyone else in regular education. Being behind in reading will drag your child behind in everything.

Worse, being behind in a regular class can lead to teasing by other students in the class and that must be addressed as well. Recent federal court cases such as Leslie B. v. Winnacunnet Coop. Sch, Dist., 28 IDELR 271 (D.NH 1998) showed that regular education teachers could be liable, as well as the school district being liable, when a student is allowed to fall behind and allowed to be teased to the point that they can no longer attend school.

Some school personnel seem to accept performance below grade level for students with disabilities who are being served in regular classes, but the U.S. Supreme Court does not find that acceptable. The U.S. Supreme Court in Board of Education v. Rowley, at pages 203-04, defined the Congressional requirement for grade level equivalency. "Regular examinations are administered, grades are awarded, and yearly advancement to higher grade levels is permitted for those children who attain an adequate knowledge of the course material. The grading and advancement system thus constitutes an important factor in determining educational benefit. Children who graduate from our public school system are considered by our society to have been educated at least to the grade level they have completed." The Court goes on to say that the specially designed education "must meet the state's educational standards" and "must approximate the grade levels used in the state's regular education."

The Supreme Court continues: "The IEP, and therefore the personalized instruction, should be formulated in accordance with the requirements of the Act, and, if the child is being educated in the regular classroom of the public education system, should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade."

No more fake "A's" and no more fake "promotion." The school has to produce on goals of raising the student to grade level equivalency.

Subject: shorter, short story

Date: Wed, 25 Apr 2001 17:26:06 -0900

From: Barbara Lefler <lefler@alaska.net>

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

Hi Karen,

How's this. I think it hits the high points without eliminating the 'heart'. It is less than 1 page in 12 point. Short enough? Barb

We, Barbara and Doug Lefler are motivated to share our story with you. We believe this story is representative of what pro active parents must endure to insure their children's rights under the IDEA. Our story revolves around our son Neal. Neal is dyslexic.

By the time Neal was 3 years old, we knew he didn't process information the same way you and I do. Over the years we have spent thousands of dollars and thousands of hours trying to teach our son to read. We were determined that there was something out there to help our son. We paid for vision therapy, Kinesthetic learning, 3 years of 1:1 Slingerland tutoring, etc.

When we tried to have Neal tested in school, not until he repeated first grade twice did he qualify for special education. During Neal's entire school career, every meeting we attended with school staff we were assured that Neal was a nice boy, who was making progress. Despite our efforts in the private sector and the "stylized approach" used by the schools, by the time Neal reached age 16.5 he read at a third grade level. It was a hopeless feeling. Fortunately, we learned of a private clinic in Anchorage who used a method called the Lindamood-Bell Learning Process (LBLP).

Because we believe that every child has a right to read and every school has a responsibility and obligation to teach this basic skill, we turned to our school district for support in our efforts for Neal to learn to read. We have records of over 80 documents (letters, graphs, etc.) used to negotiate with our school district. We even have a recording of a member of district staff stating that "It would be a waste of taxpayer dollars" to provide the specific requested methodology. We lost numerous hours of work and pay while attending no less than 10 IEP meetings. We had to go to the point of mediation (the step before due process) with our school district for support in our efforts to insure an appropriate education for our son. It took at least 40 hours of preparation for mediation and that meeting lasted 8 hours. We settled at mediation. Without disclosing the terms of our agreement, we left assured that Neal would be provided what was needed.

Last March, Neal read at a 3rd grade level even though he had been provide specially designed instruction at school for most of his life. In April and May, Neal attended that private clinic and, 20 hours per week for 7 weeks received intensive remediation using the (LBLP). According to an Independent Educational Evaluation (IEE) (at district expense), Neal's reading went up 2 grade levels.

When Neal returned to school for his junior year in September, 2000, he received support in his classroom by his trained teacher 1:1, 45 minutes per day, 5 days per week. Following another IEE administered in October, 2000 we had evidence that Neal did not regress but gained another year and was reading on a 6th grade level. Today, Neal can read college level text!

It is unfortunate that most children do not have parents who are as familiar with the 'system' as we are. These children are depending on you, the law makers to insure their access to the education they

Subject: FW: Special Educ. Bill

Date: Thu, 26 Apr 2001 00:52:28 -0000

From: Latta Jarock Mr 3MSS/DPF <LattaJ@ELMENDORF.af.mil>

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

> Please continue to fight for regular diplomas for Sp. students. If the
> State is allowed to let this happen are kids will be second class. I have
> seen the incompetence of the Anchorage School District. 25% of children
> graduate not even knowing how to read. My son was warehoused at the
> Whaley Center. Has to stop. I testified at the Nov. Board meeting about
> lack of curriculum in reading. Each teacher does their own thing,
> confusing children since they have a different teacher each year. The
> Supt. say there is curriculum. She needs to get out more! Please help
> us. Rocky Latta 522-0370.

Jerock Latta, D-22

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BUNDE

TO: HCS CSSB 133(FIN)

1 Page 3, lines 17 – 24:

2 Delete all material and insert:

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

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

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

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

13 (D) successfully completing an alternative assessment program
14 required by the student's individualized education program or required in the
15 education plan developed for the student under 29 U.S.C. 794; an alternative
16 assessment program must, to the maximum extent possible, conform to state
17 performance standards established for the competency examination required
18 under (a) of this section; this subparagraph does not apply to a student unless
19 the department determines that the student has taken and failed to pass the
20 examination described under (A) or (B) of this paragraph and does not qualify
21 under (C) of this paragraph, and the student entered the system late or has a
22 ~~rare or unusual~~ circumstance meriting the award of a diploma under this
23 ~~subparagraph; and~~ "the department concurs that the
24 alternative assessment is appropriate for that student.

1 Page 4, lines 13 - 14:

2 Delete all material.

3

4 Reletter the following subsections accordingly.

5

6 Page 4, line 16:

7 Delete "(c)(1)"

8 Insert "(c)(1)(D)"

9

10 Page 4, line 17:

11 Delete "(c)(1)"

12 Insert "(c)(1)(D)"

13

14 Page 7, lines 19 - 21:

15 Delete all material and insert:

16 "REQUIRED REPORT. The Department of Education and Early Development shall,
17 by February 15, 2002, report to the Alaska State Legislature with recommendations for

18 (1) an appeals process for a student who is denied a high school diploma;

19 (2) establishing a process that allows issuance of a high school diploma to a
20 child with a disability based on a portfolio of work, as described under

21 AS 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

22 (3) evaluating the process described under (2) of this section."

Con-FYI. Karen.

Subject: disabled students and exit exams

Date: Fri, 27 Apr 2001 12:47:19 -0800

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

Organization: Alaska State Legislature

To: kchristie@ecs.org

Kathy:

I have searched your website and have not been able to find information about any court decisions, federal memos, or any other information about students with disabilities and exit exams.

I know that the federal IDEA 97 requires all disabled kids to take part in statewide assessments, whether that is through the regular or an alternate assessment. I know that the alternate assessment is for those with severe cognitive disabilities.

What I don't know is whether states can hold learning disabled students -- those with average or above intelligence but with dyslexia or something like that -- accountable for passing the same test as "regular" students in order to get a diploma. Or, must those types of students be allowed a diploma only based on completion of their IEP?

Can you please let me know what you have on that question? This is the question that is holding up our state's competency test legislation this year.

Time is of the essence, I'm afraid.

Thanks for your help!
Karen McCarthy
Committee Aide,
House Special Committee on Education
Rep. Con Bunde, Chair

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 133 (FIN)

BY: REPRESENTATIVE BUNDE

Page 3, lines 17 - 24

Delete all material and replace with:

"(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 student's individualized education program team;

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

(D) successfully completing an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 U.S.C. 794; an alternative assessment program must, to the maximum extent possible, conform to state performance standards established for the competency examination required under (a) of this section; this subparagraph does not apply to a student unless the department determines that the student has taken and failed to pass the examination described under (A) or (B) of this paragraph and does not qualify under (C) of this paragraph, and the student entered the system late or has a rare or unusual circumstance meriting the award of a diploma under the subparagraph; and"

Page 4, Lines 12 - 14

Delete all material

Page 4, Line 17

Delete "(c)(1)"

Replace with "(1)(D)"

1 Page 7, Lines 19-21

2 Delete all material and replace with:

3

4 "REQUIRED REPORT. The Department of Education and Early Development shall, by
5 February 15, 2002, report back to the Alaska State Legislature with recommendations for

6 (1) an appeals process for a student who is denied a high school diploma;

7 (2) establishing a process that allows issuance of a high school diploma to a child
8 with a disability based on a portfolio of work, as described under AS

9 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

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

EXPLANATION:

Page 3:

- 1) This amendment would delete the language allowing each school, or each IEP team, to develop an alternative assessment for each special education student.
- 2) Currently, many special education students, who are not severely cognitively disabled, are not being educated to their potential. If school districts are allowed to continue awarding diplomas based only on reaching the goals in the IEP, and not the state performance standards, there will be no incentive for those districts to educate these children up to their potential.
- 3) This amendment requires that students take the Competency Test, with or without accommodations. If they fail, they may apply to the department to be able to take the alternative assessment.
- 4) This amendment would at least encourage districts to educate special education students up to their potential, as federal law requires.

Page 4, Lines 12 - 14:

- 1) This part of the amendment deletes the language that permanently puts endorsements on students' diplomas and transcripts for areas of the competency test the student has passed.
- 2) This would set up a differentiated diploma system in which special education students would predominantly receive non-endorsed diplomas, while "regular" students would tend to receive endorsement. This could set special education students up for discrimination, which is illegal.

Page 4, Line 17:

- 1) Technical change for numbering only.

Page 7, Lines 17 - 19:

- 1) This part of the amendment replaces the requirement that the department advise the Legislature about whether a portfolio assessment is possible. If it is possible, the department would further advise the Legislature how that process would work.

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MEMORANDUM

May 1, 2001

SUBJECT: High school exit exam - (HCS CSSB 133(FIN) am X.1)

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have asked for an explanation of amendment X.1, to HCS CSSB 133(FIN). This amendment primarily addresses the issue of what type of alternative assessment should be provided to a child with a disability who is receiving educational services under an individual education program. The existing language of the finance CS allows a child with a disability who fails the competency examination to receive a high school diploma by completion of an alternative assessment program or a program required under federal law, and requires the Department of Education and Early Development to establish uniform assessment standards by regulation.

The amendment would substitute language that specifies that a child who is receiving educational services under an individual education program could receive a diploma by (1) passing the competency examination; (2) passing the competency examination with accommodation; (3) demonstrating mastery of state performance standards through a portfolio of work; or (4) completing an alternative assessment program required under an individual education program or required under federal law; this last provision only applies if the student first takes and fail to pass the competency examination and if the student qualifies either as a late entrant to the school system or has some other rare or unusual circumstance meriting the award of a diploma.

This amendment also make several technical changes, removes subsection (f) requiring that the student's diploma and transcript indicate the areas of the competency examination that were passed, and changes the information in the required report from the department in sec. 9.

Please contact me if you have further questions.

MFF:lmb
01-149.lmb

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MEMORANDUM

May 1, 2001

SUBJECT: Sectional Summary of HCS CSSB 133(FIN)

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Purpose and intent section.

Section 2. Requires a student to pass a competency examination to receive a high school diploma, unless the student receives a waiver from the local school board. Prohibits issuance of a waiver until the final semester of attendance. Provide for retesting students and excludes from testing certain students who are children with disabilities.

Section 3. Provides for a student who is a child with a disability to receive a diploma by completing an alternative assessment program and for awarding diplomas to students who transfer into the school system. Provides for the award of a certificate of achievement for certain students. Requires the department to establish certain uniform standards by regulation. Provides for students to receive an endorsement identifying the areas of the examination successfully passed on the diploma and transcript.

Section 4. Establishes an annual report by the department.

Section 5. Requires that certain waiver statistics be included in a report from public schools.

Section 6. Requires the state Board of Education to adopt certain regulations regarding the competency examination, including waiver criteria.

Section 7. Delays the start of the exit exam requirement until February 1, 2004.

Section 8. Establishes interim competency examination requirements, beginning February 1, 2002, and ending January 31, 2004.

Section 9. Requires the department to provide recommendations for an appeals process for a student who is denied a high school diploma.

Section 10. Requires the department to report on criteria and procedures for granting a diploma by waiver and statutory changes necessary to maintain school accountability provisions of AS 14.03.123.

Section 11. Effective date for sec. 3, relating to the competency examination.

Section 12. Effective date for all sections except sec. 3.

MFF:lmb
01-150.lmb

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BUNDE

TO: HCS CSSB 133(FIN)

1 Page 3, lines 17 – 24:

2 Delete all material and insert:

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

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

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

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

13 (D) successfully completing an alternative assessment program
14 required by the student's individualized education program or required in the
15 education plan developed for the student under 29 U.S.C. 794; an alternative
16 assessment program must, to the maximum extent possible, conform to state
17 performance standards established for the competency examination required
18 under (a) of this section; this subparagraph does not apply to a student unless
19 the department determines that the student has taken and failed to pass the
20 examination described under (A) or (B) of this paragraph, the student does not
21 qualify under (C) of this paragraph, and the department approves the student's
22 alternative assessment program described under this subparagraph; and"

23

24 Page 4, lines 13 - 14:

1 Delete all material.

2

3 Reletter the following subsections accordingly.

4

5 Page 4, line 16:

6 Delete "(c)(1)"

7 Insert "(c)(1)(D)"

8

9 Page 4, line 17:

10 Delete "(c)(1)"

11 Insert "(c)(1)(D)"

12

13 Page 7, lines 19 - 21:

14 Delete all material and insert:

15 "REQUIRED REPORT. The Department of Education and Early Development shall,
16 by February 15, 2002, report to the Alaska State Legislature with recommendations for

17 (1) an appeals process for a student who is denied a high school diploma;

18 (2) establishing a process that allows issuance of a high school diploma to a

19 child with a disability based on a portfolio of work, as described under

20 AS 14.03.075(c)(1)(C), enacted in sec. 3 of this Act; and

21 (3) evaluating the process described under (2) of this section."

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MEMORANDUM

May 5, 2001

SUBJECT: High school exit exam - (HCS CSSB 133(FIN))

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have asked if amendment X.1 or X.2 to HCS CSSB 133(FIN) relating to granting a high school diploma to a child with a disability by completion of an alternative assessment program raises any legal difficulties. I do not think that it does. Students with disabilities are entitled to be included in state assessment programs and to receive appropriate accommodations, if necessary. See Brookhart v. Illinois State Bd. of Ed., 697 F.2d 179 (7th Cir. 1983). The use and structure of an alternative assessment program for a child with a disability is within the policy powers of the legislature.

Please contact me if you have further questions.

MFF:med
01-085.med

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MEMORANDUM

May 5, 2001

SUBJECT: High school exit exam - (HCS CSSB 133(FIN))

TO: Representative Con Bunde
Attn: Karen

FROM: Michael F. Ford 
Legislative Counsel

You have asked if a student who is a child with a disability can be included in the statewide public school testing process without making appropriate accommodation for the disability when necessary. The answer is no. Under the 1997 amendments by Congress to the Individuals with Disabilities Education Act, as a condition of eligibility for federal funds, states must have policies and procedures to ensure that students with disabilities are included in general assessment programs, but with appropriate accommodations.

Specifically, an individualized education program must include a statement of any individual modifications in the administration of statewide assessments of student achievement. If the I.E.P. specifies that the student should be excluded from the regular assessment program, the state must ensure development of alternate assessments.

Please contact me if you have further questions.

MFF:med
01-086.med



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair


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Brian Porter
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Gary Stevens
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MEMORANDUM

DATE: May 5, 2001

TO: Representative Kott, Rules Committee Chair
Representative Kohring
Representative McGuire
Representative Morgan
Representative Porter
Representative Berkowitz
Representative Joule

FROM: Representative Con Bunde, Chair 

RE: Amendment to HCS CSSB 133 (FIN) Version X

I am distributing the attached amendment "X.2" for your information. The previous amendment, "X.1" has been changed to remove language that might be inflammatory to some people.

A special education student would still take the High School Competency Test with or without accommodations. If the student fails, the student's IEP team could still recommend that the student take an alternative assessment -- a modified Competency Test. The only change between Amendment "X.1" and the attached Amendment "X.2" is that instead of qualifying for the alternative assessment by being a student who entered the school system late or having a rare or unusual circumstance, any special education student who fails the test and has the recommendation of his IEP team could take an alternative assessment if the Department of Education concurs.

I feel the Department's concurrence will help to ensure that every special education student receives an appropriate education with the highest possible standards. I also feel that the Department's concurrence will insulate districts from undue pressure from parents who would support inappropriately low standards for their child.

I hope that you will support this amendment.

22-LS0607X.4
Ford
5/6/01

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ~~BUNDE~~ *McGuire*

TO: HCS CSSB 133(FIN)

*Rules Unit #1
adopted*

1 Page 3, line 18, following "section":

2 Insert ", with or without accommodation,"

3

4 Page 3, line 24, following "section;":

5 Insert "this paragraph does not apply to a student unless the department determines
6 that the student has taken and failed to pass the competency examination with or without
7 accommodations and the department approves the student's alternative assessment program
8 described under this paragraph;"

9

10 Page 6, line 7:

11 Delete "and"

12 Insert "[AND]"

13

14 Page 6, line 9, following "AS 14.30.420":

15 Insert "and"

16 **(8) the number and percentage of students in each school who take**
17 **and who successfully complete an alternative assessment program in reading,**
18 **English, or mathematics; and the number and percentage of pupils in each school**
19 **who successfully complete the alternative assessment program but who do not**
20 **reach the state performance standards at the competency exam level in reading,**
21 **English, or mathematics; a school may not report results under this paragraph**
22 **unless the school complies with the family educational rights and privacy**
23 **requirements of 34 C.F.R. 99"**

22-LS0607X.5
Cook/Ford
5/7/01

AMENDMENT

**OFFERED IN THE HOUSE
TO: HCS CSSB 133(FIN)**

- 1 Page 4, lines 13 and 14:
- 2 Delete all material.
- 3
- 4 Reletter the following subsections accordingly.

*Amr #2
adopted*

www.nytimes.com

The New York Times
ON THE WEB

April 24, 2001

Regents Study Shows Gains for Students in Special Ed

By KATE ZERNIKE

ALBANY, April 23 — The number of special-education students who took and passed state tests in New York has jumped sharply over the past five years, suggesting the preliminary success of a plan to stem the use of special education as a dumping ground for difficult students, the Board of Regents said today.

After a decade of steady increases in the percentage of students classified as disabled in New York State, the level remained steady last year. For the first time, the percentage of students who were "mainstreamed" — placed in regular education classrooms most of the time — was higher than the national average.

State figures also show that more students are being transferred from special education at an early age, when traditionally, all but a small percentage of students who entered special education languished there.

State education officials said the statistics strongly suggested that many special-education students should not have been classified as "disabled" in the first place, and were given the designation only because schools did not know what else to do with them.

"When we started, people said children would be harmed by high expectations," said Richard P. Mills, the state education commissioner. "What we're seeing is that children thrive under high expectations."

Only about 5 percent of the 402,000 special-education students in New York are mentally retarded. The bulk of them, 54 percent, are classified as "learning disabled," while about 15 percent are classified as emotionally disturbed. Critics say those two categories are often catchalls for difficult students.

The new figures show progress still lagging in some areas. The percentage of Hispanic students in special education has increased, and the number of Hispanics and blacks in special education remains disproportionately high.

The Regents pointed to continued problems in New York City schools. The number of students taking the state tests rose to 3,084 last year from 1,074 in 1998, and the number who passed increased as well, to 1,375 from 407 for the same period.

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But those numbers are still small over all. Only 2.1 percent of students in New York City were transferred from special education last year. .

✶ Still, officials said, the overall message is that if the state sets high standards, students will rise to them. Advocates for disabled students praised the results, but cautioned that there was still much more progress to be made.

"What's really great is that more kids are getting tested, which means that they are more likely to get access to the same curriculum as kids in the general-education classrooms," said Jill Chaifetz, executive director of Advocates for Children. "Now, what are we going to do to make sure they're passing at a higher level?"

The Regents began an overhaul of the state's special-education programs in 1996, aiming to reduce the number of students classified as disabled and educated in the largely segregated classrooms. Ultimately, disabled students will have to take the Regents exams to graduate, as their peers in regular classrooms do.

✶ Last year, the percentage of students in special education remained at 11.8, after rising steadily from 9.9 percent in 1992-93. And even as more students are taking and passing the tests — given in fourth and eighth grades and in high school — dropout rates, which many predicted would soar, have declined slightly.

✶ The results are particularly striking on the Regents tests, where the number of students passing the tests in 2000 was far higher than the number of students who even took them in 1997. The percentage of special- education students graduating with a Regents diploma — meaning they passed the English exam as well as met requirements for course credits — increased to 8 percent in 2000, up from 6.1 percent in 1999.

Carl T. Hayden, the Regents chancellor, said this indicated that the students' disabilities were "nominal" and that for a long time, teachers had referred students to special classrooms not because they were disabled but because they were difficult.

"What you see is evidence of a different mind-set," Mr. Hayden said. "Teachers are beginning to see it's O.K. to have high expectations for students with disabilities. That's a sea change."