

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2874 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

How to Fix America's Schools

If you take it for more than a political slogan, President Bush's motto for education reform--"no child left behind"--is a wildly ambitious goal. It is every bit as audacious as Lyndon B. Johnson's War on Poverty or John F. Kennedy's race to the moon. Since the U.S. first embraced universal public education decades ago, there has been a largely unspoken assumption that some children will never earn a high school degree. Now, says National Urban League President Hugh B. Price, Bush is "asking our schools to do something that no society has ever done, to educate all children well, regardless of their circumstances." In effect, Bush is declaring that in the Information Age, a solid education is a fundamental civil right. The President's pronouncement is the culmination of nearly twenty years of mounting efforts to fix America's schools. The educational crusade began in earnest with *A Nation at Risk*, a 1983 report commissioned by the Reagan Administration warning that "a rising tide of mediocrity [in our schools] threatens our very future as a

nation." In 1989, then-President George Bush and the nation's governors held the first-ever national education summit, where they set sweeping goals--from eliminating illiteracy to vaulting U.S. students to No. 1 in the world in math and science.

There has been scant progress toward meeting those goals (tables). Less than half of America's schoolchildren read proficiently at their grade level. U.S. 12th-graders still score well below teenagers in almost every other developed country on mathematics and science tests. The 74% of students who have completed high school by the age of 18 rank the U.S. No. 17 in graduation rates after decades of leading the world, according to the Education Trust, a research group in Washington. "While we've certainly made some improvements, they're not nearly enough to keep up," says Milt Goldberg, who headed the commission that produced *A Nation at Risk*.

NOT SO GLOOMY. Low-income and minority students fare the worst. Only 29% of all fourth-graders read proficiently at their grade level, but among low-income kids, the figure is 13%. By the end of high school, black and Hispanic children perform only at the level whites do in eighth grade. "This achievement gap is the most important issue of social justice in our society," says Tom Vander Ark, executive director for education at the Bill & Melinda Gates Foundation, which doles out \$100 million a year for education reform. The problem is an economic issue, too, since white kids will fill fewer than half of U.S. school seats by 2040, down from 65% today and 85% in 1950.

Still, the prospects are not quite so hopeless as the gloomy report card suggests. Many schools in prosperous, upper-middle-class suburbs have always done a good job, as have certain schools in solid middle-class districts. The real challenge lies with the continuing mediocrity that plagues too many of America's schools--and the disastrous state of education for kids at the bottom. The good news: The past two decades have seen an explosion of local reform efforts aimed at even the most intransigent problems. "We now have abundant evidence that there are strategies that can make a significant difference," says the Urban League's Price.

As discussion begins on Bush's education plan, to be debated in the Senate the week of Mar. 12, *BusinessWeek* set out to identify the best of these strategies. We posed a simple question: What would it take to achieve the President's goal of "no child left behind"? A broad range of experts and educators helped us draw up seven strategies that, pursued together, would go a long way toward fixing America's schools. The list isn't exhaustive. We left aside such pedagogical questions as how best to teach math or reading. Instead, we focused on changes in the system that would create an environment in which schools could succeed with far more regularity.

In evaluating solutions, we had one basic test: There must be compelling evidence that they work. The ideas that follow have all been battle-tested. In seeking them out, we went to schools, districts, and states that have beaten the odds, often in some of America's toughest neighborhoods. Among them: Humanities Preparatory Academy in New York's Chelsea neighborhood, a high school that often takes students who floundered elsewhere yet sends 91% of its graduates to college, including Harvard University and Northwestern University. At KIPP Academy, which runs middle schools in Houston and New York's South Bronx, more than 90% of students are Latino or African American, and virtually all are poor. Last year, 98% of KIPP's students in Houston passed the Texas Assessment of Academic Skills (TAAS) test, ranking it among the state's best.

Even more impressive are the states that have made large-scale improvements. In the 1980s, Kentucky ranked dead last in the country in its share of adults with a high school or college degree. But 11 years after the courts forced the state to redesign its entire system, 78% of adults now have a high school diploma, up from 53% in 1980. The share holding college degrees has doubled. And the Bluegrass State has leapfrogged other states into the middle ranks of academic performance. Similarly, sweeping reforms have helped North Carolina and Texas make strides, outpacing the gains of all other states on the National Assessment of Educational Progress (NAEP), the primary test used to measure students nationally.

One clear lesson of all the reform efforts is that no single idea can solve the many ills of America's schools. "Schools are complicated institutions, which means you need a comprehensive approach that deals with everything at once," says former Yale University President Benno C. Schmidt Jr., now chairman of Edison Schools (EDSN), the nation's largest operator of for-profit schools. That's why President Bush's program is just a downpayment on all that's needed.

True, he wants to tackle several areas at once, including technology, school choice, and mandatory testing. But because Washington plays a relatively minor role in education, Bush's proposal doesn't come close to providing the radical action required. Most reforms, from tougher accountability to pay-for-performance for teachers, face stiff opposition that can only be overcome by the states, the highest level of government with leverage over the country's 90,000 schools.

HEFTY OUTLAYS. At the same time, however, the U.S. must also pony up more money for serious reform. Bush wants a \$2 billion, or 10%, boost in federal K-12 spending. But that's pennies out of the \$360 billion total the U.S. shells out annually on public education. No one has tried to figure out what it would take to provide every child with an adequate education. Wyoming took a shot at it and came up with \$7,400 per student a year, or 18% more than what it had been spending. The cost would certainly be higher in many states with big cities and many poor families.

Still, as a starting point, a national increase like Wyoming's would run an extra \$60 billion a year. Even half that, if used wisely, could make a dent. But real change will require everyone--Washington, the states, and school districts--to dig deep into their pockets. For that, the political environment has never been more conducive. "Almost every governor has an agenda to improve the schools," notes Ted Sanders, president of the Education Commission of the States. The question now is whether it's enough to give every American child a real education.

1. PAY TEACHERS FOR PERFORMANCE

Few factors affect students' performances more than the quality of their teachers. A Tennessee study in 1996--to cite just one of many making the same point--found that fifth-graders who had three years of effective teaching improved their math scores by 83%, vs. a 29% gain for students with ineffective teachers. Yet many teachers are unqualified. One-third of secondary school math teachers and roughly half of physical science teachers didn't major or minor in the subjects they teach. Often, "the most

senior teachers opt for the nicest schools, while we put our weakest teachers in the hardest locations," says Robert T. Jones, president of the National Alliance of Business (NAB), which backs training and education initiatives.

The appalling shortage of quality teachers stems in part from chronically low pay. Any college grad who wants to teach must be willing to endure a lifetime of subpar wages (chart). Now schools face the near-impossible mission of filling the 2.2 million teaching vacancies expected over the next decade.

Aggravating the problem is an outdated salary structure unrelated to what teachers do in the classroom. Most teachers are still paid under the so-called single-salary system developed in Des Moines 80 years ago. Everyone with the same seniority and degree is paid the same. That approach marked a step forward in 1921, when it corrected the practice of paying male teachers more than female ones. But the system has become a straitjacket that's stifling schools, which can't reward the best teachers or pay more to lure math and science graduates. "It doesn't offer teachers any real opportunity for professional advancement," argues Lowell Milken, chairman of the Milken Family Foundation.

The solution: Pay teachers more, and scrap single salaries for a system that rewards teachers for what they contribute to student learning. On Jan. 30, four leading business groups--the NAB, the U.S. Chamber of Commerce, the Business Roundtable, and the National Association of Manufacturers--endorsed a plan along these lines. These groups would, in return for higher teachers' pay, raise the bar for new teachers. Educators would be paid according to how well they perform in class and mentor other teachers, with the chance to reach a max of \$100,000. Meanwhile, professional development would be expanded.

Connecticut has shown that such reforms can work. Starting in 1986, it raised teacher salaries by nearly one-third. Today, they're still among the nation's highest, averaging around \$53,000 and peaking at more than \$80,000. Simultaneously, the state hiked requirements for new teachers, including passing an exam in their subject area. New teachers work with a mentor to improve their technique. Then they are evaluated. The review covers lesson plans and teaching techniques and "evaluates their ability to foster learning," says Raymond Pecheone, who oversees teacher evaluation for the state. Those who don't cut it by their third year are out.

UP THE LADDER. The payoff has been great. It has avoided the teacher shortages of other states. "We turn away three [applicants] for every one we let into our teaching program, and the grade-point average of those accepted is 3.4," brags Richard L. Schwab, dean of the Neag School of Education at the University of Connecticut. Teacher attrition is down, and Connecticut has made huge gains in student achievement, especially in reading, where it ranks first in the nation.

Now reformers elsewhere are adding more rungs to a career ladder teachers can climb. Last fall, Cincinnati negotiated a new system with the local union in which teachers may ascend five rungs in their career--from apprentice to accomplished. Advances are based on a sophisticated measure of performance. Educators will undergo periodic evaluations, "and if you don't measure up, you can drop a rung and actually lose pay," says Kathleen Ware, the city's associate superintendent. Iowa is close to adopting a similar statewide career ladder.

Teachers themselves are one of the most difficult obstacles to such schemes. The country's two teachers unions, the National Education Assn. (NEA) and the American Federation of Teachers (AFT), support higher pay to attract more qualified talent to teaching. And "we support different ways of providing compensation to teachers," says AFT President Sandy Feldman, who notes that her union backed the Cincinnati plan. But the unions are skeptical about some aspects of reform. NEA President Robert F. Chase, for example, opposes paying more to attract math and science teachers. "Is their work really more important than teaching kindergarten or first grade?" he asks. Such thinking ignores the marketplace reality that those trained in math and science have many other opportunities.

Teachers at the Vaughn Next Century Learning Center in Los Angeles even had to withdraw from the union to keep working there after the school adopted a pay-for-performance ladder. In 1990, 70% of Vaughn teachers had less than three years experience. The school serves 1,300 Hispanic elementary kids in one of the city's poorest neighborhoods. Turnover was high, and Vaughn ranked among L.A.'s worst schools.

Three years later, Principal Yvonne Chan converted Vaughn into a charter school (which means it receives public funds but is otherwise largely autonomous). In 1998, she set up a system that bases pay on a teacher's ability to help kids meet California's standards and gives bonuses to high achievers. Top performers can earn \$68,000 a year, 20% more than in other L.A. schools. But the local union insisted that Vaughn teachers return to a regular public school. Some did, but after an ugly debate, most left the union and endorsed the plan.

Today, most of Vaughn's 69 teachers seem to enjoy the challenge. "When I was in the union, I didn't feel teachers were being asked to work up to their full potential," says Jose Salas, who quit the union to teach at Vaughn. Now, "there's a feeling of controlling one's destiny." Test scores are soaring, and the state ranks Vaughn in roughly the top 10% of schools serving similar inner-city students.

Improving teacher effectiveness also requires professional development. Today, the average U.S. teacher receives just eight hours of training a year, less than 10% of what teachers get in Japan, for example. But look what happened in New York's District 2, which serves 23,000 students in Manhattan. In the mid-1980s, it began devoting 8% of its budget to teacher instruction, compared with less than 3% spent at the typical U.S. school. At P.S. 130, in Chinatown, Principal Lily D. Woo began holding breakfast meetings, Saturday workshops, and summer sessions to train her staff in more effective methods for teaching literacy. Today, District 2 ranks second among 32 districts in test scores, up from 17th in 1985.

More pay and training cost big bucks. Still, warns the January report by the NAB and the three other business groups, "without high-quality teachers, our efforts to improve student achievement are destined to fail." It's a question of paying now or paying later.

2. MAKE SCHOOLS SMALLER

Two years ago, Yrcania Castillo was kicked out of Hunter College High School in New York. Although the school is highly regarded, Yrcania found it too competitive and impersonal. "My attendance and grades were terrible," she admits. Then she discovered Humanities Prep, a small school in Manhattan that specializes in giving kids a second chance. Yrcania blossomed in the intimate environment of the 175-student school, where she's now a senior. "At Hunter, they didn't care, but here they're really concerned," says Yrcania, 17, who has applied to college. Without Humanities, "I would likely have ended up on welfare," she says.

For decades, U.S. education has operated under the assumption that bigger is better, especially in high schools. After former Harvard President James B. Conant advocated eliminating smaller schools in favor of large, comprehensive ones in the 1950s, most urban high school students began attending factory-like schools with 1,000 students or more. Today, many have become cauldrons of violence, pitiful achievement, and high dropout rates.

It's time for a 180-degree turn. New construction should favor "small neighborhood schools, with 200 to 500 students," says Jack Clegg, CEO of Nobel Learning Communities Inc. (NLCI), a for-profit school operator. It's too costly to dismantle large dysfunctional schools, but they can be turned into several schools-within-schools, allowing kids and teachers to form closer bonds.

Several cities are already downsizing schools. New Visions for Public Schools, a reform group, has helped to create some 40 small schools in New York, including Humanities Prep. Chicago has 150 small schools after a decade of effort by the Small Schools Workshop at the University of Illinois at Chicago. "None is bigger than 350 kids, and all are run more like communities than factory schools," says Workshop Director Michael Klonsky.

REBORN. The movement is proving that the intimacy long offered by elite prep schools can work minor miracles in disadvantaged districts. Student attendance climbs, and dropout rates fall, according to a new study of Chicago's small schools by the Bank Street College of Education in New York. The schools in the study are located in Chicago's poorest neighborhoods. "It's like a village, where all of the teachers know the students," says Alice Perry, whose daughter, Mary, is a student at Best Practice High, a new Chicago small school.

The school-within-a-school concept makes smallness work even in cavernous buildings. Look at the Julia Richman Education Complex on New York's Upper East Side, or the Cregier Multiplex, a block from Chicago's United Center. As large schools, both had epitomized all that was wrong with urban education. Then they were reborn. Each now houses several specialized small schools, such as Julia Richman's Urban Academy, whose intensive liberal arts program is regarded as among the best in the nation.

There's a similar movement to slash class size. While there has been some controversy about the value and cost of smaller classes, a landmark 1980s study in Tennessee called Project star found that they're especially helpful for young children who often need extra individual attention. Students in kindergarten through third grade were randomly assigned to classes of 12 to 17 pupils, of 22 to 26 pupils, and to large classes with an aide helping the teacher. The result: Those in the small classes did better. The gains persisted even after students left third grade. The star project has fueled efforts to reduce class sizes in the early grades. But overcrowding remains a problem.

3. HOLD EDUCATORS ACCOUNTABLE

Lucy McVey took over as principal of Blanton Elementary in Austin, Tex., in 1996 with one mission: to remove it from the state's list of low-performing schools. Blanton earned the stigma after its mostly Hispanic immigrant students scored poorly on the TAAS. To shake things up, McVey required teachers to attend staff development sessions that ran till 8 p.m. She enticed 600 working-class parents to attend a baked-potato social, where she exhorted them to get more involved. "It was a tremendous struggle," McVey says. Some teachers even quit. But after just one year, math scores jumped by 53%, reading scores by 25%--and Blanton got off the list. Further improvements have landed it on the state's list of blue-ribbon schools.

Blanton is a textbook example of what President Bush believes accountability can do for schools nationwide. His plan calls for annual assessments of students in math and reading from grades three to eight, which would require a huge increase in standardized testing. Today, only 15 states--including Texas--administer such tests in each of these years. His plan would give assistance to low-income schools that fail to make sufficient progress. If a school didn't shape up in three years, its students would get federal funds to attend a better public or private school.

HORNET'S NEST. Critics warn that annual testing would create test mania and divert kids from broader learning. But there's ample evidence that performance can rise with well-designed accountability systems that use tests in addition to other measures. In North Carolina's ABC program, each school gets a target for how much they should improve on the state's test each year. Schools that meet the standard receive a bonus of up to \$1,500 per teacher. The neediest schools are assigned a team of top-rated teachers, plus an administrator, that spends a year helping to "conduct staff

development and forming action plans for borderline teachers," says Elsie C. Leak, who oversees the program. So far, 85% of schools receiving aid have earned their way off the laggard list. North Carolina, with Texas, has outpaced all other states in gains on the NAEP tests.

Or look at how Texas helped to improve the three districts around El Paso, one of the poorest areas in the U.S. The schools had been dreadful for so long that people assumed nothing could be done, says Susana Navarro, head of the El Paso Collaborative for Academic Excellence, a community group formed in 1991. Then the group set high standards, worked to improve teacher quality, and relied on the TAAS exams to measure progress. Now, 70% of El Paso's children pass the exams, up from about 50% in 1994. "Accountability [has been] the most valuable contribution," says Navarro.

Testing often stirs up a hornet's nest among parents and critics. While there's little opposition in Texas, a backlash is building in states that conduct more difficult tests. In Massachusetts, 45% of high school students have been flunking the test that will be required for graduation starting in 2003. This has parents worried that their kids won't graduate on time--or at all.

Similar tests have driven up the dropout rate in Cincinnati, where kids must pass five Ohio tests to graduate. Last June, 92% of 12th-graders but only 35% of freshmen passed all five, says Kathleen Ware, associate Cincinnati superintendent. Some kids learn enough to bring up their score, which is the goal of the tests. But a bigger reason for the discrepancy is that some 40% of incoming students leave before graduation. "This is a long, tough road," warns Ware. It may be that in states with tough tests, students will need more time to meet the standards.

Another worry: that "schooling tends to get reduced to test prep, giving kids a watered-down curriculum," says Monty Neill, head of the National Center for Fair & Open Testing, a group critical of standardized tests. The best educators resist that impulse. At Blanton, McVey reinstated dance and piano when the school got off the troubled list.

The best way to counter the problem is to develop tests worth teaching to. Unfortunately, quality varies widely. California and others states assess English using dumbed-down, fill-in-the-bubble tests. But tests in Massachusetts and New York require kids to read complex material and write extended analyses. The U.S. needs higher and more uniform standards. There are also more comprehensive ways to assess students. At the Urban Academy, a Manhattan public high school, seniors prepare final projects and present them to outside experts to qualify for graduation.

The entire accountability system remains a work in progress. But it would be wrong to give up on testing, warns Boston Superintendent Thomas W. Payzant. True, 56% of his 10th-graders flunked the state English exam last year and 66% failed math. "But we have to be very clear about what we want our students to learn," says Payzant, who warns that if the tests were abolished, pressure to turn around Boston's long-failing schools would evaporate. Even critics like Neill agree that "kids and their parents have a right to know if school is preparing them for something other than dead-end jobs and prisons." Without greater accountability, schools can continue to fail with impunity.

4. OFFER MORE VARIETY

Most people associate school choice with vouchers, which allow parents to use public funds for private schools. But while vouchers remain stymied in a political and legal quagmire, there has been an explosion of choice in public school systems. Charter schools have multiplied from 100 in 1994 to 2,000 today. They serve a half-million of America's 53 million K-12 students, estimates Jeanne Allen, president of the Center for Education Reform in Washington. Another 1 million or so kids have a choice of schools within the traditional public-school system, she estimates. By contrast, only about 20,000 students in a handful of cities attend private schools using publicly funded vouchers. Indeed,

giving students a choice of public schools, where 90% of kids go, is a more realistic alternative than vouchers. It's also a far easier political sell, since the teachers unions support charters.

The rationale for choice lies in the competitive jolt it can give existing schools. "Choice and competition breed innovation and better performance," just as they do in business, argues Edison's Schmidt. Equally important is that "one size does not fit all in education," says John L. Anderson, vice-chairman of New American Schools, a nonprofit that helps schools implement comprehensive reform models.

One example is Perspectives Charter School in the heart of Chicago. It has just 150 students, mostly African American and Hispanic, in grades 6 to 12. All must observe the school's 20-point behavior code known as "The Disciplined Life." The code helps to create a safe environment, in part by training students how to resolve conflicts peacefully. Expectations are skyscraper-high. All students must apply to five colleges and can't graduate "unless they're accepted at a college, trade school, the military, or have a job," says Co-Director Diana Shulla-Cose. It's tough. But since the school opened in 1997, reading scores have doubled, math scores have tripled, and 19 of last year's class of 21 graduated and went to college.

NEW MODELS. To ensure that students have access to educational approaches that best fit their needs, school boards should be overhauled and given the primary responsibility for creating choice in their districts. In effect, boards should help every school become a charter school, with the ability to set its own approach within broad guidelines. Boards would set the guidelines and oversee the results to ensure that schools meet performance standards.

To encourage more variety, educators and some companies are coming up with what amount to national brands for educational methods. Already, more than 3,000 schools in all 50 states have adopted one of New American Schools' models. They range from Success for All, which targets improving literacy, to Co-Nect, which creates high-tech schools. Meanwhile, Edison now runs 113 schools, up from 79 last year, using an approach involving lots of technology and more time in school. KIPP, which stresses rigorous teaching of the basics, is about to roll out its model nationally.

More public districts are moving toward a multiple-choice model, as well. In New York, students can choose among dozens of differing middle and high schools, although there's no guarantee of acceptance at their first choice. Chicago has 15 charters, 12 citywide magnet schools, and 15 international baccalaureate programs and expects to bring in Edison and KIPP to manage some public schools.

One danger in the proliferation of options is that educators may chase fads or fruitless experiments that lead nowhere or even set students back. "We need far more research" on which models work best, cautions AFT President Sandra Feldman. Boards will have to hold schools to high standards and close them if they fail to deliver.

5. PROVIDE ADEQUATE FUNDING

In January, a New York court issued a stinging indictment of the state's funding of New York City's 1.1 million-student school system. A staggering 31% of the city's teachers flunked the basic exam required of new educators on their first try, vs. 4.7% of those in the rest of the state. Hundreds of city school buildings have structural deficiencies. Overall, the state's poorest districts, mostly in the city, spend \$2,800 per child less than the richest, mostly located in suburbs and upstate. That works out to some \$60,000 less per class.

The result: Just 60% of city students who entered the ninth grade in 1996 have graduated. At every turn, city schools lack the resources to provide the "sound basic education" required by the state constitution, wrote New York Supreme Court Judge Leland DeGrasse, who ordered major funding reforms.

This decision, which the state is appealing, is the latest in a three-decade string of rulings striking down school-funding systems on constitutional grounds. Wyoming and Kentucky have made progress in reducing the disparities between the wealthiest and poorest districts. But there are still gaps in 42 states, according to the Education Trust. "We get killed," complains Chicago Schools CEO Paul G. Vallas, who says some suburbs spend twice as much as Chicago, even though it has half the state's special-ed students.

For years, the solution has been to try to equalize funding, which is most commonly based on property taxes, thus perpetuating the discrepancies between rich and poor districts. But any schemes that include blocking wealthy districts from lavishing extras on their schools breed resentment. Now, some reformers are embracing a more practical approach: adequate, rather than equal, funding. After a court struck down its funding system in 1995, the state of Wyoming took such a tack. It embarked on an extensive study of what makes up an adequate education and calculated that it costs \$7,400 per student.

Of course, more money is no guarantee of success: Schools in Washington, D.C., are dreadful, despite annual outlays of \$8,000 per kid. And while billions have been dumped into the federal Title I program, which helps the most impoverished schools, many recipient schools remain abysmal.

Still, extra dollars can work wonders. After a court struck down Kentucky's system, the state boosted spending on its schools by 20% in 1990. It targeted the money to backwoods schools such as Roundstone Elementary School in Mt. Vernon, Ky., which serves 270 mostly poor students. Its library was outdated, classes were large, and the building was crumbling. A 150% budget increase let Roundstone remodel the library, cut class sizes, and sharply expand professional development for teachers. The payoff? "We're now considered one of the best schools in the state," says Principal David Pensol. His fourth-graders ranked first in state science scores last year.

Uncle Sam may have to help resolve disparities between states. In 1998, for example, Connecticut and New Jersey spent \$9,000 per student, twice as much as Mississippi or Utah. Indeed, the 10 bottom-ranked states spent less than the national average. As courts have made clear, it's unfair to consign kids to inferior schools because of where they live.

6. INCREASE TIME IN SCHOOL

The amount of time kids spend in class has remained largely unchanged since the 19th century, when schools adopted the six-hour day and the nine-month calendar to accommodate farm life. The summer break is especially harmful to minority and poor kids. They enter the first grade half a year behind upper-income children but fall 2.5 years behind by the end of fifth grade, according to a Baltimore study by Johns Hopkins University sociologists Doris R. Entwisle and Karl Alexander. "Almost all of this gap can be traced to the summer vacations, when lower-income kids were treading water and upper-income kids were forging ahead," says Alexander. The reason, he concluded, is that upper-income families do so much better at keeping their kids stimulated during the summer.

"NO SHORTCUTS." The solution--requiring more time in school for kids who need it--is simple to say but difficult to achieve. "Schools have to be in session year-round," argues Chicago's Vallas. One problem, of course, is cost. There's also resistance from teachers, parents, and students, who all like the summer break. In addition, more time isn't as necessary for many affluent kids, giving the concept a penalize-the-poor tinge.

Still, evidence abounds that more hours in class can lift student performance (as well as alleviate child-care problems). It's one reason for the success of the KIPP Academy, which runs its two schools from 7:30 a.m. to 5 p.m., Monday to Friday, plus four hours on Saturday and an extra month in the summer. Arduous? Yes. But all 550 of its pupils in Houston and the South Bronx meet state standards, and many win scholarships to top prep schools. "There are no shortcuts to success," argues founder Mike Feinberg.

Similarly, in Chicago, 250,000 students, more than half of the total, now attend summer school or extended-day programs. They're a key reason why student test scores, though still low, have risen five years in a row.

7. USE TECHNOLOGY EFFECTIVELY

Schools have embraced new technology with fervor in recent years. Some 95% of public schools are wired to the Internet, up from less than 35% in 1994. There has also been an explosion in the digital resources available to schools, from virtual courses and field trips to access to some of the world's great libraries.

Yet so far, technology has done little to improve the national report card. The problem: Most educators don't know how to use it to improve student learning, teacher cooperation, or even school administration. That needs to change, since no other tool offers more potential to transform our schools.

Just look at schools that have begun to tap the potential. Adlai E. Stevenson High School in Lincolnshire, Ill., a suburb north of Chicago, offers students access to the Net from every classroom, office, library, and student common area. German teacher Margaret R. Plank uses e-mail to link her classes with students in Hamburg. The teens from both countries learn each other's language by discussing everything from mad cow disease to Germans' feelings about their country's role in World War II. "This gives the students a reason to improve," says Plank.

GONE FISHING. Similarly, Washington State has created a statewide fiber-optic intranet called K-20 that links every college and school district in the state. Now "we're offering all kinds of virtual courses," says state superintendent Terry Bergeson. Seven districts, from Forks, a fishing town on the Olympic Peninsula, to North Franklin on the Columbia River, have teamed up on a project to help protect salmon. Kids monitor water quality, discuss their findings with each other through teleconferences, and report to their local communities.

A new generation of software is proving far more effective than traditional programs, which are often little more than rote learning dressed up for the Digital Age. Take the Cognitive Tutor, developed by Carnegie Learning in Pittsburgh to teach algebra and geometry. The program uses artificial intelligence to determine what students understand and what they need to tackle next. Rather than drill kids on equations, it requires them to use algebra to solve real problems. Kids using Cognitive Tutor score higher on math tests than students in traditional algebra classes and are more than twice as likely to complete geometry and higher algebra.

Dot-coms may have soured the business world on the Internet's commercial potential, but schools are still experimenting with abandon. Teachers use the Net to collaborate on lesson plans. In some schools, e-mail is being harnessed to expand communication between teachers and parents. The Gates Foundation is helping pilot a new online system for testing kids more frequently and effectively. The goal is to turn today's cumbersome standardized tests into a just-in-time diagnostic tool that would

yield results instantly so teachers could address problems quickly. "In five years, we hope several states will have moved their entire testing system online," says the Foundation's Vander Ark.

Technology alone, like more choice or smaller schools, is no panacea for the ills of America's classrooms. But if deployed with the other reforms, it holds the promise of helping to close the yawning gap between schools in rich and poor communities. As with the other measures, it will take tremendous effort to adapt technology effectively. Doing so will require "a national mobilization...similar in scope...to bringing electricity and phone service to all corners of the nation," concluded the Congressional Web-based Education Commission last December. Those are good analogies for what it will take to implement all seven reforms outlined here. If the goal of "no child left behind" is a serious one, nothing less will suffice.

By William C. Symonds With Ann Therese Palmer in Chicago, Hilary Hylton in Austin, Tex., and bureau reports

Distributed to Committee
Via E-Mail
3/20/01

Subject: Helping students prepare for the HSGQE

Date: Mon, 19 Mar 2001 16:59:51 -0900

From: Nick Stayrook <nick@northstar.k12.ak.us>

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Karen McCarthy,

In regards to your question about what the Fairbanks North Star Borough School District has done to prepare students for the high school qualifying exam, I have collected the following points from our staff here in the district:

1. Aligned the curriculum with the content and performance standards
2. Provided staff development for teachers in a standards based approach to assessment and instruction
3. Summer school course is being offered to students who failed the exam
4. Provided tutors to work with students who are struggling with the test
5. Counselors have advised students to take geometry to prepare them to pass the math portion of the test
6. Worked with UAF to provide summer institutes for teachers which address standards
7. Provided workshops for teachers on test taking strategies
8. Provided copies of the practice exams to all sophomores and juniors and their teachers.

I am sure individual teachers in our high schools are also helping students to prepare for the exams in other ways not listed here, for example developing diagnostic pretests to determine areas in which the students need more work.

I hope this provides you the type of information you were seeking. If you have further questions, please contact us.

Nicholas Stayrook, Director
Program Planning and Evaluation
Fairbanks North Star Borough School District

Subject: URGENT! Please, don't cheat our children!

Date: Thu, 15 Mar 2001 21:01:35 -0900

From: Barbara Lefler <lefler@alaska.net>

To: Senator_Lyda_Green@legis.state.ak.us, Senator_Loren_Leman@legis.state.ak.us,
Senator_Jerry_Ward@legis.state.ak.us, Senator_Bettye_Davis@legis.state.ak.us,
Senator_Gary_Wilken@legis.state.ak.us, Representative_Con_Bunde@legis.state.ak.us,
Representative_Gretchen_Guess@legis.state.ak.us,
Representative_Joe_Green@legis.state.ak.us, Representative_Brian_Porter@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Fred_Dyson@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us,
Representative_Gary_Stevens@legis.state.ak.us,
Representative_Vic_Kohring@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Reggie_Joule@legis.state.ak.us

Dear Honorable Legislators,

We are parents of a student in the graduating class of 2002! Neal has an IEP. We are emphatically opposed to the language of SB 133.

If the 2% of the students who are developmentally disabled and have to take the alternative assessment want IEP diplomas, let them have it.

However, the other 98% of the students (including our son) with cognitive abilities want to be held to the same standard as their peers! Our children are capable of achieving if they are provided with an appropriate education. We parents already have to fight for our children's education. By taking away their high expectations and by stripping them of their rights to use state standards and benchmarks, there is no motivation for the schools to provide an appropriate education. We are tired of fighting. Please, don't cheat our children out of their right to achieve and graduate with their peers.

Sincerely,

Barb and Doug Lefler

Subject: HSQE

Date: Tue, 13 Mar 2001 11:09:37 -0900

From: adent <adent@alaska.net>

To: Representative_Con_Bunde@legis.state.ak.us

Dear Representative Bunde:

I am writing to urge you to stay the course regarding the High School Qualifying Exam. As the prime architect of the legislation which required this exam, yours is the voice which should be heard the loudest in its support. There is no valid reason to delay or modify the requirements or your bill. If the exam is delayed, it will be watered down or eliminated over time. Please do not let this happen. This legislation is the only thing currently on the table to hold our public school accountable for their product.

When the apologists for our public school industry began the campaign to delay or eliminate the HSQE, I wondered whether the exam was, in fact, too difficult. To find out, I went on-line and took the practice exam for the mathematics section. This seemed to be the area of greatest contention, and I felt reasonably confident that I would be able to pass the reading and writing exams if I had too. While I have always been intrigued by the language of mathematics, I have never been able to quite grasp its complexities. In high school (West Anchorage, class of 1972) I managed to struggle through the required classes. In college I managed to get through the required Business Calculus class on a pass/fail basis. In other words, I was no math whiz.

So, was the math test too hard? No! I passed with a score of 88%. There were some relatively difficult (for me) algebra questions on the exam, as its critics love to point out. As a matter of fact, these were the very questions I missed. The point is, you can miss the more difficult questions on the exam and still pass. You will still get your diploma even if you can't determine the slope of a line based on a simple equation.

As an employer, I would be very disappointed if I were to hire a purported graduate of a high school in Alaska (or anywhere else for that matter) and found that that person did not have the minimum skills which the HSQE requires. As a taxpayer in Anchorage I would also feel cheated that my property tax dollars, the bulk of which go to support our public schools, are being so terribly wasted.

Thank you for your efforts.

Mike Boots
adent@alaska.net
907-276-1558

February 5, 2001

Con --

Here are the notes from my conversation with Bruce Johnson re: the results of the Content Review Team's decision to adjust the content of the test.

Three background pieces of information:

- 1) The content review team cannot work over the summer because of teachers' summer scheduling difficulties. In addition, DoE gets most of the teachers to work on the Team for free, because the school districts pay for their salaries if the Team meets during the school year. In some cases, DoE picks up the tab for the substitutes.
- 2) The process is delayed because sophomores do not take the Fall tests. They need the widest possible group of test takers to validate the questions, so the test questions are tried out during the Fall test administration only.
- 3) Bruce Johnson believes that the Competency Test will be indefensible if there is not a delay because the Department's Content Review Team members want to change it.

Conversation in a nutshell:

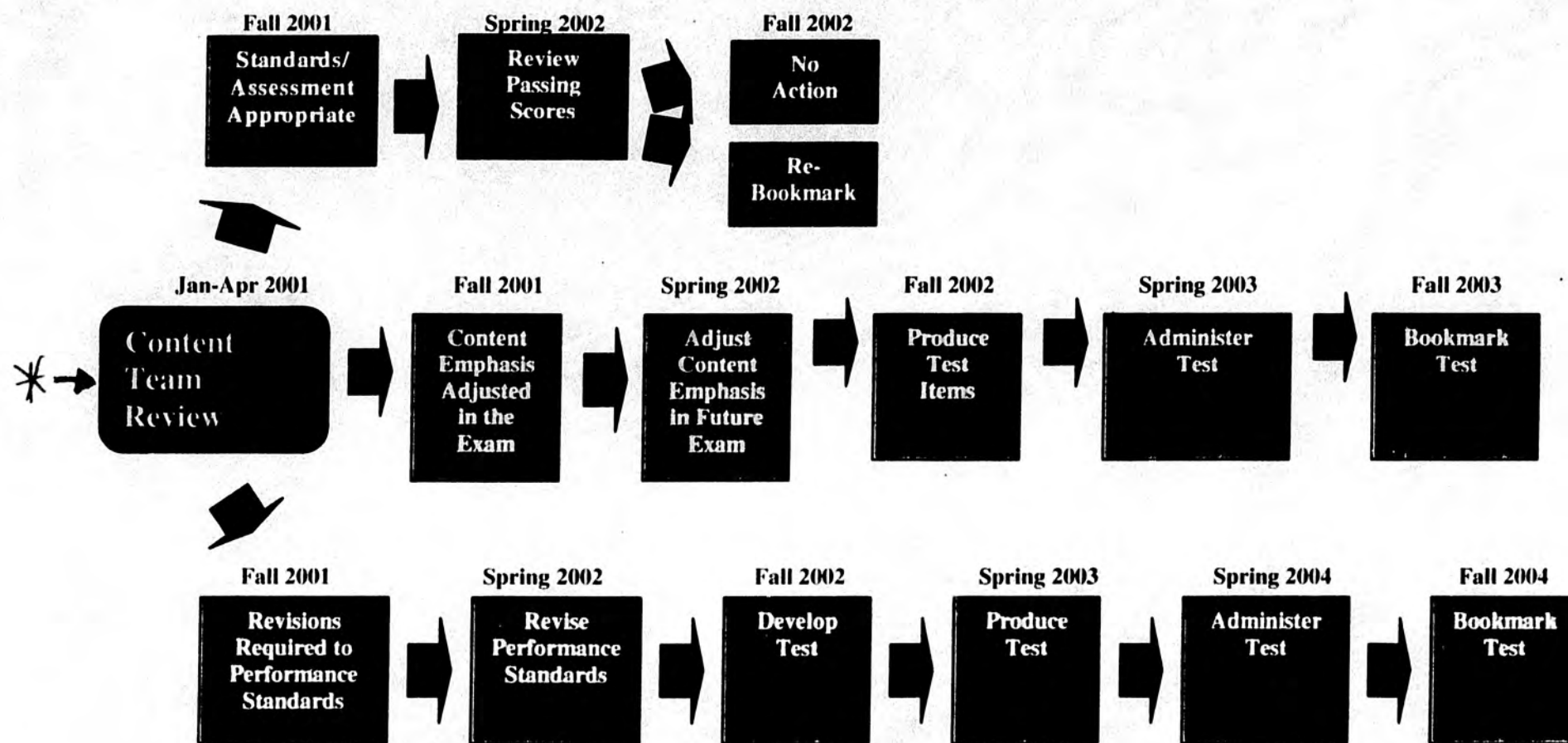
- 1) The Content Review Team (now with lots of businessmen and an essentially new team) has decided that they need to change the emphasis of which standards are tested most heavily on all three portions of the test.
- 2) They just met and will meet again in April. They will look at the standards and decide which standards will get many questions and which will not.
- 3) The State Board of Education will vote on the Review Team's recommendations in June.
- 4) In the Fall of 2001, they will determine the new emphasis of the standards through a series of meetings with Alaskans, then send their results to the publisher of the test.
- 5) In the Spring of 2002, the questions will come back from the publisher and there will be another meeting to tweak what they did. They will then send the approved changes back to the publisher.
- 6) In the Fall of 2002, nothing will happen because the new questions cannot be tried out.
- 7) In the Spring of 2002, the new test questions will be tried out. These new questions are embedded in the regular test, but are not graded. Those questions which many people get wrong are discarded. The Spring test is given in March. The results are available 90 days later (June).
- 8) In the Fall of 2003, the Content Review Team will be brought back together to bookmark new passing scores.

During the first drafting of the current test questions, the former Content Review Team picked good questions that went with the standards. This time, the current Content Review Team will identify the standards to be passed and then ask for questions to be developed from those standards.

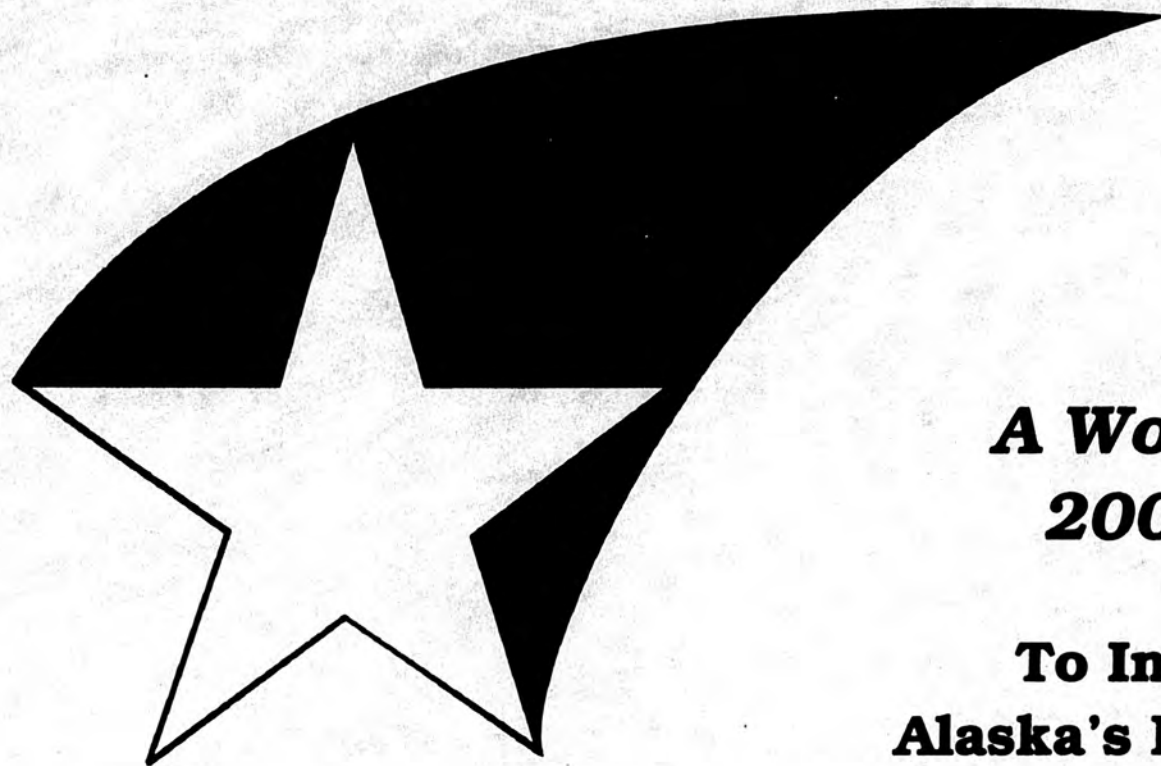
I asked if the current test is valid. Bruce Johnson said, "Yes." But then he asked if it tests the right skills. The test does what was intended, but now a different group has determined that some other questions should have been intended. So now, it is highly unlikely that the current test would be defensible in court because the Department hired people who want to change it.

Alaska Standards-Based Assessment Initiative

FRAMEWORK FOR CONTINUOUS RENEWAL



* Content Review Team's decision on the way to proceed.



***A Work Plan:
2002-2006***

**To Implement
Alaska's Public School
Accountability Initiative
For Improving
Student Achievement**

**Alaska Department of Education
& Early Development**

March 2001

A Work Plan: 2002-2006

For the State of Alaska and Alaska's Local School Districts For Effective Implementation of Alaska's Public School Accountability Initiative for Improving Student Achievement March 2001

The public schools of the State of Alaska have seized the challenge of the Quality Schools Initiative as legislated in 1997 and 1998. The challenge is no less than a complete overhaul of Alaska's public schools so that all students are able to meet higher academic standards. The challenge also requires school boards and school personnel to be accountable for student results.

This is an enormous undertaking, one quite different than Alaska's public schools have faced at any time in its history. We will not achieve this lofty goal tomorrow or next year. To reach the goal requires at every level a commitment to systemic and fundamental changes to our system of public schools. It requires much more than just fixing a high school exam. It also requires a deep commitment to adequately funding our schools in order to build the capacity of our teachers and principals to carry out this monumental goal. It will take until 2006 to complete all the tasks outlined in the attached work plan.

Every task in the work plan is driven by student achievement data obtained since the Alaska high school and benchmark exams were first administered in March 2000. From the data we have learned the State of Alaska and local school districts need to accomplish the following:

- Verify Student Standards, State Exams & Passing Scores
- Resolve Issue of Special Need Students
- Align Curriculum to State Reading, Writing & Math Performance Standards
- Upgrade & Align Performance Standards to Classroom Instructional Material
- Build Through Professional Development the Capacity of Teachers to Teach in Standards- and Data-driven Schools
- Build Through Professional Development Leadership Capacity for Superintendents & Principals to Administer in Standards- and Data-driven Schools
- Design & Implement Academic Intervention Strategies for Students Not Meeting Benchmark or High School Exam Standards
- Develop & Implement Core Courses in Small Schools with Expert Teachers in Reading, Writing & Math
- Identify School Models that Work in Alaska & Other States & Design Strategies to Assist Low- Performing Schools
- Strengthen Legal Validity of Alaska High School Graduation Qualifying Exam
- Build, Field Test & Implement School Designator System

Finally, every task in the work plan needs to be in place to ensure each student meets the higher standards and experiences success. Anything less does a disservice to our students and our system of public schools. It will also undermine the confidence Alaskans have in their public schools by placing unrealistic expectations on them without providing the necessary time and resources.

In summary, Alaska needs to complete each task outlined in the work plan. And we believe it will take until 2006, with appropriate funding, to do so. Only then will students be academically prepared to meet Alaska's new higher standards, take the high school test with confidence and do well.

A Work Plan: 2002-2006

To Implement Alaska's Public School Accountability Initiative For Improving Student Achievement
Department of Education & Early Development
March 2001

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Verify Student Standards, State Exams & Passing Scores	2002-2004	Review the high school standards and state exit exam. Review may lead to revised performance standards, revised test, and/or revised passing scores. Business community and high school students will be represented at every level of review process.	Secure volunteer, expert teachers and members of the business community to assist state in its review of high school exam.	Review began Feb. 2001. Some adjustment to test emphasis appears necessary to truly align exams with agreed upon foundational/essential skills.
	2002-2004	Review the benchmark examinations in grades 3, 6, and 8. Review might lead to revised performance standards, revised test, and/or different proficiency scores.	Recruit and secure volunteer, expert teachers to assist state in its review of benchmark exams.	Uses same review process as used for high school exam.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Resolve Issue of Special Need Students	2002-2004	Continue to work with special education community to determine fair and defensible approaches for ensuring special education students meet standards and are not left academically behind. Study, analyze and recommend to governor and legislature alternate approaches that effectively serve the students. Business community, parents of children experiencing disabilities and advocacy agencies will be represented in review process.	Assist state in developing a recommendation to the legislature regarding potential alternate routes to a high school diploma for special needs students.	Possible options: different diplomas and different routes leading to the same diploma. Delay in effective date would allow time for strategies to be determined.
	2002-2004	Determine whether to award alternate diplomas to special students, a) limited English proficient, b) special education, c) and transient students, such as military dependents and others who come to Alaska late in their high school careers. Statute amendment required.	Recruit volunteer experts to assist state to determine how to respond to the unique needs of special population students.	

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
	2004- Then Annually	Monitor and report to the legislature the effectiveness of agreed upon procedures for special population students.	Implement new procedures for special population students.	
Align Curriculum to State Reading, Writing & Math Performance Standards	2002-2004	Partner with organizations to produce prototype curricula aligned to the performance standards.	Align curriculum and lesson plans to state standards.	Funding vehicle may be 4 AAC 33.300-.330 (Quality Schools Grants). Requires increases in foundation program funding for five years.
Upgrade & Align Performance Standards to Classroom Instructional Material	2002-2006		Provide students with sufficient and up-to-date study materials that are aligned with performance standards.	A standards-based curriculum requires students to have appropriate classroom tools, such as new textbooks, software and other materials. This is recommended by the Governor's Task Force on School Funding. The recommendation requires an appropriation to ensure that instructional materials are matched to curriculum in a timely manner.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Build Through Professional Development the Capacity of Teachers to Teach to Standards	2002-2006	Secure expert teacher trainers to be available to schools on contract. Organize, train and deploy trainers.	Identify expert teachers, including state-supported Quality Schools Consultants, to train teachers in standards-based instruction.	Demand will grow as accountability system matures. Currently in operation and ongoing. Uses federal funds to assist financially.
	2002-2006	Create and implement Center for School Excellence for low-performing schools.	Low-performing schools identify, design and implement appropriate teacher training and school/community improvement plans.	Provides training for teachers in low performing schools. This is a recommendation of the Governor's Task Force on School Funding. Requires appropriation.
	2002-2006	Create partnerships with Alaska Staff Development Network and other agencies to train teachers to teach in standards-based schools	Identify teacher training needs and schedule teachers for specific training.	Many teachers have not received direct training on teaching in standards-based schools.
	2002-2006	Create partnerships with Alaska universities and colleges to train teachers to teach in standards-based schools.	Partner with universities to give university students opportunities to mentor in school districts.	Many college education students have not received training on teaching in standards-based schools.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
	2002-2004	Update and create new standards-based support materials for teachers, such as teacher guides, practice tests, test procedure manuals, and participation guidelines for special need students to help prepare students for the high school and benchmark exams	Review and advise the state in the development of standards-based support materials. Train teachers how to effectively use state-developed support materials	
Build Through Professional Development Leadership Capacity for Superintendents and Principals to Administer Standards-Based Schools	2002-2006	Participate with Alaska universities, colleges and leadership training organizations to ensure that programs offered are research-based	Collaborate, plan and host with the state and various training institutions school-leaders- in-training for development of practical experiences designed to reflect the best practices toward improving student achievement. Review and advise the state in the development of standards-based support materials. Train school administrators how to effectively use state-developed support materials	The development of quality school leaders is a complex undertaking that requires partnerships to be effective.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Design & Implement Academic Intervention Strategies for Students Not Meeting Benchmark or High School Exam Standards	2002-2004	Gather and analyze data to determine why some schools are not demonstrating improvements in student performance	Analyze student achievement data and target specific areas for improvement. Implement strategies that are proven to work.	Some data will be provided by Opportunity to Learn surveys administered to teachers and students with state exams.
	2002-2006	A student data unit within the proposed EED Center for School Excellence would track individual student performance.	Identify low-performing students early in their schooling. Seek partnerships with other agencies, including assistance from the Center for School Excellence, to develop and implement intervention strategies.	Focus interventions on students who have not passed benchmark or high school exams, and who need intervention based on developmental profiles conducted for each child in kindergarten or first grade. This is a recommendation of the Governor's Task Force on School Funding. Appropriation required over five years.
	2002-2006	Give school districts appropriate additional resources to develop and implement student intervention strategies.	Develop and implement intervention activities, such as summer school, tutoring, after school studies, etc. for students who are not meeting standards.	This is a recommendation of the Governor's Task Force on School Funding. Appropriation required.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Develop & Implement Core Courses in Small Schools with Expert Teachers in Reading, Writing & Math	2002-2006	Create highly trained reading, writing, and math teachers in small high schools through distance delivered courses in reading, writing and math.	Plan and implement courses in reading, writing and math that target special skills utilizing distance delivery.	This program is for schools with populations of 50 students and below. This is a recommendation of the Governor's Task Force on School Funding, and would require an appropriation.
Identify School Models that Work in Alaska & Other States & Design Strategies to Assist Low-Performing Schools	2002-2006	Create a Center for School Excellence. Appropriation required for five years. Statutory authorization possibly required.	Identify low-performing students early in students' schooling. Require districts to develop improvement and intervention plans that include assistance from the Center for School Excellence and other agencies.	Provides technical help for teachers in low performing schools. This is a recommendation of the Governor's Task Force on School Funding and would require an appropriation.
Strengthen Legal Validity of Alaska High School Graduation Qualifying Exam	2002-2006	Give students the opportunity to complete the sequence of benchmark examinations in grades 3, 6, and 8 before they face the high school exam	Administer the benchmark examinations according to state procedures in grades 3, 6, and 8 before students face the high school exam and provide needed intervention activities	Class of 2006 will have the opportunity to take the grades 6 and 8 benchmark exams and receive academic interventions as needed.

Category	Time Frame	State Responsibility	School District Responsibility	Discussion
Build, Field Test & Implement School Designator System	2001-2003	Develop, field test and implement a system to designate schools as distinguished, successful, deficient or in crisis.	Volunteer and cooperate in development, field testing and implementation of school designator system.	As mandated in AS 14.03.123.
	2003-2006	Designate schools as distinguished, successful, deficient or in crisis. Identify low-performing schools, require improvement plans and legislated partnership with the State Board of Education & Early Development.	Recognize the school designator system as a part of the state's total school accountability system and require low-performing schools to develop and evaluate improvement plans that address identified areas of need.	Continuous review cycle of high school and benchmark exams, and 2006 high stakes timeline will give more reliable data appropriate to ranking of schools.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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(800) 892-4843 (907) 465-4843 (phone)
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Representative_Con_Bunde@legis.state.ak.us

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

MEMORANDUM

DATE: March 12, 2001
TO: House Special Committee on Education
FROM: Representative Con Bunde, Chair
RE: School District Alignment Information

Last year, the State of Alaska appropriated \$6.1 million for Learning Opportunity Grants and \$3.35 million for Quality School Grants.

I have received the following information from Dr. Richard Smiley, Director of Assessment at the Department of Education regarding school districts' efforts to align their curriculum to the State Performance Standards.

In February of 1999, the first Quality School Grants were provided to all school districts. By applying for and accepting those grants, districts were obligated to adopt the Performance Standards and have a plan for aligning their curriculum to those standards. The application deadline was December of 1999. Grant applications began arriving at DoE in the summer of 1999.

The following information comes from Bev Smith, of the Division of Teaching and Learning Support:

We do not have a definitive listing of districts that have, are, or will be aligning their curricula to state standards. We do, however, see "curriculum alignment" listed as an activity, for some districts, in state and federal grant applications and reports.

For example, in the FY2000 Quality Schools Grant reports, we noted that 6 districts used Quality Schools Grant funds to align curriculum. In FY2001, 2 districts proposed using these funds for curriculum alignment. Another 6 districts, in FY2001, proposed using these funds to improve instruction, activities, and assessments to better align with the Alaska standards.

Also, in the Title II Eisenhower Professional Development grant applications, we noted that 9 districts proposed using these funds to align curriculum and 19 proposed using the funds to implement standards-based instruction in the classroom. To make alignment truly effective, it must occur not only on the district curriculum level, but in individual classrooms as well, involving teaching methods, student activities, and assessments.

We do not know, however, if the funds used in these grants were sufficient to complete the alignment to state standards in all curricular areas. It should be noted that districts may use any of the state funding and several sources of federal funding for the purpose of aligning curriculum. The examples cited above for the Quality Schools Grant and Title II Eisenhower Professional Development Grant do not represent all of the curriculum alignment activities occurring in the state.

I can also report that department staff often receives requests to come out to districts/schools to help staff align curriculum in a variety of standards' areas. Department staff provides this assistance directly or identifies someone else to assist.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Brian Porter
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Reggie Joule
Gretchen Guess

MEMORANDUM

DATE: March 12, 2001

TO: House Special Committee on Education

FROM: Representative Con Bunde, Chair *Con Bunde*

RE: Other States' Accommodations for Special Needs Students

My intern, Lola Savatgy, has researched and prepared the attached information for you on test accommodations in other states. I hope that you find it useful. When she has concluded her research on whether any states with High School Competency Tests have been sued with regard to their provisions for students with special needs, I will distribute that information to you.

States with accommodations for special needs students:

Alaska

Arizona

Does not require IDEA students to pass a subtest (reading, writing and math) whose IEP specifies "out-of-level-testing". This applies only to specific subtest or subtests requiring out-of-level testing in order to get a diploma.

California

All exceptional students must pass the exam to get a diploma, including students with IEP or 504 plan.

Florida

All students are held to the standards, including special education and LEP students. Accommodations are allowed.

Massachusetts

Accommodations for students with disabilities, defined as students with IEP's or 504 plan. Accommodations must be in accordance with IEP or 504 plan. Also this state has an alternate assessment.

Minnesota

Students with special needs may meet the standards at an individual level according to the requirements of their IEP or 504 plan. Special accommodations that will not alter the validity of the standards assessments are available.

Nevada

Special education students can request a waiver from the exam. If the waiver is approved, they can get a diploma stating that they met all high school requirements except the competency exam.

New Jersey

IDEA students are entitled to participate in the exam if they are required to take the high school proficiency test. Students whose IEP's state that they are exempt from the proficiency are also exempt from the exam process. Any modifications or accommodations must be specified in the students IEP's or 504 plans. The decisions are made based on the students needs.

New Mexico

Students can participate through an accommodated administration of the exam, which is based on their IEP, or an alternate assessment based on special education guidelines.

North Carolina

Students with disabilities shall participate in the exam; however, they may be exempted from statewide standards by IEP team determinations. The students may receive a certificate of achievement or graduation certificate.

Ohio

Students with IEP must take the test but with accommodations.

Texas

Students must take the test but with accommodations. Alternate assessments required for students who cannot take the test with out modifications. An alternative assessment is expected to become a part of the school accountability system in the year 2002-2003 school year.

Indiana

Special education students receive similar accommodations they receive on IEP's. But special education students have the same three routes to a diploma as regular students.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Brian Porter
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Reggie Joule
Gretchen Guess

MEMORANDUM

DATE: March 12, 2001
TO: House Special Committee on Education
FROM: Representative Con Bunde, Chair *C Bunde*
RE: Alaska G.E.D. Requirements

There have been some inquiries about the requirements for accommodations provided to learning disabled and physically disabled people who take the General Education Development (G.E.D.) test. I have contacted Amy Iutzi-Mitchell, ABE/GED State Director at the Department of Labor, to obtain the following information.

- Accommodations may be provided to applicants who are learning disabled and/or physically disabled. Information regarding accommodation policies and procedures is attached.
- Doctors and other diagnosticians must fill out portions of the accommodation application. They may make suggestions for which of the available accommodations should be provided.
- Possible accommodations include tests in Braille, audio tapes, large print tests with extended time, and extended time for standard print. Scribes are available for physically disabled test takers on the essay portion.
- The accommodation application goes through an approval process. There is also an appeals process for those who disagree with the determination.
- Accommodations are not noted on a G.E.D. diploma.

Other information about the G.E.D. --

- There are five multiple-choice tests -- writing, social studies, science, literature and math. The writing test also has a written essay requirement.
- The federal government sets the average cut standard score at 45 points. Please note that this is an average of the standard scores from all five tests. States set the minimum standard score for each test in the battery. In Alaska, the minimum score is 40 points. That means a tester can go as low as a 40 standard score on an individual test as long as other tests bring the standard score average to 45 or higher.
- The G.E.D. tests are standardized using a national sample of graduating high school seniors. It is not meant to encourage students to leave high school for an "easy out".

- The 45 standard score average is attained by 67% of the graduating high school seniors who take the test for the national study. That means that 33% of the graduating high school seniors participating in the study do not achieve scores high enough to pass the G.E.D.
- The math section is composed of multiple choice word problems. Questions are divided into 50% arithmetic, 30% algebra, and 20% geometry. Of the arithmetic section, 30% is measurement, 10% is numerical relationships, and 10% is data analysis.
- All branches of the military will accept people who have earned a G.E.D. if they need personnel. The gate opens and closes depending on need.
- A new edition of the G.E.D. tests is being developed and will be used beginning in January of 2002. The literature section (which currently includes poems and plays) will be changed to include material more commonly encountered by adults. The math test will also be changed somewhat to be geared to common, practical math skills, and a calculator will be allowed on one section of the math test.
- By Alaska Statute, a 16-17 year old may take the G.E.D. test under certain conditions, including parental approval or legal emancipation, and withdrawal from school.
- Ms. Iutzi-Mitchell's experience (eleven years as a high school English teacher and eleven years working in Adult Basic Education Programs that prepare students for the G.E.D. tests) shows her that a 16-17 year old who is having trouble with the High School Competency Test may also have trouble with the G.E.D. She has seen that those who have gained some maturity test more successfully.

I have attached some material from the G.E.D. manual that was provided by Ms. Iutzi-Mitchell. If you have any specific questions, please contact her directly.

Alaska Department of Labor and Workforce Development

*Employment
Security Division*

FACT SHEET

GENERAL EDUCATIONAL DEVELOPMENT (GED) TESTING Test Administration Procedures for Adults with Disabilities

BACKGROUND:

The General Educational Development Testing Service (GED) is administered through the American Council on Education. The Commission on Adult Learning and Educational Credentials of the American Council on Education establishes the policies and procedures for the administration of the GED Tests. The GED Testing Service is located at One Dupont Circle NW, Suite 250, Washington, DC.

GED Testing Service operates under the policy that not all individuals can be fairly tested under standard administrations of the regular print editions of the GED Tests. In such cases, accommodated administrations may be arranged at the request of the candidate and with the approval of the Chief Examiner and the GED Administrator. In these instances, use of the nonstandard editions or modifications of the standard administration procedures are permitted in accordance with guidelines developed by the GED Testing Service staff.

The American Council on Education believes that every candidate should have a fair opportunity to demonstrate his or her knowledge and skills under appropriate test conditions. For some candidates a disability may interfere. This may be due to a learning disability, physical disability, mental disability, and/or attention-deficit/hyperactivity disorder.

When such disabilities are documented using the designated GEDTS form (Form L-15 and/or Form SA-001) and approved by the GED Administrator, the GED Chief Examiner must arrange to test the candidate with the approved accommodations.

ACCOMMODATIONS AVAILABLE:

In addition to the regular print editions, the GED Tests are available in U.S. and Canadian English-language audiocassette, Braille, and large print editions. The

non-standard editions are adapted for candidates with impaired vision, but they can also be used appropriately for candidates with other physical and learning disabilities.

Other accommodations include: extended time, private testing room, frequent breaks, a certified sign language interpreter, a scribe who records the answers to multiple-choice questions or the essay as dictated by the testing candidate, or use of a calculator.

PROCEDURES FOR REQUESTING ACCOMMODATIONS:

1. Test candidate submits Form L-15 or SA-001 to GED Chief Examiner.
2. GED Chief Examiner determines that documentation is complete on Form L-15 or SA-001.
3. GED Chief Examiner forwards Form L-15 or SA-001 to GED Administrator for the initial screening review.
4. GED Administrator informs GED candidate of approval, nonapproval, and/or a request for further information or an update to existing information.
5. When further information is presented, the Administrators send a letter of approval or nonapproval, or submit the request to GEDTS for an expert review.
6. A clinical case review is available for those cases that do not fit the GEDTS model. An appeals panel review is available for any request that has been denied at the state or national level.

REQUIREMENTS FOR ACCOMMODATIONS:

1. Professionals certified to document the need for accommodations include medical doctors, psychologists, and educational diagnosticians. The professional must be certified and licensed in a discipline relevant to the disability.
2. Statement or test results must be attained from the professional attesting to the cognitive potential of the candidate requesting accommodation.
3. A statement must be attained from the professional stating how the disability currently, significantly, and negatively affects the candidate's academic achievement.
4. A statement must be attained from the professional of how the accommodation(s) requested meets the needs of the identified disability.

SUCCESSFUL COMPLETION OF GED TESTS WITH ACCOMMODATIONS:

The GED graduate who successfully completes the GED tests with accommodations receives the same diploma as a tester who does not have accommodations.

REQUEST FOR SPECIAL ACCOMMODATION IN GED TEST ADMINISTRATION FOR CANDIDATES WITH PHYSICAL OR EMOTIONAL DISABILITIES

To: GED Administrator

CENTER ID NUMBER		CHIEF EXAMINER	DATE
CENTER NAME			
ADDRESS			
CITY	STATE/PROVINCE/TERRITORY		ZIP/POSTAL CODE
TELEPHONE NUMBER	FAX NUMBER	PROPOSED TESTING DATE	
CANDIDATE NAME		SOCIAL SECURITY/SOCIAL INSURANCE NUMBER	
ADDRESS			
CITY	STATE/PROVINCE/TERRITORY		ZIP/POSTAL CODE
TELEPHONE NUMBER	DATE OF BIRTH		

I grant permission for the release of my medical or psychological records to verify this accommodations request.

CANDIDATE'S SIGNATURE	GUARDIAN'S SIGNATURE (IF APPLICABLE)	DATE
I. Certifying Professional: I certify that I am licensed to diagnose and treat the disability specified below:		
NAME OF CERTIFYING PROFESSIONAL (TYPE OR PRINT)	SIGNATURE:	
DATE	TELEPHONE NUMBER	FAX NUMBER
LICENSE TYPE:		LICENSE NUMBER:

II. Basis for Request: Define condition(s) that make modification to standard testing procedure necessary and describe the modification(s) that you propose. Attach any supporting documents. Continue on back of page if necessary.

A: Condition

VISUAL IMPAIRMENT — DESCRIBE:	HEARING IMPAIRMENT — DESCRIBE:
MOBILITY IMPAIRMENT — DESCRIBE:	DSM IV CODE:
OTHER — DESCRIBE:	

B: Modification

- | | | |
|--|---|------------------------------------|
| ☐ EXTENDED TIME; _____ (specify; i.e., 1.5x, 2x, etc.) | ☐ LARGE PRINT EDITION | ☐ PRIVATE ROOM |
| ☐ BRAILLE EDITION | ☐ AUDIOCASSETTE EDITION | ☐ SCRIBE |
| ☐ CALCULATOR/TALKING CALCULATOR | ☐ PRINTED TEST INSTRUCTIONS | |
| ☐ INSTRUCTIONS INTERPRETED FOR DEAF CANDIDATE | ☐ SUPERVISED FREQUENT BREAKS | |
| ☐ OTHER; DESCRIBE BELOW: | ☐ OFF-SITE TESTING; DESCRIBE BELOW: | |

IV. Approval by State, Provincial, or Territorial GED Administrator

☐ APPROVED ☐ NOT APPROVED FOR:	SIGNATURE, GED ADMINISTRATOR	DATE
--	------------------------------	------

EXAMINER

GED CANDIDATE

CERTIFYING PROFESSIONAL

GED USE
ONLY

FORM L-15: Accommodation Request for Learning Disabilities and/or Attention-Deficit/Hyperactivity Disorder



PART I: INFORMATION

SECTION A:

GED EXAMINER

To the GED Chief Examiner: It is important that all requested information in this section be filled in by you before you give the form to the GED candidate. Sign line 7, however, only after the form has been completed. Before you sign, review the checklist on page 7 to ensure ALL needed information is provided. Missing information means the form will be returned, slowing the candidate's request. When you have signed, forward Form L-15 to your state, provincial, or territorial GED Administrator for review.

1. Chief Examiner: _____
2. Center ID Number: _____
3. Center Name: _____
4. Address: _____ City: _____
State/Province/Territory: _____ ZIP/Postal Code: _____
5. Telephone Number: () _____ Fax Number: () _____
6. Proposed Testing Date: _____ E-mail: _____
7. I have reviewed this application and find it complete.

GED Chief Examiner's Signature

Date

SECTION B:

GED CANDIDATE

To the GED Candidate: Make certain that you fill in each section completely and that you sign the release of information on line 6. Your GED Chief Examiner can help with this form but you are your own best advocate. Make certain each person indicated completely fills in the needed information. If you are under 18, your parent or guardian must sign on line 6 as well. Return the form to the Chief Examiner of your GED Testing Center at least one month before your desired testing date.

1. Candidate's Name: _____
2. Telephone Number: () _____
3. SSN (Social Insurance Number): _____
4. Date of Birth/Age: _____
5. Address: _____ City: _____
State/Province/Territory: _____ ZIP/Postal Code: _____
6. **Release of Information:** I grant permission to release my medical or psychological records to the GED Testing Service and its designees to document my request for accommodation. If the candidate is under 18 years of age, a parent or guardian's signature is also required.

Candidate's Signature

Parent or Guardian's Signature (if appropriate)

Date

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Central Microfilm Services
Department of Education & Early Development
State of Alaska

REQUEST FOR SPECIAL ACCOMMODATION IN GED TEST ADMINISTRATION FOR CANDIDATES WITH PHYSICAL OR EMOTIONAL DISABILITIES

To: GED Administrator

CENTER ID NUMBER

CHIEF EXAMINER

DATE

CENTER NAME

ADDRESS

CITY

STATE/PROVINCE/TERRITORY

ZIP/POSTAL CODE

TELEPHONE NUMBER

FAX NUMBER

PROPOSED TESTING DATE

CANDIDATE NAME

SOCIAL SECURITY/SOCIAL INSURANCE NUMBER

ADDRESS

CITY

STATE/PROVINCE/TERRITORY

ZIP/POSTAL CODE

TELEPHONE NUMBER

DATE OF BIRTH

I grant permission for the release of my medical or psychological records to verify this accommodations request.

CANDIDATE'S SIGNATURE

GUARDIAN'S SIGNATURE (IF APPLICABLE)

DATE

I. Certifying Professional: I certify that I am licensed to diagnose and treat the disability specified below:

NAME OF CERTIFYING PROFESSIONAL (TYPE OR PRINT)

SIGNATURE:

DATE

TELEPHONE NUMBER

FAX NUMBER

LICENSE TYPE:

LICENSE NUMBER:

II. Basis for Request: Define condition(s) that make modification to standard testing procedure necessary and describe the modification(s) that you propose. Attach any supporting documents. Continue on back of page if necessary.

A: Condition

VISUAL IMPAIRMENT — DESCRIBE:

HEARING IMPAIRMENT — DESCRIBE:

MOBILITY IMPAIRMENT — DESCRIBE:

DSM IV CODE:

OTHER — DESCRIBE:

B: Modification

- ☐ EXTENDED TIME; _____ (specify: i.e., 1.5x, 2x, etc.)
☐ BRAILLE EDITION
☐ CALCULATOR/TALKING CALCULATOR
☐ INSTRUCTIONS INTERPRETED FOR DEAF CANDIDATE
☐ OTHER; DESCRIBE BELOW:

- ☐ LARGE PRINT EDITION
☐ AUDIOCASSETTE EDITION
☐ PRINTED TEST INSTRUCTIONS
☐ SUPERVISED FREQUENT BREAKS
☐ OFF-SITE TESTING; DESCRIBE BELOW:

- ☐ PRIVATE ROOM
☐ SCRIBE

IV. Approval by State, Provincial, or Territorial GED Administrator

☐ APPROVED ☐ NOT APPROVED FOR:

SIGNATURE, GED ADMINISTRATOR

DATE

EXAMINER

GED CANDIDATE

CERTIFYING PROFESSIONAL

GED USE
ONLY

REQUEST FOR SPECIAL TESTING: CANDIDATES WITH PHYSICAL DISABILITIES

Date: _____

Regarding: _____

CERTIFYING PROFESSIONAL

FORM L-15: Accommodation Request for Learning Disabilities and/or Attention-Deficit/Hyperactivity Disorder



PART I: INFORMATION

SECTION A:

GED EXAMINER

To the GED Chief Examiner: It is important that all requested information in this section be filled in by you before you give the form to the GED candidate. Sign line 7, however, only after the form has been completed. Before you sign, review the checklist on page 7 to ensure ALL needed information is provided. Missing information means the form will be returned, slowing the candidate's request. When you have signed, forward Form L-15 to your state, provincial, or territorial GED Administrator for review.

1. Chief Examiner: _____
2. Center ID Number: _____
3. Center Name: _____
4. Address: _____ City: _____
State/Province/Territory: _____ ZIP/Postal Code: _____
5. Telephone Number: () _____ Fax Number: () _____
6. Proposed Testing Date: _____ E-mail: _____
7. I have reviewed this application and find it complete.

GED Chief Examiner's Signature

Date

SECTION B:

GED CANDIDATE

To the GED Candidate: Make certain that you fill in each section completely and that you sign the release of information on line 6. Your GED Chief Examiner can help with this form but you are your own best advocate. Make certain each person indicated completely fills in the needed information. If you are under 18, your parent or guardian must sign on line 6 as well. Return the form to the Chief Examiner of your GED Testing Center at least one month before your desired testing date.

1. Candidate's Name: _____
2. Telephone Number: () _____
3. SSN (Social Insurance Number): _____
4. Date of Birth/Age: _____
5. Address: _____ City: _____
State/Province/Territory: _____ ZIP/Postal Code: _____
6. **Release of Information:** I grant permission to release my medical or psychological records to the GED Testing Service and its designees to document my request for accommodation. If the candidate is under 18 years of age, a parent or guardian's signature is also required.

Candidate's Signature

Parent or Guardian's Signature (if appropriate)

Date

To the Documenting Professional:

- It is important to the candidate's request for accommodations that (1) all sections be completed; (2) those certified or licensed to diagnose learning disabilities and/or attention-deficit/hyperactivity disorder (ADHD) make these diagnoses; and (3) those making a diagnosis have a minimum of two years experience working with adolescents or adults with learning disabilities and/or ADHD.
- A **certifying advocate** may be the assessment specialist (i.e., the psychologist, educational specialist, or others providing diagnosis). The certifying advocate also may be a person not involved with assessment. Such certifying advocates will transfer information contained in the psychological, educational, or other reports that may accompany a request for accommodations. For example, an advocate may transfer the scores given in a psychological report to Form L-15. In signing this section, the certifying advocate affirms that s/he adheres to the *Code of Professional Responsibilities in Educational Measurement* (National Council on Measurement in Education. Washington, DC: 1995).
- A **certifying professional** (e.g., a psychologist or psychiatrist) must be certified or licensed to diagnose learning disabilities and/or ADHD. Comprehensive training and direct experience with adolescent and adult populations is required. Professional credentials of the evaluator, including licensure and certification, are required in compliance with state licensure policies and policies of test production companies that limit administration of certain tests to those with advanced training.
- The GED Testing Service uses a common preferred practices model of documentation that derives from the U.S. Department of Education's definition of a learning disability in compliance with the 1990 Americans with Disabilities Act (ADA). This means that (1) the candidate should have the ability to pass the tests; (2) the candidate has a significant processing deficit that substantially limits his or her potential to demonstrate that ability on the GED Tests; and (3) substantial impairment of educational achievement is not primarily due to mental retardation, emotional factors, or cultural factors.
- A **standard score** discrepancy model is used. This means that information needs to be provided in standard score format. Measure of ability and achievement must be reported as standard scores (i.e., they are reported with a mean of 100 and a standard deviation of 15 in most cases).
- Initial approval decisions are based on the information provided in Form L-15. The form must be carefully completed. Supporting reports will be maintained in secured files to be used only in a case of clinical review.
- Complete psychological and educational reports attached to Form L-15 are used for clinical reviews.
- All **incomplete forms** will be returned to the GED Chief Examiner and to the candidate with a description of what information is missing.

Certifying Advocate:

The certifying advocate may be someone other than the assessment professionals. The certifying advocate can attest to the needed information by referring to the professional's reports (i.e., those of the educational specialist, the psychologist, or others).

1. Name of Certifying Advocate (please print): _____

2. Employment of Certifying Advocate: _____

3. Education of Certifying Advocate (highest degree earned): _____

4. Years of Experience with Late Adolescents/Adults Who Have Learning Disabilities: _____

5. Statement of Diagnosis:

I certify that documentation presented is evidence of _____ that requires the accommodations requested. (provide disability category here)

Signature

Telephone Number

Date

PART II: DISABILITY FOR WHICH ACCOMMODATION IS REQUESTED

Certifying professional, please identify the documented disability. There may be more than one.

Section A: Specific Learning Disabilities (check all that apply)

- ☐ Reading Disability (e.g., dyslexia)
- ☐ Math Disability (e.g., dyscalculia)
- ☐ Written Language Disability (e.g., dysgraphia)
- ☐ Other (please specify) _____

Section B: Attention-Deficit/Hyperactivity Disorder (ADHD)

ADHD, in general, is not thought to be a learning disability. It often coexists with learning disabilities. Therefore, ADHD is included on Form L-15. While ADHD is often defined as a chronic disorder, some ADHD symptoms may not persist in adulthood. Current diagnosis, therefore, is also required. Requests for accommodation based on ADHD coexisting with a learning disability must provide documentation for *both* conditions.

For the Certifying Professional:

To receive accommodations for ADHD, the current existence of ADHD must be clearly documented. Documentation must include a letter on official letterhead, signed by a psychiatrist, medical doctor, or psychologist who specializes in the diagnosis of ADHD, stating the diagnosis of ADHD and providing supporting diagnostic evidence of this disability. Diagnostic evidence may include a developmental history that defines symptom onset, specific computerized tests of attention such as the TOVA Gordon Diagnostic Battery or the CPT (Connors' Continuous Performance Test), and clear evidence that the candidate is otherwise qualified or has the cognitive potential to be successful on the GED Tests. Most often this will be demonstrated by test scores such as those given by the WAIS-R, WAIS-III, or Stanford-Binet IV. Information presented must also clearly document how the ADHD substantially limits the candidate's current documented educational achievement and what relevant accommodations are needed. Further, the documentation must confirm that the ADHD symptoms are not due to other psychiatric

(continued)

diagnoses alone, such as Depressive Illness, Bipolar Disorder, or Anxiety Disorder. These diagnoses are accommodated on GED Testing Service Form SA-001. A DSM-IV diagnosis must be included with the certifying professional's signature attesting to the diagnosis of ADHD.

DSM-IV Diagnosis: 314.

314.01 Attention-Deficit/Hyperactivity Disorder Combined Type

314.00 Attention-Deficit/Hyperactivity Disorder, Predominantly Inattentive Type

314.01 Attention-Deficit/Hyperactivity Disorder, Predominantly Hyperactive-Impulsive Type

314.9 Attention-Deficit/Hyperactivity Disorder, Not otherwise specified

DSM-IV (Diagnostic and Statistical Manual-Fourth Revision) Diagnosis: _____

Name of Professional Making Diagnosis: _____

Telephone Number: () _____ Date of Assessment: _____

Licensure or Certification: State/Province: _____ Number: _____ Specialty: _____

PART III: DOCUMENTATION

SECTION A: CLINICAL CASE HISTORY ON FILE?

No: _____ Yes: _____ Date of assessment: _____

SECTION B: MEASUREMENT OF POTENTIAL OR INTELLIGENCE

The Wechsler Scales of Intelligence (WISC-III, WAIS-R, WAIS-III) and Stanford-Binet IV are preferred. To support or clarify these results, other measures of cognitive potential may be used. These could include tests such as the PPVT-III, Ravens, TONI, WJ-R/Cognitive, KBIT, KAIT, etc. These additional tests, however, may not be used as the primary measure of overall potential.

Test Scores

Date of Assessment: _____

Test Used: ☐ WISC-III ☐ WAIS-R (accepted until 01/01/2000) ☐ WAIS-III ☐ Stanford-Binet IV

Verbal IQ: _____ Performance IQ: _____ Full Scale IQ: _____

WAIS-III Index Scores (if applicable):

Working Memory (WMI) _____ Processing Speed (PSI) _____

Perceptual Organization (POI) _____ Verbal Comprehension (VCI) _____

Subtest Scaled (i.e., Standard) Scores (mean of 10 with range of 1-19):

Information _____

Digit Span _____

Vocabulary _____

Arithmetic _____

Comprehension _____

Similarities _____

Letter-number _____

Sequencing _____

Picture Completion _____

Picture Arrangement _____

Block Design _____

Object Assembly _____

Digit Symbol _____

Coding (WISC-III) _____

Matrix Reasoning (WAIS-III) _____

Symbol Search _____

If prorated IQs are used, please explain the need to prorate: _____

Other supporting documentation: Identify supporting tests used and provide standard scores:

Psychological Diagnostician: This may be the certifying professional, or the certifying advocate may provide the needed information from the report of the psychologist. Psychologists must indicate certification or licensure. This information should be on their report. If not, it should be requested.

1. Name of Psychologist: _____
2. Telephone Number: () _____ Fax Number: () _____
3. Highest Degree and Area of Specialization: _____
4. License Number: _____ 5. Expiration Date: _____ 6. State/Province: _____

NOTE: Discrepancies between ability and achievement are part of the documentation of LD/ADHD.
Indicate model used: ☐ standard score ☐ regression

SECTION C: MEASUREMENT OF CURRENT ACADEMIC ACHIEVEMENT (STANDARD SCORES)

Date of Assessment: _____ **Test of Achievement Used:** _____
The WJ-R or WIAT are preferred. Others may be used for support only (e.g., WRAT III).

Current Achievement: (include Standard Scores)

Broad Reading: _____

Word Identification _____

Comprehension _____

Broad Math: _____

Calculation _____

Applied Problems _____

Broad Written Language: _____

Dictation _____

Writing Sample _____

Broad Knowledge: _____

Skills _____

Other _____

Other supporting educational documentation: Identify tests used and provide standard scores: _____

Educational or Psychological Diagnostician: This may be the certifying professional or it may be a person who did the educational assessment. Area of specialization and certification may not always be available.

1. Name of Educational Specialist: _____

2. Telephone Number: () _____ 3. Years of Experience: _____

4. Highest Degree and Area of Specialization: _____

5. Certification: _____ 6. Expiration Date: _____ 7. State/Province: _____

PART IV: ACCOMMODATIONS

SECTION A:

SPECIFIC INTERVENTIONS

What accommodations have been used effectively in the past? *For those who are newly diagnosed, this section may be left blank.* _____

SECTION B:

STATEMENT OF NEEDED ACCOMMODATIONS

What evidence leads you to the conclusions that the applicant has a disability? Why are the particular accommodations you have requested necessary for fair testing? How do they relate to the disability? _____

Accommodation(s)

- ☐ Large Print with Extended Time (*specify amount*) _____
- ☐ Extended Time (*e.g., 1 1/2x or specify additional units of time*) _____
- ☐ Audiocassette (tone indexed)
- ☐ Scribe
- ☐ Calculator
- ☐ Private Room
- ☐ Supervised Breaks (*specify the number of breaks and units of time on and off*) _____
- ☐ Other _____

CHECKLIST

GED Examiner:

- ☐ Complete all portions of Part I, Section A
- ☐ Provide the GED candidate with guidance in completing Form L-15, and ensure that the candidate understands the process

GED Candidate:

- ☐ Complete all portions of Part 1, Section B
- ☐ Sign form on line 6 of Part 1, Section B
- ☐ Obtain needed information from certified professionals
- ☐ Return signed form to GED Chief Examiner or your advocate

Certifying Professional:

- ☐ Provide all information needed in Part I, Section C, and Parts II, III & IV
- ☐ Sign form and report, if attached

The GED Testing Service considers a qualified candidate to be one who can perform the essential functions of the GED Tests (i.e., higher level thinking skills, core area subject knowledge, and mastery of written language). A qualified candidate for reasonable accommodations must have a reasonable chance of performing the essential functions of the GED Tests.

The GED Tests take approximately 7 hours and 35 minutes to take under standard conditions. The tests consists of five multiple-choice subtests and a timed essay on an assigned topic. The subject areas covered are Writing Skills, Social Studies, Science, Interpreting Literature and the Arts, and Mathematics. Passing scores are set so that approximately 67% of traditional graduating high school seniors would pass if they took the tests.

The GED Testing Service reserves the right to request further verification or documentation.

OFFICIAL USE ONLY

☐ Approved for:

- ☐ Large Print with Extended Time (*specify amount*) _____
- ☐ Extended Time (*e.g., 1 1/2x or specify additional units of time*) _____
- ☐ Audiocassette (tone indexed)
- ☐ Scribe
- ☐ Calculator
- ☐ Private Room
- ☐ Supervised Breaks (*specify the number of breaks and units of time on and off*) _____
- ☐ Other _____

- ☐ Not approved; provide additional information specific to LD.
- ☐ Not approved; provide additional information specific to ADHD.
- ☐ Not approved.

Signature of GED Administrator



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

State Capitol
Juneau, AK 99801-1182
(800) 892-4843 (907) 465-4843 (phone)
(907) 465-3871 (fax)
Representative_Con_Bunde@legis.state.ak.us

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

MEMORANDUM

DATE: March 13, 2001
TO: House Special Committee on Education
FROM: Representative Con Bunde, Chair *CBunde*
RE: Written Testimony to Senator Lyda Green

Mr. Malcolm Fleming, Principal of the Seward Middle/High School, sent the attached letter to Senator Green regarding the High School Competency Test as written testimony on SB 133. You might be interested in his comments.

Subject: HSGQE**Date: Sun, 11 Mar 2001 18:45:12 -0900****From: "Malcolm Fleming" <malcolm@kpbsd.k12.ak.us>****To: Senator_Lyda_Green@legis.state.ak.us, Senator_John_Torgerson@legis.state.ak.us,
Representative_Ken_Lancaster@legis.state.ak.us, tosborn@kpbsd.k12.ak.us**

High School Graduation Qualifying Exam Testimony
 By Malcolm Fleming
 March 11, 2001

The HSGQE is a great concept but some of its premises seem to be flawed:

1) College is not open, available, needed, or desired by every high school student. The current HSGQE does an excellent job of separating the potentially college bound student from all the other students, but so does SAT and ACT. So what have we accomplished by creating HSGQE?

2) We are hoping the HSGQE improves the quality of our high school graduates. My question is, do you pull at the top or push at the bottom? Our top students can easily pass the HSGQE so there's no need to fund programs to pull at them. Our bottom students struggle with the HSGQE so there is a reason to push them. Therefore greater resources are needed at the bottom. If we push the bottom and don't pull the top how does improve education, other than compress the mid range? We need to push the bottom and pull top at the same time.

May I suggest?

1) Keep the HSGQE in its present form and indicate the student's achievement on this test on their high school transcripts. Publish school results so individual schools and communities can see how they rate. Bragging rights have a way of motivating and focusing Americans.

2) Require transcripts to include attendance rates for each class the student takes. Employers seem to need responsible, dedicated, and reliable employees just as much as they need communication and logical thinking skills. Encourage employers to ask prospective employees for their high school transcripts during the employment process. None of my friends can ever being asked for a high school transcript except to attend my freshman year at college.

3) Make the 8th Grade Benchmark Test or the new "Essential Skills Exam" a high school entrance exam. Students must "pass" this test before entering high school classes. If a student passes the reading and writing sections maybe they could take 9th grade English and social studies classes. When they pass the math portion they can take algebra and geometry or other high school math classes. This would raise the bottom skills of students in high school classes and reduce the range of abilities students bring to high school. This would encourage the high school teacher raise their classroom performance expectations. Thus pulling the top students further, now that the bottom is better prepared to keep up in these classes. Remember, teachers are expected to teach all students in their classes and if the bottom is weak the top does not get much pressure. Of course, accommodations would be needed for handicapped students.

4.) Create a new pathway outside the regular academic high school for students to proceed through their secondary education career. This could be remedial classes for those trying to enter the regular high school program. Or, this could be classes focused on immediate employment skills with the idea that these students want or need to go to work and are not interested in academic education. Most of these classes would be vocational skills based that award certificates in quick succession. The goal is to train a work force for specifically skilled jobs. Make no

pretense that these students can do algebra or know what any thing about history. Their electives might include history or geometry classes.

5.) Our schools need the legislature's support to raise the standards. We are on the line and will rally to the challenges. On a whole I believe principals and teachers support higher standards. We see students slipping through just meeting the bare requirements. We know students can do better but we have had little or no support from society to raise standards. The mantra has been "a free and appropriate education for everyone." We are judged on our graduation rates but given no hard fast standard. Teachers and principals have had to be the bad guys when it comes to setting the standard. Yet we are told that retention, failures, and dropouts are unacceptable. So if we set the standard to avoid failure we are successful even if students fail to learn. We need the external force to set the standard so we can focus on hurtling the standard rather than defending it.

6.) Why not offer the HSGQE as a certificate of accomplishment? Measure the success of schools/districts on how many graduates have a HSGQE certificate. Focus on improving this score and the drop out rate. Punish or reward individual schools and districts for low percentage rates. Let high scoring schools advertise their success and compete with other schools. In business companies hire and fire CEO based on their profitability. Even failing companies manage to hire "hot shot" CEO's to turn the company around. Chrysler and Lee Iacocca come immediately to mind. As a principal, I have no problem making the passing of the HSGQE a primary priority of my school.

Thank you for the opportunity to testify on the HSGQE.

Malcolm Fleming, Principal
Seward Middle/High School
PO Box 1049
Seward, Alaska 99664

907-224-3351
907-224-3306 fax

BILL ANALYSIS -- HB 94
2nd Hearing February 28, 2001

Sponsor: House Rules by Request of the Governor

Bill Title: Pupil Competency Test; Annual Education Report

Update:

The following new information is in your packet:

- 1) Answers to question submitted to the Department about test scores, test cost, questions brought out at previous hearings, and questions about the Settlement Agreement between the Oregon Department of Education and "Advocates for Special Kids".
- 2) Updated version of the review of all states' Competency Tests.
- 3) AAG Phil Reeves' information about validity and defensibility
- 4) Legislative Legal Services' memo about validity and defensibility.
- 5) Overview of Alaska's Alternate Assessment System for students with severe cognitive disabilities.
- 6) Overview of the "Quality Education in the Last Frontier (QUELF) Grant
- 7) Information from Legislative Research on all states' Competency Exams.

Committee Members on the Offnet:

Representative Guess will be calling in from Washington, D.C.

Available to Testify in Juneau:

Greg Maloney	Special Education Director, DoE
Phil Reeves	Assistant Attorney General for DoE

Will Testify from Anchorage L.I.O. (??)

Amy Hedrick	Disability Law Center (may be testifying from the L.I.O)
-------------	--

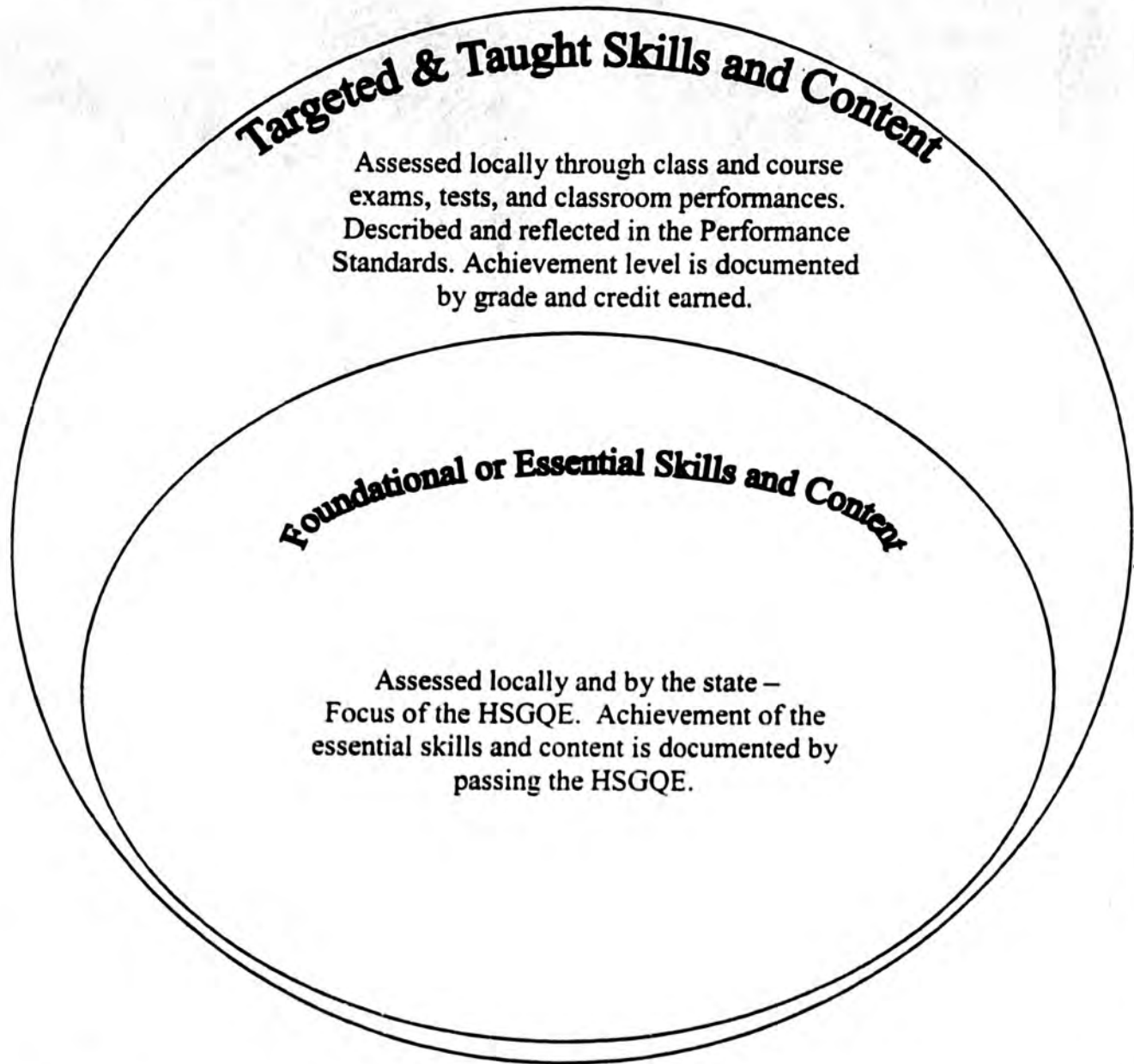
Will testify on the following topics:

- a) Definition of a high school diploma
- b) comment on your view of diplomas that note what accommodations were used to pass the test
- c) the concerns of the Disability Law Center regarding the High School Competency Test.

Teleconference Sites: Anchorage, Barrow, Valdez and Tok.

Essential Skills as a Subset of the Targeted & Taught Curriculum

State performance standards outline and describe the "targeted and taught skills/content" in reading, writing and math. These standards describe what we "want our students to know and be able to do." The state performance standards are a tool to guide good instruction and ensure our graduates are prepared for life beyond high school.



The "Essential Skills and Content" is a subset of the targeted skills and content. These are the skills and knowledge that a person would need to have or know to function at an introductory level in our adult society.

To determine if a given performance standard or exam question reflected an **essential** skill or content," the committee asked the following question: Would you deny a high school diploma to a person if he or she did not have that skill or know that content?

BEFORE THE ALASKA BOARD OF EDUCATION AND EARLY DEVELOPMENT
COMMENTS OF THE DISABILITY LAW CENTER OF ALASKA, INC.
REGARDING HSGQE

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

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

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

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

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

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

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

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

CORRECTION

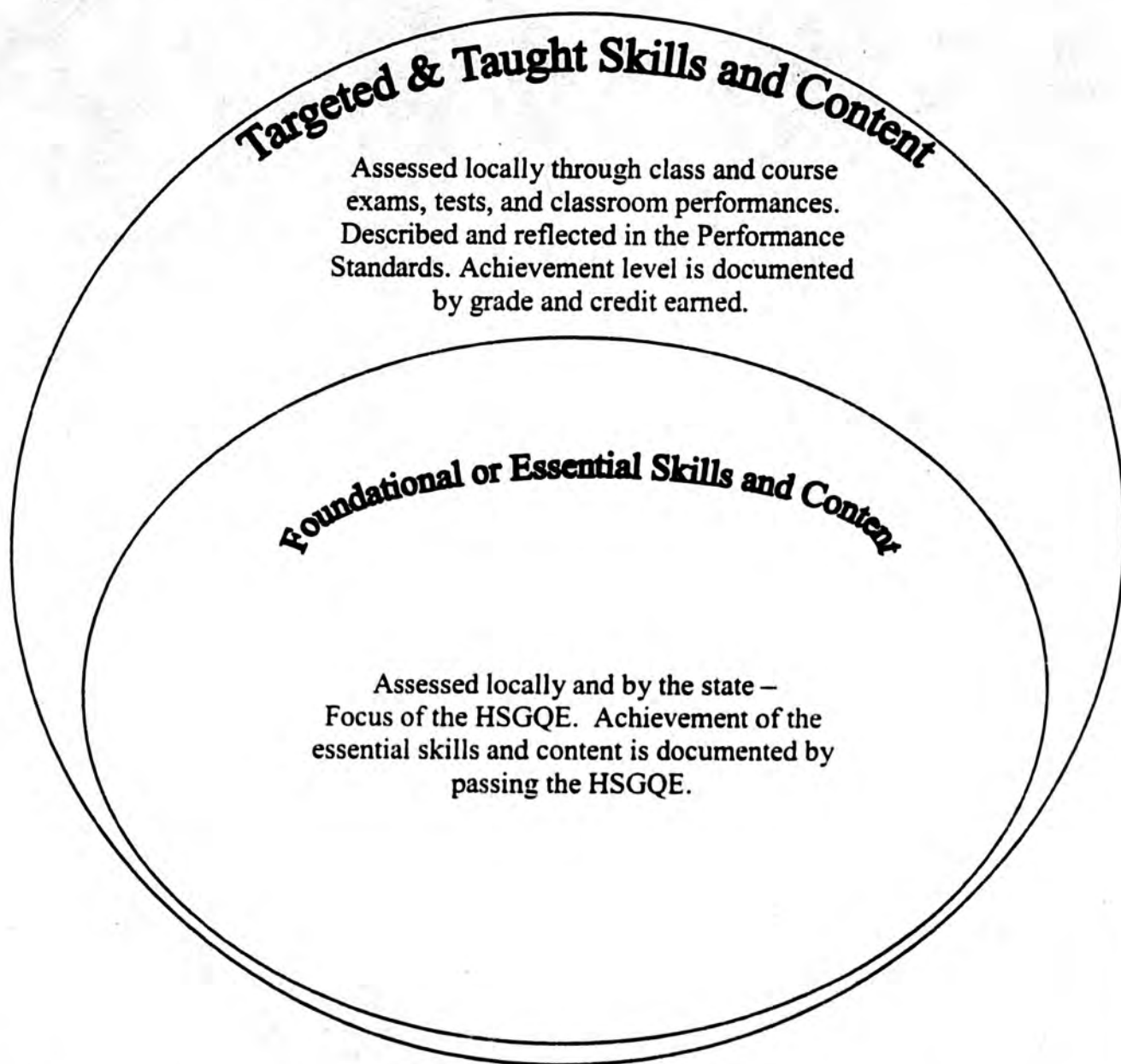
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Essential Skills as a Subset of the Targeted & Taught Curriculum

State performance standards outline and describe the “targeted and taught skills/content” in reading, writing and math. These standards describe what we “want our students to know and be able to do.” The state performance standards are a tool to guide good instruction and ensure our graduates are prepared for life beyond high school.



The “Essential Skills and Content” is a subset of the targeted skills and content. These are the skills and knowledge that a person would need to have or know to function at an introductory level in our adult society.

To determine if a given performance standard or exam question reflected an **essential** skill or content,” the committee asked the following question: Would you deny a high school diploma to a person if he or she did not have that skill or know that content?

“Target and Taught Skills and Content”
versus
“Essential Skills and Content”

For each of the skills or content in a discipline or field of study, we can ask the question.... Is this something we want our students to know and be able to do? The answer to this question provides direction and content for curriculum and instruction in our schools. In Alaska, those skills and content are identified and described by content and performance standards developed by Alaskans.

The Alaska State Performance Standards:

- list and describe what we want our students to know and be able to do in reading, writing and math.
- identify the targeted and taught skills and content in our schools.
- serve as a guide to good instruction and solid curriculum.

The **“Essential Skills and Content”** is a subset of the targeted skills and content. These are the skills and knowledge that a person would need to have or know to function at an introductory level in our society.

To determine if a performance standard or exam question reflected an **essential** skill or content,” a committee of community members, business people, and educators asked the following question: Would you deny a diploma to a person if he or she did not have that skill or know that content?

The following questions are basic to the policy discussion of whether a diploma is to be awarded to a student. These two questions are often being confused with each other in the current High School Graduation Qualifying Exam discussion.

- (1) What do we want our students to know and be able to do? or
- (2) Would you deny a diploma to a student if he or she did not have that skill or know that content?

The attached diagram provides an overview of the relationship of the targeted skills and content (described by the performance standards) and the foundational/essential skills and content.

BEFORE THE ALASKA BOARD OF EDUCATION AND EARLY DEVELOPMENT
COMMENTS OF THE DISABILITY LAW CENTER OF ALASKA, INC.
REGARDING HSGQE

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

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

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

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

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

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

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

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

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

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

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

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

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

B. What is a diploma?

New Webster's Dictionary defines "diploma" as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Other Concerns Regarding Children with Disabilities

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

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

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

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

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

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

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

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

Performance of Students with Disabilities on the High School Graduation Qualifying Exam

The following tables list the performance of students with disabilities and students without disabilities on the High School Graduation Qualifying Exam on the Spring 2000 and the Fall 2000 assessments. In reviewing this data, it should be noted that comparisons between students with disabilities and students without disabilities should be made very cautiously. Only students in 10th grade were allowed to take the test. However, in line with federal requirements, the department only collects and reports the number of students with disabilities by age. Since not all 10th graders are the same age, accurate participation rates and passing rates of students with disabilities cannot be calculated. The number of students with disabilities who participated in the assessments may also be under-represented due to omissions coding the test booklets.

Passed 51% 90% *57% 52%* *47% 30%*

SPRING 2000	READING		WRITING		MATH	
	#	# Not	#	# Not	#	# Not
	Passed	Passed	Passed	Passed	Passed	Passed
Students with disabilities	223	483	46	652	33	658
Students without disabilities	5,955	1,615	3,878	3,667	2,884	4,796
Overall	6,178	2,098	3,924	4,319	2,717	5,454

14% 47% *4% 21%* *1% 21%*

FALL 2000	READING		WRITING		MATH	
	#	# Not	#	# Not	#	# Not
	Passed	Passed	Passed	Passed	Passed	Passed
Students with disabilities	61	267	18	421	29	412
Students without disabilities	949	1,087	884	2,749	998	3,484
Overall	1,010	1,354	902	3,170	1,027	3,896

43% *22%* *21%*

GRADUATION EXAM LEGAL ISSUES

SB 56/ HB 94 Testimony Outline

Philip Reeves, A.A.G.

A. **Two federal court decisions** -- considering challenges to Texas and Florida state mandated graduation exams -- provide a great deal of information on likely criteria that would be applied in a federal court's review of the Alaska grad exam:

Debra P. v. Turlington, 730 F.2d 1405 (11th Cir. 1984);

GI Forum v. Texas Education Agency, 87 F. Supp. 3d 667 (W.D. Texas 2000)

- Both cases brought under Title VI of Civil Rights Act of 1964:
 - upon preliminary showing of significantly lower passing percentage by a plaintiff minority group, the burden shifts to the State to defend its program.
- While the Civil Rights challenge brings the matter to court, the focus of the court's review (in both the Florida and Texas cases) was on the issue of:
 - Does the State's graduation exam requirement violate plaintiff's Due Process rights under the 14th Amendment of the U.S. Constitution?
 - = Does the State provide reasonable educational opportunity to its students to pass the exam?

B. **First primary ruling** that we can glean from both of the cited cases is that

- courts give broad deference to the State to determine the appropriate standards for graduation;
 - Courts are unlikely to attempt to modify the state's policy decision as to what exam standard should apply.

C. **Courts will instead focus on whether the state has reasonably implemented the standard chosen.** The Florida and Texas courts identified two basic categories of test validity as their focus in reviewing those State's graduation exam programs:

(1) **CONTENT VALIDITY.** Does the test accurately measure the test taker's knowledge in the content area being tested?

- We are fairly confident that we can defend a challenge in this area based upon

Alaska's test development process:

- Alaska test developed with professional assistance of a major national test development corp. (CTB/McGraw Hill);
- process included input from dozens of Alaskans from around the state;
- a primary focus is to remove all test questions with cultural bias;
- test is aligned with the State Board adopted "performance standards";
- "continuous renewal" provides an on-going evaluation and improvement of the exam.

(2) INSTRUCTIONAL VALIDITY ("Opportunity to Learn"). Does the curriculum and the total educational program offer each student a reasonable opportunity to gain the knowledge and skills that are tested?

- Court's evidentiary focus in Florida *Turlington* case (730 F.2d 1405 at 1408):
 - in what grade (2-12) were students taught the skills tested, and in what grade did they master the skills;
 - any major variations in instruction among schools in the district;
 - remedial programs specifically related to mastery of the skills tested;
 - staff development related to teaching skills tested;
 - special programs designed to help students pass the test.

Experts testified that "their conclusions of instructional validity were bolstered by the state's extensive remedial efforts to help students who initially fail the test pass it before graduation."

- The Texas court focused particularly on the state mandated remediation and evidence of the 10 year track record of significant improvements in the passing percentages of minorities over the decade of the test's administration.

D. Apply "instructional validity" criteria from Florida and Texas cases to Alaska's testing program:

- Alaska has addressed these elements through implementation of comprehensive testing program beginning with Benchmark Exams in 3rd, 6th and 8th grade, that:
 - identify students who are falling below the curve at those early grades, and thus allow:
 - focused instruction and remediation on the individual student level;

- identify and correct problems with curriculum alignment with the exam;
 - provide data that allow the department to assist districts in areas of curriculum mapping and curriculum development
- Alaska's assessment program is designed to utilize the benchmark exam process to identify and respond to instructional problems on both the individual student and the district curriculum levels, to assure:
 - curriculum alignment with the graduation exam; and
 - targeted instruction/remediation to non-proficient students

E. Potential "instructional validity" challenge to Alaska exam based on timing:

- In upholding the Texas exam the court repeatedly cited to evidence of 10 years:
 - "concentrated targeted educational opportunities, in the form of remediation" and
 - a "track record" of success from the remediation in improving minority passing percentages.
- In the initial *Turlington* case challenging the Florida exam (474 F. Supp. 244)
 - the federal district court issued an injunction that ordered the state not to withhold diplomas during the first 4 years of the statutory exam requirement.
- In the later *Turlington* case reviewed above (730 F.2d 1405) the court upheld the Florida exam program after it was again challenged following the four year injunction
 - citing evidence of significant work in curriculum alignment and targeted remediation during the four year injunction, in upholding that exam.
- Review of the development timeline of Alaska's testing program shows:
 - benchmark exams were first given in the spring of 2000
 - = the first 6th grade class that participated/benefited from the benchmarks graduates in 2006.
 - the graduation exam was first offered in the spring of 2000
 - = students can legitimately claim that they had no notice of the specific requirements to be tested by the graduation exam until just two years prior to its effective date.

- Based on these facts, we will likely face an argument that the Alaska exam fails the "instructional validity" requirement until such time as we can show a track record of successful

- curriculum alignment efforts; and
- remediation programs to assist non-proficient students

F. As a final note, refer to an article published in the Education Law Reporter in May 1999, titled

Nondiscriminatory use of High Stakes Tests: Combining Professional Test-use Standards with Federal Civil Rights Enforcement. 133 Ed. Law Reporter 17.

- The article is an overview/commentary on a study published in 1999 by the National Research Council of the National Academy of Sciences. On the issue of "instructional validity" the article (and the study) point out a common problem that has arisen in the development of many states' graduation exam programs:

"... where policy makers use high-stakes tests to "lead" changes in curriculum and instruction, there is inevitably -- by design -- a gap between what the test measures and what students have been taught. . . . tests should be used for high-stakes decisions about individual mastery only after implementing changes in teaching and curriculum that ensure that students have been taught the knowledge and skills on which they will be tested."

G. **Special Education Issues:**

- Test validity issues involving students with disabilities are based in statutory protections set out in the federal Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA).

- The Rehabilitation Act, Sec.504, essentially requires that any state program that accepts and expends federal funds may not discriminate on the basis of the person's disability.
- In the student assessment arena, IDEA requires:
 - (a) children with disabilities must to the maximum extent practicable be included in general State assessment programs;
 - (b) with appropriate accommodations.

- The case of *Brookhart v. Illinois State Bd. of Ed.*, 697 F.2d 179 (7th Cir. 1983) provides a fairly detailed review of the application of the federal statutory protections of students with disabilities to a graduation exam requirement. The court applied both the pre-IDEA "Education of the Handicapped Act" (EHA) and the Rehabilitation Act, Sec. 504 to the graduation exam requirement of an Illinois school district. Considering the EHA, the court held:

Denial of diplomas to handicapped children who have been receiving the special education and related services required by the Act, but are unable to achieve the educational level necessary to pass the [graduation exam] is not a denial of a "free appropriate public education".

Id. at 183. Considering application of the Rehabilitation Act, the court held:

A student who is unable to learn because of his handicap is surely not an individual who is qualified in spite of his handicap. Thus denial of a diploma because of inability to pass the M.C.T. is not discrimination under the RHA.

Id. at 184.

- In summary, the *Brookhart* court held that the fact that an exam based graduation performance standard is beyond the capacity of some students with disabilities to meet -- and thus effectively denies them a diploma -- does not by itself result in a violation of either the Rehabilitation Act or the IDEA.

- the decision to not provide an alternative lower standard for children with disabilities is subject to the legislature's discretion;

- The legislature's authority to not provide an alternative diploma standard for children with disabilities does not mean that children with disabilities have no viable grounds for challenge of a graduation exam requirement. Their viable challenge would likely be either:

- a challenge of a denial of a particular testing accommodation that the student had requested; or

- a challenge on the same content validity/instructional validity grounds as the challenges of regular ed students (discussed above) -- applied to the particular facts of the student's Individualized Educational Program (IEP).

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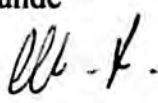
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MEMORANDUM

February 23, 2001

SUBJECT: High school exit exam (Work Order No. 22-LS0623)

TO: Representative Con Bunde

FROM: Michael F. Ford 
Legislative Counsel

You have asked for my opinion regarding the legal issues surrounding the high school exit exam (AS 14.03.075). As explained in this memo, there are several complex issues raised by requiring students to pass a test, in order to receive a high school diploma.

INTRODUCTION

In 1998, the Alaska Legislature enacted AS 14.03.075, that requires public school students to pass an examination in order to receive a high school diploma. The legislature also delayed the start of this requirement by four years, so that the first students affected by the test are the students expecting to graduate in the spring of 2002. By implementing a test requirement Alaska joined at least twenty other states that have also established a high school exit or competency examination. Most states that test students in this manner require students to pass the exam in order to receive a diploma, however a few states, such as Michigan, do not deny a diploma to students who fail the test. Instead, students who pass the test receive an endorsed diploma, while students who fail the test receive a diploma without endorsement.

Before enactment of the exit exam, graduation from high school required meeting credit requirements imposed by each local school board and by the Department of Education and Early Child Development by regulation. (See 4 ACC 06.075) There was some criticism that this system rewarded attendance more than mastery of academic content.

LEGAL ISSUES

Under Article VII, section 1, of the Alaska Constitution, the legislature is required to establish and maintain a system of public schools. The implementation of this mandate is largely left to the discretion of the legislature. See Hootch v. Alaska State-Operated Sch. Sys., 536 P.2d 793 (Alaska 1975). While there is little doubt that the legislature has the power to impose an exit exam, there has been litigation in other states regarding the implementation of this requirement. In that graduation is conditioned upon passing the

exam and failure may trigger placement in remediation programs, constitutional and statutory civil rights can be at issue.

Due process concerns

Under Article I, section 7, of the Alaska Constitution, and under the Fifth and Fourteenth Amendments of the U.S. Constitution, students are guaranteed certain due process rights. In Alaska due process express a basic concept of justice and fairness. Bachner v. Pearson, 479 P.2d 319 (Alaska 1970). In the context of a high school exit exam, the first question that must be addressed is does a student have a constitutionally protected property interest in a diploma such that due process must be given before it can be denied. The answer to that is yes. The United States Supreme Court has made it clear that a diploma is of such personal importance that its denial can be a violation of the "property" interests protected under the Fourteenth Amendment. Goss v. Lopez, 419 U.S. 565, 579 (1975).

Having concluded that students have a constitutionally protected property interest in the diploma process, there are generally two due process areas that are the basis of legal challenges to a statutory exit exam. The first involves the opportunity to learn. Specifically, have students received sufficient time to prepare for the exit exam. This question was examined in Debra P. v. Turlington, 644 F.2d 397 (5th Cir. 1981) and in a later review of the same case Debra P., 730 F.2d at 1411. There the court found that four years during which the State of Florida made active preparation efforts constituted sufficient due process. Courts in Georgia and New York found that two years did not constitute adequate due process. Georgia State Conf. of Branches of NAACP v. Georgia, 775 F.2d 1403 (11th Cir. 1985). On this point it appears that Alaska has made significant efforts to meet the constitutional test preparation requirements, during the four year lead time between enactment of the exit exam requirement and the first imposition of the test. The court in Debra P. found that evidence of significant work by the State of Florida in the areas of curriculum alignment and remediation was an important issue. It would be prudent to determine whether the efforts made by the Department of Education and Early Development and local school districts in the areas of curriculum alignment and remediation are comparable to the Florida process. If so this should be sufficient to avoid a successful legal challenge on this issue.

The second due process issue involves the content validity of the examination. As described by the court in Debra P. "a state may condition receipt of a public school diploma on the passing of a test so long as it is a fair test of that which is taught". It appears that as to this issue Alaska has a fairly solid defense. The state has used a large national test development firm, taken input from residents, made efforts to reduce cultural bias, and has a process to continually review the exam. However, an import aspect of content validity is what is actually taught in classrooms. In Debra P. the state of Florida demonstrated curricula validity by commissioning a study directed by a private firm and carried out by the Florida Department of Education that surveyed curricular material, teachers, district personnel, and students. The court accepted the results of the study, that

provided a cross-sectional sample, as evidence that the content of the exit exam was being taught in Florida classrooms. In short, in order to satisfy due process concerns Alaska may have to prove that what is actually being taught in the schools is what is being tested.

Equal protection concerns

Under Article I, section 1, of the Alaska Constitution, and under the Fourteenth Amendment of the U.S. Constitution, students are guaranteed equal protection under law. A claim made under the equal protection clause involves an allegation of unequal treatment. Leege v. Martin, 379 P.2d 447 (Alaska 1963). What this means in terms of an exit exam is that state and local school officials are prohibited from engaging in certain types of discrimination. For example, intentionally discriminating on the basis of race, color, national origin, or sex is illegal. Regarding high stakes exit exams, courts have almost uniformly dismissed claims of intentional discrimination. Only when the test used is shown not to have complied with professional testing standards has there been court intervention. See Larry P. v. Riles, 495 F.Supp. 926 (N.D. Cal. 1979). Assuming that Alaska follows professional standards in all technical matters, including test administration, scoring, score reporting and test standards, a claim of unequal treatment seems unlikely to succeed. Where there is no unequal treatment, there can be no violation of the right to equal protection of the law. Matanuska-Susitna Borough School Dist. v. State, 931 P.2d 391 (Alaska 1997). See also Debra P. and Anderson v. Banks 540 F.Supp. 472 (S.D. Gs. 1981).

Relevant federal law

While the constitutional protections against illegal discrimination are important, there are also several federal civil rights statutes that prohibit recipients of federal funds from discriminating against students. The federal statutes include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and regarding students with disabilities, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. These statutes prohibit certain intentional discrimination, but also have a more important facet. These laws prohibit criteria or methods of administration that have the "effect" of subjecting individuals to discrimination. There is a three step process for determining if a legal violation (known as a disparate impact claim) exists:

1. The plaintiffs must show by a preponderance of the evidence that some policy or practice, such as the use of an exit exam, has disproportionate adverse impact of a protected group. For example, if statistical analysis shows that the success rate for members of a protected class is significantly lower (or the failure rate is significantly higher) than what would be expected from a random distribution, then the test has disproportionate adverse impact.

2. Assuming that the plaintiffs show a disparate impact, the burden shifts to the defendant to justify the practice. This means a showing of "educational necessity". Courts have held that this means a substantial legitimate justification, New York Urban League, Inc. v. New York 71 F.3d 1031 (2d Cir. 1995), or proof of a manifest relationship between the practice and the defendant's education objectives. Sharif v. New York State Education Department, 709 F.Supp. 345 (S.D.N.Y. 1989). The state could show "educational necessity" assuming that the Alaska Department of Education and Early Childhood Development can show that the exit exam used meets professional standards that apply given the purpose for test.

3. Finally, even if a state can show educational necessity for a particular test, it is possible for the plaintiff to succeed if the plaintiff can show there exists an equally effective alternative that would result in less disparate effects. Georgia State Conf. of Branches of NAACP v. Georgia, 775 F.2d 1403 (11th Cir. 1985).

Title VI of the Civil Rights Act of 1964 also raises issues regarding the effects of educational testing on students who are learning the English language. This issue has complexities relating to validating a test for students whose native language is not English. The issues include forming bias, content bias, linguistic and cultural biases, and difficulty of knowing what bilingual students know in their native languages. Additionally, there are two other federal statutes that raise questions on this issue. One is the Improving America's Schools Act of 1994, and the second is the Equal Educational Opportunities Act of 1974. These statutes prohibit denial of equal educational opportunities by failing to take appropriate steps to overcome language barriers that impede equal participation by students. Although I know of no cases in which a court has struck down a test for violating these statutes, a claim could be made on this basis if tests of questionable validity were used.

Students with disabilities

The treatment of student with disabilities in the context of an exit exam raises additional complex issues. There are three federal statutes that must be considered, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title I of the Improving America's School Act of 1994. These laws mandate that all students be included in large-scale assessments, including students with disabilities. Also required, is appropriate accommodation, that people with disabilities are guaranteed access to programs and services as effective as those provided to their peers without disabilities. The ADA further requires that alternate forms or accommodations in testing are required, provided that the content being tested is the same.

Denial of a high school diploma to a child with a disability has been held not to violate the pre-IDEA "Education of the Handicapped Act" (EHA) or Section 504 of the Rehabilitation Act of 1973. Brookhart v. Illinois State Bd. of Ed., 697 F.2d 179 (7th Cir. 1983). The court held that denial of a diploma is not denial of a "free appropriate public education". In considering the application of the Rehabilitation Act, the court held that a

"student who is unable to learn because of his handicap is surely not an individual who is qualified in spite of this handicap. Thus denial of a diploma because of inability to pass the M.C.T. is not discrimination under the EHA." The court also held that the decision not to provide an alternative lower standard for children with disabilities is a matter to be decided in the discretion of the legislature.

In light of the legal rights described above, two areas become critical in applying an exit exam to students with disabilities. The first is ensuring legally adequate accommodation and the second is ensuring that the tests given to students with disabilities and the evaluation materials are validated for the specific purpose for which they are used.

CONCLUSION

While the legislature has broad discretion to fashion a graduation exam requirement, students have constitutional and statutory rights intended to ensure that a test is a fair measurement of academic achievement. The Alaska State Legislature has the right to pursue educational policies that it legitimately believes are in the best interests of its students. The challenge to the State of Alaska is to impose the exit exam in a manner that also satisfies constitutional and statutory requirements applicable to the testing process.

The test required in Alaska appears to be one professionally designed to accurately measure the test taker's knowledge in the content area being tested. If students have also been given a reasonable opportunity in the school system to gain the knowledge and skills that will be tested it is doubtful that a legal challenge to the exit exam would succeed.

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High Stakes High School Exit Exams

Alaska Department of Education & Early Development*
March 2001

*To our knowledge no agency in the nation is gathering information to the extent that is covered in this chart. However, much the information in the first two columns includes data from collected by The Education Commission of the States. Much of the ECS data was verified by the Alaska Department of Education & Early Development on the various states' web sites. A good deal of the information was not available from ECS and was obtained from the various state's web sites by the Department of Education & Early Development.

State	Original Exams	Modifications	Special Needs Students
Alabama	The Class of 2001 needs to pass the reading and language sections of the graduation exam; the Class of 2002 must also pass math and science; the Class of 2003 must also pass social studies.		
Alaska	Effective January 2002, students must pass a competency exam in reading, writing and math. Students may take the exam up to 3 years after completing course work.	Governor submits legislation seeking 4-year delay to 2006 for high stakes effective date. Until 2006, test will still be administered and scores recorded on student transcripts.	No exclusions from exit exam. Allows accommodations for students with IEP or 504 plans. Alternate Assessment for special education students who cannot take regular exam.
Arizona	The competency test covers reading, writing and math. Classes of 2002 and 2003 required to pass reading and writing; must also pass math beginning in 2004.	State delayed math test from 2002 to 2004 because of high numbers of failures on the math portion (9 of 10 failed). State has agreed to drop some of the most difficult math items from the exam.	Does not require IDEA students to pass a subtest (reading, writing, or math) whose IEP specifies "out-of-level testing". Applies only to specific subtest or subtests requiring out-of-level testing in order to get a diploma.
California	Starting with Class of 2004, each student must pass the exit exam to graduate. Ninth graders may take the test for the first time in spring 2001. Students may begin taking exam as sophomores in 2001-02. Students must be given special instruction if needed. Alternatives to exam: The State Board must study the appropriateness of other criteria by which a student who fails the test may earn a diploma, including exemplary grades and alternative tests of equal rigor.	Doing away with higher level questions, which will require legislation. Delayed setting passing score until 2002. The state Senate passed legislation on 2/20/01 to delay until 2004-2005 the high school exit exam for which several lawmakers said students and schools are unprepared. A state-commissioned study suggested the postponement, arguing that a delay would allow more time for the test to be developed and more time for students to learn the subject matter it will cover, including algebra.	All exceptional students must pass exam to receive diploma, including students with IEP or 504 plan. Accommodations allowed. Testing may be delayed for up to 24 calendar months from enrollment in California schools for LEP students, but these students must eventually pass exam to get diploma.

State	Original Exams	Modifications	Special Needs Students
Florida	Beginning with the class of Class of 2003 students must pass the 10th grade level of the Florida High School Competency Test in reading, writing and math. The exam was first administered in 1998, and students have been given grades from 1 to 5, depending on achievement level. Passing scores will be set in 2001. This is a standards-based exam that replaces Florida's long standing multiple choice high school minimal competency exit exam created in 1976, the first exit exam in the nation. The state uses test scores to grade schools from A to F. Letter grades determine cash awards for schools that perform well.	Only a week before the exam was administered in 2001, the state announced only multiple-choice questions on the reading and math tests would count for both students taking the exit exam and to calculate the cash awards for schools. This is because it's taking the test publisher until the end of the school year to score the more difficult questions involving written answers.	All students are held to the standards, including special education and LEP students. Accommodations are allowed.
Louisiana	English/Language arts, and mathematics tests are administered to Class of 2001 as 10 th graders. English, Mathematics, science or social studies to Class of 2002 as 10 th graders. Five achievement levels: advanced, proficient, basic, approaching basic, unsatisfactory. Those scoring unsatisfactory are only ones to fail.	The State Board of Education adopted a policy that permits 8 th graders who fail the state test three times to enroll in an alternative program that would lead to a General Educational Development diploma and a "skills certificate" rather than a regular high school diploma. Students could reenroll in regular high school program when they pass the 8 th grade test.	No Info.
Maryland	Effective with Class of 2003, 9 th grade students required to pass Maryland High School Assessments as a graduation requirement. Tests are in English 1, government, algebra, geometry and biology. Field testing began in 1999 and continues through mid-2001.	State plans to phase in more testing in future years.	No info.

State	Original Exams	Modifications	Special Needs Students
Massachusetts	Starting with the Class of 2003, all students must pass math and English tests to graduate. All 10th grade students must take tests in math, science and technology, history and social science and English in coming years, also required for graduation. Students may earn a "Certificate of Mastery" by meeting criteria that vary depending on a student's performance on skills assessments. Those criteria may include superior performance on advanced placement tests.	Delaying implementation of exam by 2 years (now effective 2007). Proficiency levels are advanced, proficient, needs improvement, failing. Students scoring above "needs improvement" pass exam. State Board set lower passing score than expected. The State Board now (2/15/01) is poised to create an appeals process that may allow students who fail the high school test, but who have good grades to prove they've mastered the material without passing the test. Under the proposal, panels of teachers and principals around the state would weigh the appeals. They might give students extended testing time, a different test setting, or someone to read the questions aloud or they could sign off on an alternative that may be different from the pencil and paper test.	Accommodations for students with disabilities, defined as students with IEPs or 504 plan. Accommodations need to be in accordance with IEP or 504 plan. Also has Alternate Assessment. LEP students are enrolled in transitional bilingual programs or in ESL classes. Must take exam in English if enrolled 3 years or longer. Spanish language version of test.
Minnesota	Effective Class 2000, students must pass basic standards tests. The reading and mathematics tests are first given in the eighth grade and the written composition test is given in the tenth grade. The Class of 2002 must also meet "High Standards" in 24 of 48 content standards from 10 learning areas. Districts may request waivers from the state's graduation standards on a case-by-case basis. The Department of Children, Families & Learning commissioner rules on waivers. Parents can request waivers from standards if the student is engaged in equally rigorous activity meeting same standards or for other reasons.	Districts have discretion to phase in Profile of Learning implementation, which require graduates to complete work in 24 standards by 2004.	Students with special needs may meet the standards at an individual level according to the requirements of their IEP or 504 plan. To help some students perform their best, special accommodations that will not alter the validity of the standards assessments are available. Local school districts must establish procedures to ensure that students with limited English proficiency complete the standards. To help some students perform their best, special accommodations that will not alter the validity of the standards assessments are available.

State	Original Exams	Modifications	Special Needs Students
Mississippi	Requires mastery of Functional Literacy Exam, which tests minimal competencies.	Academic end-of-course tests will be phased in during the 2001-2002 school year to replace the Functional Literacy Exam (FLE) as a requirement for graduation. Students who began 9th grade in school year 1999-2000 (Class of 2003) must pass the Functional Literacy Examination (FLE) plus the Subject Area Test in U.S. History from 1877. Students who began 9th grade in school year 2000-2001 (Class of 2004) must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History from 1877 and English II (with a writing component). Students who begin 9th grade in 2001-2002 (Class of 2005) must pass the mathematics section of the FLE plus the Subject Area Tests in U.S. History from 1877, English II (with a writing component), and Biology I. Students who begin 9th grade in 2002-2003 (Class of 2006 or later) must pass the Subject Area Tests in U.S. History from 1877, English II (with a writing component), Biology I, and Algebra I. This group of students must pass all four Subject Area Tests even if they take the course(s) prior to their 9th grade year. Senate Bill 2488, passed in 2000 legislative session, established new accountability standards that will reward schools based on student performance. The bill also provides for an intensive assistance program for schools not meeting accreditation standards.	No info.
Nevada	Effective with Class of 1999, test includes reading, writing, math and science. 11th grade students are required to pass a writing performance assessment and a proficiency assessment that includes both reading and mathematics in order to receive a standard high school diploma. Students who fail to pass in the 11th grade are provided several additional opportunities as 12th grade students to fulfill this requirement.		Special ed students can seek waiver from exam. If waived, they receive diplomas stating they met all high school requirements except the exit exam.

State	Original Exams	Modifications	Special Needs Students
New Jersey	Must pass an 11th grade high school test in reading, writing and math. The Special Review Assessment (SRA11) process was developed to provide an alternate assessment for students who do not pass one of the three subtests. The SRA11 provides students with the opportunity to exhibit their understanding and mastery of the HSPT11 skills in contexts, which are familiar and related to their experiences. An SRA11 panel decides may be informed by scores from previous High School Proficiency Test administrations, class work and other information about a student's strengths and weaknesses. Students go to summer school for remediation if they don't pass high school test.		To the extent possible, the SRA11 process for special education, unclassified handicapped, and LEP students should parallel the general process SRA 11 guidelines. Students eligible for special education under the Individuals with Disabilities Education Act (IDEA) are entitled to participate in the SRA11, if they are required to take the high school proficiency test. Students whose IEPs state that they are exempt from taking the high school test are also exempt from participating in the SRA11 process. Any test modifications or accommodations must be specified in student IEPs or 504 plans. Decisions about exemption, modifications and/or accommodations are made by the IEP or 504 team and should be based on individual student needs.
New Mexico	Test includes reading, language arts, math, science, social science, written composition. Students take for first time in grade 10. Students can take test up to five years after leaving high school and get a diploma.	A new standards-based exam will replace old exam, effective with Class of 2004.	Students can participate through an accommodated administration (based on IEP) or alternate assessment based on bilingual or special education program guidelines. Also has Alternate Assessment. A standardized achievement assessment in Spanish will be developed for students identified as LEP and who have appropriate Spanish language skills.
New York	New York State Board of Regents is phasing in a schedule under which all students will have to pass the Regents exams to graduate, beginning with the Class of 2000. Students must achieve a minimum score of 65 on the exams unless their district requests a 55 for the first few years. • Class of 2000 – English; • Class of 2001 – English, math; • Class of 2002 – English, math, U.S. History, Global History; • Class of 2003 – all previous curricular areas plus science; • Class of 2004 – all previous areas, except students must score at least 55 in math and science; • Class of 2005 – all previous areas with a minimum score of 65.	Set first bar lower; phasing in. Students entering 9th grade in 2000-2001 and before may earn a Regents diploma (rather than a local diploma) by meeting more stringent requirements for courses and Regents exam scores. For students entering 9th grade in 2001-2002 (Class of 2005) and thereafter, all students must meet requirements for Regents diplomas. To earn a Regents diploma with honors, a student must achieve an average of 90 percent in all Regents examinations required for the diploma. New York School District is considering a request (2/22/01) by a number of alternative schools that want to substitute their student projects, or portfolios, for Regents exams as graduation requirements in math, social studies and science.	

State	Original Exams	Modifications	Special Needs Students
North Carolina	Effective with the graduating Class of 2003, all students must take exit exam of "essential skills", to be administered in the spring of 11 th grade. Effective with the Class of 2001, students must pass a computer skills test in the 8 th grade. Honors diploma available for high scoring students.	State board has delayed exit test by two years to 2005 in order to do more field testing.	To extent possible, students with disabilities shall participate in high school exam; they may be exempted from statewide standards by IEP team determines students do not have ability to participate. These students may receive a certificate of achievement or graduation certificate. LEP students are required to meet same standards as all students, but districts required to provide focused intervention and "personalized education plans."
Ohio	Students must pass 8 th grade level high school exit exam. Includes, reading, writing, math, science and citizenship. To earn a diploma with honors, students must maintain a 3.5 GPA, and either earn certain proficiency test scores as designated by the state board, or earn a 27 on the ACT (or the equivalent on the SAT,) as well as meet certain course requirements.	State will implement new test measuring same competencies, but at 10th grade level. Will be administered to 10th graders in 2003. Class of 2005 is first group needed to pass exam. A gubernatorial commission has recommended replacing the existing exit test with end of course exams.	Students with IEPs must take the test, but with accommodations as described in student's IEP.
South Carolina	Exit exam was first administered in 1986, and it became a requirement for a diploma in 1990. It assessed student performance on statewide objectives in reading, writing, and math. Students who do not pass all sections of the examination are given four opportunities to retake the subtest(s) they did not pass.	The current exit examination is scheduled to be replaced by the Palmetto Achievement Challenge Test in 2003.	
Texas	The Texas Assessment of Academic Skills (TAAS) measures the statewide curriculum in reading, writing, and mathematics. Satisfactory performance on the TAAS exit level tests is needed for a high school diploma.	End-of-course examinations measure the statewide curriculum of certain high school courses (Algebra I, Biology, English II, and U.S. History) in order to ensure that high academic standards are being met. Demonstrating satisfactory performance on end-of-course tests became an additional means for students to be eligible to graduate beginning in the 1998-99 school year.	Students with IEPs must take the test, but with accommodations as described in student's IEP. Alternate assessments required for students who cannot take test without modifications. An alternative assessment is expected to become a part of the school accountability system in the 2002-2003 school year. Tests are designed to measure annual growth in the English reading proficiency of second language learners, and are used along with English and Spanish TAAS to provide a comprehensive assessment system for LEP students. LEP students in Grades 3-12 are required to take the test until they achieve a rating of advanced.