

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2879 SCOMM 125: HOUSE SPECIAL COMMITTEE ON EDUCATION 2001-02

Special Education Categories and Eligibility Criteria

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

1. Autism

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

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

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

2. Deafness

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

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

3. Deaf-Blindness

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

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

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

4. Emotional Disturbance

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

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

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

5. Hearing Impairment

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

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

6. Specific Learning Disability

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

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

The term specific learning disability:

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

- b) The IEP Team must show that:

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

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

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

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

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

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

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

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

7. Mental Retardation

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

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

8. Multiple Disabilities

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

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

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

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

9. Orthopedic Impairment

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

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

10. Other Health Impairment

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

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

11. Preschool Developmental Delay

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

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

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

or

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

and

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

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

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

12. Speech Impairment

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

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

13. Traumatic Brain Injury

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

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

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

14. Visual Impairment

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

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

SCOMM

125:30

Subject: Amendment request

Date: Tue, 03 Apr 2001 15:06:37 -0800

From: Representative Gretchen Guess <Representative_Gretchen_Guess@legis.state.ak.us>

Organization: Alaska State House of Representatives

To: Representative_Con_Bunde@legis.state.ak.us

Con--Per your request, here is the new amendment regarding special education. As you can see, we made positive progress towards the concern of constantly changing the alternative assessment program to ensure a diploma. Please call me if you have any questions or concerns. I do plan to offer it tomorrow. Thank you, Gretchen

Amendment
Rep Guess

Insert new intent section

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

Section 3

(c)(1) delete and replace with

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

(2) a student who is a child with a disability and who does not achieve a passing score on the examination required under (a) of this section is eligible to receive a diploma if the student successfully completes an alternative assessment program required by the student's individualized education program or required in the education plan developed for the student under 29 USC 794 that conforms to the maximum extent practicable with the state performance standards on the competency exam established by the board; and

(3) The criteria for the alternative assessment program shall not change for a child with a disability after February 1 of the student's junior year.

(4) The department shall by regulation establish "alternative assessment program" and uniform standards and processes in creating an alternative assessment program.

--
Representative Gretchen Guess
Alaska State Legislature - District 16
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Identical
to Monday's
amendment.

See last page
for Monday's
amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) pre-examination study materials; and

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

31 (f) In this section,



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MEMBER OF THE
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SYSTEMS

April 3, 2001

By Hand Delivery

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

ATTN: Karen McCarthy

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

Dear Rep. Bunde:

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

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

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

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

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

Very truly yours,

Robert B. Briggs

for Amy Headrick, staff attorney
Robert Briggs, staff attorney

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.

and next page ->

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.

Amendment
Rep Guess

Section 3

(c) delete and replace with

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

Red Brink
Parant

AMENDMENT #1 BY REPRESENTATIVE BUNDE

Page 2, Line ~~4~~: 10:

*adopted w/o
objection*

Change "Secondary pupil competency testing" to either

Secondary student competency testing ~~OP~~

~~Secondary student competency examination~~

AMENDMENT #2 BY REPRESENTATIVE BUNDE

Page 2, Line 3:

adopted

Add to the intent language:

(e) that the secondary student competency examination (or test) focus on the minimum competencies in the areas of reading, English, and mathematics that a student should have to know in order to function in our society.

AMENDMENT #3 BY REPRESENTATIVE BUNDE

adopted

Section 3:

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

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

AMENDMENT #4 BY REPRESENTATIVE BUNDE

Section 3

*withdrawn but
~~withdrawn~~
supported by Dep'n*

Page 3, Line 10

Add ",but not the modifications," after "the accommodations" so that Lines 9-11 would read, "passing all portions of the examination described under (a) of this section with the accommodations, but not the modifications, approved by the pupil's individualized education program team; or

Page 3, Line 12

Add "without modifications," after "through a portfolio of work" so that Lines 12-13 would read, "demonstrating, through a portfolio of work without modifications, mastery of state performance standards established by the board; and"

Amendment #5
Rep Guess

withdrawn

Insert new intent section

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

Section 3

(c)(1) delete and replace with

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

Amendment
Rep Guess

#6 adopted

Porter yes
Wilson yes
Soule yes
Guess yes
Bunde no

Sec 2, line 12

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

Add new section

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

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

Add new section

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

Report Card to the Public.

see Coghill to fix this.

Page 4. Line 30, New Section

Amendment
Rep Guess

#7

 School Report Card adopted

AS 14.03.120(d) is amended to read:

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

adopted

Amendment # 8
Rep Guess

Sec 4, line 7

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

Sec 4, line 9

include the information from 14.03.120(d) and

Sec 4, line 10

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

Sec 4, line 17 and 18

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

Sec 4, line 24

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

Amendment
Rep Guess

#9

adopted

Sec 6, Line 10

delete "and which were failed"

Amendment # 10
Rep Guess

Section 7 delete and replace

The board shall by regulation develop

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

G - yes

P - no

W - no

Died in a tie.

S - yes

J - yes

B - no

*Distributed to em
4/4/01. ✓*

Dear Rep. Bunde,

One more note on the exit exam bills.

I said portfolios were OK in my last note. I must retract. Portfolios could be a fake track to a diploma. My daughter had often been highly assisted in her work. Now, thankfully, she is encouraged to discover her mistakes and demonstrate the ability to correct them after her school and I came to an understanding.

Several years ago, however, I got a progress report that said she got a 95% on her term paper "with assistance." This paper would have been used in a portfolio. I looked at the term paper. The assistance was so great that it was unrecognizable as her own work, and she could not have replicated a like product independently. This was a common complaint of mine over the years. Her progress report one year said she was reading at a fifth grade level when a test showed her reading at a first grade level. Objective tests are best. Taking the exam with accommodations set by the IEP team should be the route for IEP kids to receive a diploma.

I suggest you delete the portfolio section.

Thank you,

Louise Parish

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

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

Revision Date/Time (Note if correction):
Title: An Act relating to a two-year transition for imple-
mentation of the public high school competency examination
Sponsor: Senate HESS
Requester: Senate HESS

Dept. Affected: Education & Early Development
BRU: Teaching & Learning Support
Component: Quality Schools
Component Number: 2147

Expenditures/Revenues

(Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Barbara Thompson, Deputy Director
Division: Teaching & Learning Support
Approved by: Bruce Johnson, Deputy Commissioner of Education
Agency: Department of Education & Early Development

Phone 465-8727
Date/Time 3 16 01 12:00 AM
Date 03 16 2001

For distribution information, call the Governor's Legislative Office

22-LS0607B

Ford

3/30/01

adopted 4/2/01
amended 4/4/01

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

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

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

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

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

HCS CSSB 133(EDU)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) pre-examination study materials; and

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

31 (f) In this section,

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

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

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

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

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

(2) progress of the department

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

(B) in assisting high schools to become accredited;

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

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

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

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

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

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

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

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

1 2002].

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

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

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

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

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

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

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

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

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

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

- 1 (4) evaluating the process described under (3) of this section.
- 2 * Sec. 8. Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA 1997,
- 3 as amended by this Act.
- 4 * Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect immediately under
- 5 AS 01.10.070(c).

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

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

Side by Side Analysis

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

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

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

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

	CSHB 94 (EDU) Version J		CSSB 133 (HES) am
Section 3	Establishes a Certificate of Achievement for students who fail to qualify for a diploma. The Certificate may include the portions of the test that were passed, the student's attendance record, other information indicating the qualifications of the student as the district sees as appropriate.	Section 3	No provision for this change.
Section 4	Requires a report from the Department of Education to the Legislature by January 15 of each year that lists nine indicators that must be included to show the progress of schools toward high academic performance for all students and the Department's assistance to that goal.	Section 4	
Section 5	Students will be required to pass the Competency Test by February 1, 2004 in order to be granted a diploma. See Section 7 for House Version's waiver language.	Section 5	
	See Section 5.	Section 6	<u>This Act takes effect February 1, 2004.</u>
Section 6	Temporary Statute: Interim Competency Testing - As directed by the Board of Education, the student's transcripts will indicate which sections of the test were passed or failed. Endorsements on the diploma will reflect the sections that were passed. The student will be re-tested once per year unless the student's I.E.P. team recommends against that.		
Section 7	Temporary Statute: The Department shall, by January 14, 2002, report back to the Legislature with recommendations for 1) waiver process for pupils who entered the system late and for other pupils with rare or unusual circumstances that merit a waiver; 2) an appeals process for students who are denied a diploma; 3) establishing a process that allows issuance of a diploma to a child with a disability based on a portfolio of work and 4) evaluating the process described under 3) of this section.		
	Somewhat similar to Sections 2 and 6.	Section 8	

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

	CSHB 94 (EDU) Version J		CSSB 133 (HES) am
	No provision for this change.	Section 9	<i>Temporary Statute, June 15, 2002, effective immediately.</i>
	See Section 7. The House version calls for the report by January 14, 2002 (the first day of session). The guidance provided to the Board is more strict re: waivers, it provides for an appeals process, and asks for recommendations on portfolios of work for children with disabilities.	Section 10	<i>Temporary Statute, June 15, 2002, effective immediately. The statute describes the proposed changes to the diploma and recommends that the Board of Education maintain the accountability designator, but the direction of the recommendation is not clear.</i>
Section 9	Section 3 takes effect on February 1, 2004.	Section 11	<i>Section 12 is amended.</i>
Section 10	Except as provided in Section 8, this Act takes effect immediately.	Section 12	<i>Section 13 is amended.</i>
		Section 13	<i>Except as provided in Section 12, this Act takes effect immediately.</i>

22-LS0607B

Ford

3/30/01

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

1 "An Act relating to a two-year transition for implementation of the public high school
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10 measure pupil performance through appropriate testing based on specific standards; (2)
11 allowing the Department of Education and Early Development to continue to develop and
12 perfect the competency examination to allow measurement of minimum competency and to
13 perfect the testing method; (3) ensuring that school districts and families receive performance
14 data from standards-based assessments of pupils; and (4) encouraging schools and school

HCS CSSB 133(EDU)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) pre-examination study materials; and

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

31 (f) In this section,

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

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

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

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

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

(2) progress of the department

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

(B) in assisting high schools to become accredited;

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

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

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

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

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

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

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

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

1 2002].

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

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

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

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

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

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

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

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

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

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

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

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

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

Subject: Bill 133

Date: Thu, 29 Mar 2001 20:47:06 -0900

From: Barbara Lefler <lefler@alaska.net>

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

Dear Representative Bunde,

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

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

Now we learn that Sec.3 AS14.03.075 states "(d) A student who is a child with a disability and *who does not achieve a passing score on the examination* required under (a) of this section is eligible to receive a diploma if the student

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

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

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

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

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

Sincerely,

Doug and Barbara Lefler



NEA-ALASKA

Affiliated with the National Education Association

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

NEA-Alaska wants to thank the committee members, and in particular Chairman Bunde, for the seriousness with which they have approached the issue of delaying the effective date of the High School Graduation Qualifying Examination. The long weeks of listening to testimony are very clearly reflected in the thoughtful approach to the issue taken by HB ~~54~~ 94.

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

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

While you are not delaying the effective date until 2006, we are satisfied that the members of this committee have listened very carefully to the testimony that has been presented. In particular we are pleased to note the approach the committee has taken to move our schools forward towards success, and not allow a delay in the effective date to be misused. The reporting requirements that are a major component of the Committee Substitute for HB ~~54~~ 94 are a very positive step. They reflect the concerns we have heard from our members, and will keep all of us in education focused on the changes that need to take place for all our students to be successful. In particular, the impact of staff turnover and teaching out of area

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

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

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

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

Subject: Comments on Exit Exam

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

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

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

3/30/01

PARENTS, Inc Comments on HB 94 and SB 133

Prepared by Tim Weiss

Section 1

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

Section 2

I applaud the removal of the Certificate of Attendance.

Section 3

I like the endorsement on the diploma or transcripts.

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

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

Subject: SB 133

Date: Fri, 30 Mar 2001 19:58:39 -0900

From: "Jeff Friedman" <jfriedman@alaska.com>

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

Let's hope this works:

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

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

Other thoughts:

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

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

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

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

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

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

- the same is true for most other districts.

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

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

From: Senator Taylor

To: Jeff Friedman

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

Subject: Re: High School Exit Exam

Dear Jeff:

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

Sen. Robin Taylor

10

Side by Side Comparison of CSHB 94 (EDU) Version J and CSSB 133 (HES) am

	CSHB 94 (EDU) Version J		CSSB 133 (HES) am
Section 1	Intent Language: 1) maximize opportunity for the success of all students by continuing to measure performance; 2) allow DEED to continue developing the method; and 3) ensure districts and families receive performance data from standards based assessments. Change of date is to 1) allow for specific high standards to be set and maintained; and 2) ensure maximum opportunity for all pupils to learn and for districts to improve	Section 1	Intent Language: 1) encourage schools and districts to develop and promote endorsements and awards that document high levels of academic, artistic, or vocational achievement; 2) implement testing procedures that are reasonable, fair, and in the best interest of students; 3) exam should focus on reading, English and math skills that the general community expects students to know in order to function in society.
Section 2	No provision for this change.	Section 2	Changes name of test to Secondary student competency examination from Secondary pupil competency testing.
Section 2	Deletes Certificate of Attendance language from original law. Deletes language from original law limiting the number of times the test may be given per year. Deletes language limiting for how many years after a student leaves school that he may re-take the test.	Section 2	Deletes Certificate of Attendance language from original law. Keeps the language from original law limiting the number of times the test may be given per year. Deletes the language limiting for how many years after a student leaves school he may re-take the test.
Section 2	Requires students to re-take those portions of the test that the student has not passed unless the student's I.E.P. team recommends against that. Does not allow students to re-take passed portions.	Section 2	A student may not be issued a secondary school diploma unless the student passes the Competency Examination or <u>receives a waiver from</u> the governing body during the final semester of attendance.
Section 3	No provision for this change in the permanent section of statute. Similar language is located in the uncodified, or temporary section. See Section 6.	Section 3	A student shall receive an endorsement on his diploma and transcript identifying the areas of the test successfully passed.
Section 3	A child with a disability with an I.E.P. will qualify for a diploma if the student passed the Competency Test without accommodations, with accommodations, or by demonstrating mastery of the state performance standards through a portfolio of work. Modifications would be allowed for the portfolios as long as student demonstrates mastery of the performance standards.	Section 3	A student who is a child with a disability and who does not pass the Competency Test is eligible to receive a diploma if he successfully completes an alternative program required by his I.E.P. or 504 Plan and meets other requirements imposed by the Board of Ed. The Department of Education feels that the language for alternative testing allows for modifications.
Section 3	Provides that students who transfer into high school from another state may be granted a diploma if they have passed the competency test in the state from which they transferred and fulfilled the Alaskan district's requirements.	Section 3	No provision for this change.
Section 3	No provision for this change.	Section 3	The Department of Education shall, by regulation, establish uniform standards for pre-exam study materials, procedures to be followed during the administration of the test, awarding a waiver, and procedures for recording test results on the student's transcripts.

Side by Side Analysis

Side by Side Comparison of CSHB 94 (EDU) Version J and CSSB 133 (HES) am

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

Side by Side Comparison of CSHB 94 (EDU) Version J and CSSB 133 (HES) am

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

SB 133: PUBLIC SCHOOL EXIT EXAM

BY SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

SECTIONAL ANALYSIS

Prepared by Aurora Hauke, Senate HESS Committee Aide

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

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



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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Brian Porter
Joe Green
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SECTIONAL ANALYSIS CSHB 94 (EDU) Version J Dated 3/28/01

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

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

Section 2: Amends AS 14.03.075, the 1997 Competency Test law, so that the Competency Test is truly a diagnostic tool from 10th to 12th grade. Allows adults to retake the test in order to earn a diploma without requiring school districts to provide remediation.

- a) deletes Certificate of Attendance language.
- b) requires all students to take the failed portions of the Competency Test at least once a year unless the student's IEP team recommends against that. Does not allow students to re-take portions of the test they have passed.
- c) deletes language that prevented reexaminations from occurring more than once every three months and required that reexaminations of students who are no longer in attendance occur within three years.

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

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

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

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

- a) the number of students in each school who pass the Competency Test and the number who pass each section of the Competency Test;
- b) the progress of the Department in implementing the school designator system in AS 14.03.123;
- c) the progress of the Department in assisting high schools to become accredited;
- d) a description of the resources provided to each school district for coordinated school improvement activities and staff training;
- e) each district's and each school's progress in aligning curriculum to state performance standards;
- f) a description of the Department's efforts to assist those schools designated to be deficient or in crisis;
- g) a description of each school district's and each school's efforts to provide intervention for students who are not passing the Benchmark Tests or the Competency Test;
- h) the number and percentage of turnover in certificated personnel and superintendents; and
- i) the number of teachers by district and by school who are teaching outside the teacher's area of endorsement but in areas tested by the Competency Test.

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

Section 6: Adds language to the uncodified, or temporary, sections of statute to provide for Competency Testing between February 1, 2002 and January 31, 2004.

- a) As directed by the Board of Education, the test will be given at least twice a school year.
- b) Students' transcripts will show which sections were passed and which were failed and the diplomas will carry endorsements for which sections of the test were passed as directed by the Board of Education.
- c) Students will be re-tested at least once each school year on those portions the student has not passed, unless the student's I.E.P. team recommends against it.

Section 7: Adds language to the uncodified, or temporary, sections of statute to require the Department of Education to provide to the Legislature by the first day of next session recommendations for:

- a) a waiver process for students who enter the school system late and for other pupils with rare or unusual circumstances that merit a waiver;
- b) an appeals process for a pupil who is denied a diploma; and
- c) establishing a process that allows a diploma to be issued to a child with a disability through a portfolio of work.

Section 8: The effective date of Section 3 takes effect on February 1, 2004.

Section 9: Except for Section 3, this Act takes effect immediately.

22-GH1006V

Ford

3/28/01

CS FOR HOUSE BILL NO. 94(EDU)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON EDUCATION

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

7 **PURPOSE.** (a) As part of the state's quality schools initiative, the purpose of this Act
8 is to maximize the opportunity for the success of all public school pupils by (1) continuing to
9 measure pupil performance through appropriate testing ~~based on~~ specific standards; (2)
10 allowing the Department of Education and Early Development to continue to develop and
11 perfect the testing method; and (3) ensuring that school districts and families receive
12 performance data from standards-based assessments of pupils. The performance data is to be
13 used to better determine appropriate academic intervention and support for pupils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (e) In this section,

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

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

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

30 Sec. 14.03.078. Report. The department shall provide to the legislature by
31 January 15 of each year an annual report regarding the progress of each school toward

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

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

(2) progress of the department

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

(B) in assisting high schools to become accredited;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCOMM

125:31

Alaska State Legislature

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Chair, House Special Committee
on Economic Development, Trade
and Tourism

Chair, Joint House and Senate
Administrative Regulation and
Review Committee

Member
Resources Committee
Rules Committee

Representative Lesil McGuire *House District 17*

SPONSOR STATEMENT

HB 99 **School Discipline and Safety**

HB 99, "An Act relating to school discipline and safety programs; and providing for an effective date," seeks to address ways to mitigate violence in Alaska's schools.

Violence in Alaska's schools has recently been brought into the community spotlight as a result of serious physical altercations between students. These particular fights have been extremely violent resulting in severe bodily harm and even leaving one student comatose. These cannot be considered isolated incidents from those that are never reported. Education requires our children to learn how to live in society through the acceptance of rules and community values. Those values need to be taught by parents, teachers and peers. But somewhere we lost that process in our schools.

HB 99 will be another tool available to schools to help confront both violent and non-violent conflicts. It amends Title 14 of Alaska Statutes to include policies that will seek to initiate a student conflict-resolution curriculum that will provide methods of nonviolent resolution and mediations of conflicts to students, teachers and associated persons. HB 99 seeks to recognize and enforce existing behavior standards by giving students alternatives for solving problems besides the use of violence. Students will learn valuable lessons that will hopefully result in a safer education environment for all of our children. By integrating this way of learning into schools' core curriculum, these policies are targeted at helping students resolve problems before they escalate.



Alaska State Legislature

House Special Committee on Education Representative Con Bunde, Chair

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

MEMORANDUM

DATE: March 15, 2001

TO: Members of the House Special Committee on Education

CC: Representative Lesil McGuire

FROM: Representative Con Bunde, Chair *CBunde*

RE: Waiver Request for HB 99, "An Act relating to school discipline and safety programs; and providing for an effective date."

HB 99, "School Discipline and Safety" has been referred to the committee and received one hearing. As our priority at this time is the Competency Test bill, we will not be able to schedule HB 99 until April 11, 2001 at the earliest. The bill's sponsor, Representative McGuire, has asked that we waive this bill, as it is her priority bill. I have no objection to that request.

If you have no objections to waiving this bill, please sign below.

Brian Porter
Representative Brian Porter

Gary Stevens
Representative Gary Stevens

Joe Green
Representative Joe Green

Reggie Joule
Representative Reggie Joule

Peggy Wilson
Representative Peggy Wilson

Gretchen Guess
Representative Gretchen Guess

BILL ANALYSIS -- HB 99
2nd Hearing March 7, 2001

Sponsor: Rep. Lesil McGuire

Bill Title: "An Act relating to school discipline and safety programs; and providing for an effective date."

Last Hearing:

- 1) Rep. McGuire's amendment was adopted by the committee on February 28th. See penciled in changes on the bill.
- 2) Program co-facilitators from Chugiak High School provided comments about conflict resolution programs.
- 3) Larry Wiget from Anchorage School District is still reviewing the bill as of Monday, March 05, 2001. He will get us any comments they may have. *included.*
- 4) I requested that Rep. McGuire's office provide us with any additional information they had by Monday at noon so that it could be added to packets. No information was provided.

Questions:

- 1) Subsection 7, on page 2, lines 14-17 requires that school districts have plans that provide procedures for reporting and resolving conflicts. To whom would these reports be made, and why?
- 2) An *Anchorage Daily News* article on March 5th quotes Anchorage School District Superintendent as saying, "The worst thing you can do is mandate a program like this, which takes a buy-in by the staff".
- 3) Also, a "new study", referred to in the article, "didn't find hard evidence the program has reduced discipline problems in Anchorage schools", and that school officials are looking at what changes or re-evaluations may be needed.
- 4) Given those two quotes, do you think this bill will help reduce violence in Alaska's schools?

Fiscal Note: \$0 cost to the state. However, DoE estimates that costs to school districts (under the original version of the bill) would be as follows:

- a) \$20-100 per set of conflict resolution program materials x the number of teachers in a district
- b) \$30,000 per year for staff to conduct the program (per school) for staff training and peer mediation training.
- c) Unknown amount to pay for a minimum of two in-service days for teachers and staff.
- d) Time and space to conduct training and conflict resolution activities
- e) **DoE does not estimate any significant change in their fiscal note due to the amendment.**

Teleconference Sites: Anchorage (Listen Only.)

**People Testifying on Wednesday, February 28 in support of
HB 99** *for Rep. McGuire*

affnet

Judy Mathewson, Co-facilitator of Conflict Resolution at Chugiak High School

affnet

Sandy Anderson, Co-facilitator of Conflict Resolution at Chugiak High School

L10

Michael Kerosky, Supervisor, Safe & Drug Free Schools, Anchorage School District

adn.com

Anchorage Daily News

School fighting District hunts ways to cut violence

**By Lisa Demer
Anchorage Daily News**

(Published March 5, 2001)

A disturbing rise in fights involving Anchorage high school students -- including one that put a 16-year-old Dimond student in a coma this year -- has school leaders searching for new ways to address student conflict and is putting new energy into efforts already begun.

Private psychologists have offered to visit high school health classes. Schools are holding forums on violence and communication. The Anchorage School District may fine-tune a conflict resolution program entrenched in many elementary schools and just getting started in middle and high schools.

The need is intense.

After holding steady or dropping in recent years, suspensions for fights, threats and assaults at Anchorage's six comprehensive high schools went up 34 percent the first quarter of this school year compared to the same period the year before, from 111 to 149.

"What I'm seeing is an escalation in fighting and violence," said school superintendent Carol Comeau.

The situation got worse in the second quarter with a string of sensational fights. Service High administrators suspended 134 students for watching or participating in a Dec. 5 fight between two boys that was captured on videotape and set to music. Chugiak made headlines after it suspended 40 students after a Jan. 6 fight between two girls on the popular Chaparrals dance/drill team. A Dimond High junior was comatose for days after he was struck in the head with a baseball bat on Jan. 14. An East High student was stabbed in the arm on Jan. 23 in an after-school fight.

What's causing the violence?

Influences from the Worldwide Wrestling Federation, the new XFL and violent video games are partly to blame, Comeau said.

So are the size and shape of Anchorage high schools: big and impersonal. Just bumping into a stranger in crowded halls can be taken the wrong way. They call it hall rage. At Dimond High, students scurry down one narrow corridor single file and shoulder-to-shoulder. East High long ago banned backpacks in part to reduce student collisions.

The climate at high schools needs to change, said teachers and principals.

All six of Anchorage's comprehensive high schools are looking at ways to create smaller environments for learning to better connect students to one another and their schools. Maybe more schools within schools like at East. Or old-fashioned home rooms. Or teams of teachers, as in middle schools. When the new South Anchorage high school opens in 2004, it will be designed with four distinct teaching "houses," each for no more than 400 students.

Dimond High has planned an off-campus retreat for the most disenfranchised youths -- those who dropped out, flunked out or are close to it -- to find out what the school could do differently, principal Guy Okada said.

Dimond senior Erin Bennett organized a student forum on violence in January that included a panel of school administrators and Anchorage Deputy Police Chief Mark Mew.

"It was right after three of the schools had gotten into fights. I realized it would be a good thing to have all the kids talk about it," said Bennett, 17, a member of student government and president of Z Club, a service organization. The message: Tell an adult when you hear of trouble.

The Dec. 5 off-campus fight that drew about 150 Service students as spectators was planned and promoted at school. But no one alerted teachers or administrators, not even to leave an anonymous message on the safe hotline each high school has.

Acting principal Pat Podvin said he is trying to open up communications. He recently held a full day of meetings with teachers and then with students.

"I have felt there was a real gulf between the adults and the students in the building," Podvin said. At the forums, students and teachers gave ideas as simple as installing suggestion boxes, which the school is doing. Students also said they wanted to hook up with an adult advocate at school.

"They want a way to have a relationship with a teacher or another adult," Podvin said.

Service also launched a new elective course this semester in student leadership that is covering topics such as violence, respect and harassment. Podvin said he hopes the lessons ripple throughout the school so that student disputes are settled more peacefully.

After the recent fights, the district began working with Cathy von Hippel, an Anchorage psychologist who volunteered to bring colleagues into health classes for an anti-violence campaign. The program will include a video developed by the American Psychological Association and MTV to alert teens to warning signs for violence. It features three real life stories, including that of Evan Ramsey, who was 16 when he killed a student and the principal at Bethel Regional High School.

"We want to decrease the amount of violence and help kids get mental health services when they are distressed," von Hippel said.

In Connecticut, fights at Martin Kellogg Middle School dropped from 40 to 50 a year to fewer than 10 through a workshop-based program called Help Increase the Peace, as well as other conflict resolution efforts. Then-principal Amzie Brown brought in the program seven years ago because her school was being terrorized by a group of 15 bullies. The bullies were the first ones to go through a three-day workshop created by the American Friends Service Committee. More than 150 students have done so since. They learned self-control and how to walk away from tense situations.

Thirteen years ago, Anchorage was on the cutting edge. In 1988, five Anchorage elementary schools tapped into a new program out of New York City to bolster students' social and emotional skills. Special training for teachers in conflict resolution, bias awareness and communication -- plus peer mediation -- are main components.

Dozens of Anchorage elementary schools now use at least some principles of the Resolving Conflict Creatively Program, and suspensions for fighting in elementary schools are dropping. It's the School District's main effort to reduce student violence, part of nearly \$1 million worth of programs to combat problem behaviors from drug abuse to racial discrimination.

The secondary school version, Partners in Learning, is entrenched in only one high school, Chugiak. The recent increase in high school fights shows that other schools need it too, said Michael Kerosky, the district's coordinator of safe and drug free schools.

The district would like to see it spread, but won't require it in every school -- teachers and principals must want it, Comeau said.

Some schools are reluctant to take on a social program, especially with the new pressure of the exit exam. Some teachers are skeptical that it will make a difference.

"The worst thing you can do is mandate a program like this, which takes a buy-in by the staff," Comeau said.

The push now is in the middle schools. Wendler, Mirror Lake, Clark and Hanshew have full-time coordinators for the program who work alongside teachers. Two others, Mears and Central, have applied for a coordinator, too.

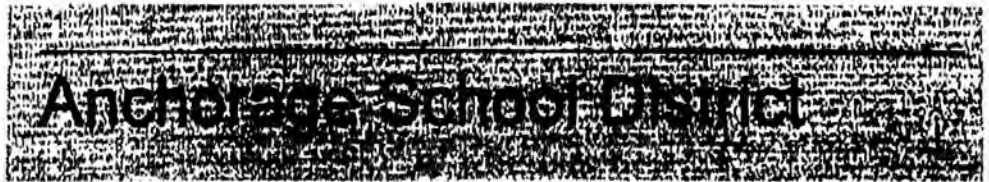
A new study didn't find hard evidence the program has reduced discipline problems in Anchorage schools. Anchorage officials are looking at whether the program simply needs to be intensified or expanded to have more effect, or whether other changes are needed.

"I do think it is time to take a second look at it or maybe to re-evaluate if it is working," said Cynthia McCray, the district's supervisor of high schools.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

Close Window

March 6, 2001



Larry Wiget, Executive Director, Public Affairs

(W) 907-742-4322 (F) 907-742-4175

HB 99: School Discipline and Safety Programs

Thank you for the opportunity to provide the House Special Committee on Education with written testimony on HB 99.

The Anchorage School District supports changes to statute that require a governing body to adopt a written school disciplinary and safety program that includes, as stated in section seven of the CS for HB 99, **written policies for implementing student conflict resolution strategies that include the nonviolent resolution or mediation of conflict.**

The Anchorage School District has concerns, however, that the written policy **must provide procedures for reporting and resolving conflicts.** Our concern is not unlike our concern with the original version of HB 99 that required a governing body to adopt a program that included training for teachers, staff and students. Requiring procedures for reporting and resolving conflict constitutes an **unfunded mandate.** Decisions such as these should be made at the local level and not mandated by statute.

Currently, the Anchorage School District has in place a program called Resolving Conflict Creatively in number of elementary schools. This program is the district's primary effort to prevent violence in our elementary schools. Dozens of Anchorage elementary schools now use at least some principles of the Resolving Conflict Creatively Program and suspensions for fighting in elementary schools are dropping. The program is also in four of our middle schools, with two others applying for grants to implement the program next year.

Partners in Learning, a similar approach to Resolving Conflict Creatively, is being piloted at Chugiak High. According to superintendent Carol Comeau, "the district would like to see it spread, but won't require it in every school - teachers and principals must want it. The worst thing you can do is mandate a program like this, which takes buy-in by the staff."

To date, the Anchorage School District has invested through grants and operating funds over \$1 million worth of programs to combat problem behaviors from drug abuse to racial discrimination. Expanding the programs will take additional dollars that the district is currently seeking through grants.

In summary, the Anchorage School District supports a written school disciplinary and safety program that includes, as stated in section seven of the CS for HB 99, **written policies for implementing student conflict resolution strategies that include the nonviolent resolution or mediation of conflict.** Our concern, however, is that this requirement not become an unfunded mandate. Eliminating language within the bill that the written policy **must provide procedures for reporting and resolving conflicts** would go a long way in alleviating our fear.

adn.com

Anchorage Daily News

School fighting

District hunts ways to cut violence

By Lisa Demer
Anchorage Daily News

(Published March 5, 2001)

A disturbing rise in fights involving Anchorage high school students -- including one that put a 16-year-old Dimond student in a coma this year -- has school leaders searching for new ways to address student conflict and is putting new energy into efforts already begun.

Private psychologists have offered to visit high school health classes. Schools are holding forums on violence and communication. The Anchorage School District may fine-tune a conflict resolution program entrenched in many elementary schools and just getting started in middle and high schools.

The need is intense.

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The district would like to see it spread, but won't require it in every school -- teachers and principals must want it, Comeau said.

Some schools are reluctant to take on a social program, especially with the new pressure of the exit exam. Some teachers are skeptical that it will make a difference.

"The worst thing you can do is mandate a program like this, which takes a buy-in by the staff," Comeau said.

The push now is in the middle schools. Wendler, Mirror Lake, Clark and Hanshew have full-time coordinators for the program who work alongside teachers. Two others, Mears and Central, have applied for a coordinator, too.

A new study didn't find hard evidence the program has reduced discipline problems in Anchorage schools. Anchorage officials are looking at whether the program simply needs to be intensified or expanded to have more effect, or whether other changes are needed.

"I do think it is time to take a second look at it or maybe to re-evaluate if it is working," said Cynthia McCray, the district's supervisor of high schools.

Reporter Lisa Demer can be reached at ldemer@adn.com and 257-4390.

Close Window

BILL ANALYSIS -- HB 99
1st Hearing February 28, 2001

Sponsor: Rep. Lesil McGuire

Bill Title: "An Act relating to school discipline and safety programs; and providing for an effective date."

Synopsis:

Background: AS 14.33.120 (a) requires school districts to adopt written school disciplinary and safety programs that provide for standards of student behavior, when teachers are authorized to remove a student from the classroom, procedures for notifying teachers of dangerous students, standards relating to use of appropriate force by school personnel, policies to comply with federal law, and to address students with mental health or substance abuse issues may impact their behavior.

Section 1: Adds language to AS 14.33.120 (a) to require districts to adopt "policies for implementing a student conflict resolution program; the program must include training for teachers, staff and students in the nonviolent resolution or mediation of conflicts and must provide procedures for reporting and resolving conflicts between students.

Section 2: The governing body of the school district must amend their school disciplinary and safety program by January 1, 2002.

Section 3: Effective date (July 1, 2001).

Sponsor's Proposed CS Language (in the packets)

- 1) Replaces Section 1 of the bill to require school districts to adopt "policies for implementing student conflict resolution strategies that include nonviolent resolution or mediation and conflict and must provide procedures for reporting and resolving conflicts."
- 2) This change is in response to the fiscal note from DoE.

Fiscal Note: \$0 cost to the state. However, DoE estimates that costs to school districts would be as follows:

- a) \$20-100 per set of conflict resolution program materials x the number of teachers in a district
- b) \$30,000 per year for staff to conduct the program (per school) for staff training and peer mediation training.
- c) Unknown amount to pay for a minimum of two inservice days for teachers and staff.
- d) Time and space to conduct training and conflict resolution activities

Committee Member Information:

Rep. Guess will be participating via offnet from Washington, D.C.

Available to Testify For Representative McGuire:

- 1) Judy Matthewson, Co-Facilitator of Conflict Resolution at Chugiak High School (via offnet)
- 2) Sandy Anderson, Co-Facilitator of Conflict Resolution at Chugiak High School (via offnet)
- 3) Michael Kerosky, Supervisor, Safe & Drug-Free Schools, Anchorage School District

Larry Wiget is reviewing this bill for the Anchorage School District. He does not know at this time if A.S.D. will be testifying one way or the other on this bill.

Teleconference Sites: Anchorage, Barrow, Valdez and Tok.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 99
() Publish Date: _____

Revision Date/Time (Note if correction): _____
Title: An Act relating to school discipline and safety
programs; and providing for an effective date.
Sponsor: Representative McGuire
Requester: House Special Committee on Education

Dept. Affected: Education & Early Development
BRU: Teaching & Learning Support
Component: Special & Supplemental Services
Component Number: 166

Expenditures/Revenues

(Thousands of Dollars)

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

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

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

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note represents zero cost to the department, but there will be costs at the district and school level to adopt a student conflict resolution program. At a minimum level, every teacher would need to receive two inservice days of training in order to implement a conflict resolution program. Each teacher would also need to receive the conflict resolution program materials for use in each classroom. Costs of programs are between about \$20 and \$100 per set, with each teacher needing a set. At the minimum level of \$20, multiplied by 8,000 teachers, the cost would be \$160,000 for materials only. At a more comprehensive level, paid staff would need to be hired to conduct ongoing training for teachers and provide technical assistance for those teachers experiencing difficulties. This staff person would also train peer mediators and provide opportunities for these children to get together and practice their mediation skills. Also at the more comprehensive level, separate school space would be secured to conduct the activities of the conflict resolution program; a place where children and mediators go to work out problems. An average cost for hiring staff to conduct a comprehensive level conflict resolution program at a school the size of Riverbend, in the Juneau School District, would alone be approximately \$30,000 per year.

Prepared by: Barbara Thompson
Division: Teaching & Learning Support
Approved by: Bruce Johnson, Deputy Commissioner of Education
Agency: Department of Education & Early Development

Phone 465-8727
Date/Time 2/26/01 12:00 AM
Date 2/27/01

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