



# LAWS OF ALASKA

2001

**Source**

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**Chapter No.**

94

**AN ACT**

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

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** July 6, 2001

**Actual Effective Date:** Section 3 takes effect February 1, 2004; remainder of Act takes effect July 7, 2001

AN ACT

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

5

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

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

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

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

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

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

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

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

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

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

1 EXAMINATION OR RECEIVED A DIPLOMA.]

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

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

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

17 (1) a student who is a child with a disability and who does not achieve  
 18 a passing score on the examination required under (a) of this section, with or without  
 19 accommodation, is eligible to receive a diploma if the student successfully completes  
 20 an alternative assessment program required by the student's individualized education  
 21 program or required in the education plan developed for the student under 29 U.S.C.  
 22 794; an alternative assessment program must, to the maximum extent possible,  
 23 conform to state performance standards established for the competency examination  
 24 required under (a) of this section; this paragraph does not apply to a student unless the  
 25 department determines that the student has taken and failed to pass the competency  
 26 examination with or without accommodations and the department approves the  
 27 student's alternative assessment program described under this paragraph; and

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

30 (A) meets graduation requirements imposed by the governing  
 31 body and the state; and

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

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

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

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

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

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

14 (1) pre-examination study materials; and

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

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

20 (g) In this section,

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

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

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

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

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

31 (2) the number and percentage of students in each school who pass the

1 examination required under AS 14.03.075, and the number who pass each section of  
2 the examination;

3 (3) progress of the department

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

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

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

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

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

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

16 (8) the number and percentage of turnover in certificated personnel and  
17 superintendents;

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

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

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

27 (1) information on accreditation;

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

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

31 (4) a description, including quantitative and qualitative measures, of

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1 student, parent, community, and business involvement in student learning;

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

6 (6) the annual percent of enrollment change, regardless of reason, and  
7 the annual percent of enrollment change due to student transfers into and out of the  
8 school district; [AND]

9 (7) if Native language education is provided, a summary and  
10 evaluation of the curriculum described in AS 14.30.420; **and**

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

19 \* Sec. 6. AS 14.07.165 is amended to read:

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

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

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

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

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

28 **(5) regulations implementing the secondary school student**  
29 **competency examination provisions of AS 14.03.075, including the criteria and**  
30 **procedure under which a governing body uses a waiver to grant a diploma to a**  
31 **student; criteria regarding granting a waiver must include provisions that a**

1        waiver may only be granted for students who enter the system late or have rare  
2        or unusual circumstances meriting a waiver.

3        \* **Sec. 7.** Section 3, ch. 58, SLA 1997, is amended to read:

4                Sec. 3. Section 1 of this Act takes effect **February 1, 2004** [JANUARY 1,  
5                2002].

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

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

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

21        In this subsection,

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

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

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

28                REQUIRED REPORT. The Department of Education and Early Development shall,  
29        by February 15, 2002, report back to the Alaska State Legislature with recommendations for  
30        an appeals process for a student who is denied a high school diploma.

31        \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to

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1 read:

2 REPORT. The Department of Education and Early Development shall, by  
3 February 15, 2002, deliver a report to the Alaska State Legislature that describes the proposed  
4 criteria and procedure under which a school district could use a waiver to grant a diploma to a  
5 student and that recommends statutory changes to the competency examination waiver  
6 requirements that the department determines are necessary to maintain the school  
7 accountability provisions of AS 14.03.123.

8 \* **Sec. 11.** Section 3 of this Act takes effect on the effective date of sec. 1, ch. 58, SLA  
9 1997, as amended by this Act.

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