

See AR 2010-89(S)

Submitted by: ASSEMBLY MEMBER GRAY-JACKSON,
VICE CHAIR GUTIERREZ AND
ASSEMBLY MEMBER DRUMMOND
Prepared by: Assembly Counsel's Office
For reading: March 2, 2010

**ANCHORAGE, ALASKA
AR NO. 2010-89**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY IN SUPPORT OF
LEGISLATIVE REPEAL OF THE SECONDARY STUDENT COMPETENCY
EXAMINATION AND RELATED REQUIREMENTS PENDING BEFORE THE 26TH
ALASKA STATE LEGISLATURE, SECOND SESSION.**

WHEREAS, there is currently a bill, SB 109, to repeal the secondary student examination and related requirements, also known as the High School Graduation Qualifying Exam (HSGQE) or "Exit" exam, now pending before the Twenty-sixth Alaska State Legislature, Second Session; and

WHEREAS, as highlighted in the attached Sponsor's Statement: Initiated in 2001 and fully effective in 2004, the HSGQE has yet to demonstrate that it improves student performance, is a valid measure of whether students are ready for post-secondary education, or that past students received diplomas but lacked basic skills; and

WHEREAS, since its inception, the Board of Education modified the HSGQE to be less difficult; and

WHEREAS, since the HSGQE has proven somewhat redundant, time-consuming and expensive to administer, the HSGQE was combined in 2006 with standards-based reading and math assessments so that questions counted for either or both of the assessments, to meet state requirements; and

WHEREAS, the HSGQE has become a "high stakes" hurdle that has harmed many students in Alaska while exacerbating a court finding in 2007 that the State was violating students' constitutional rights to an education without providing proper assistance and direction. (See *Moore, et al. v. State of Alaska*, 3AN04-9756); and

WHEREAS, in Alaska statewide in 2007, over 1,100 students failed the HSGQE after five opportunities, while 8,524 passed; and

WHEREAS, the Anchorage School District requires many assessments and standardized tests to measure student knowledge, mastery of curriculum subjects, and preparedness for post-secondary endeavors; and

WHEREAS, eliminating the HSGQE may also encourage youth to stay in school long enough to get a diploma and reduce the dropout rate; and

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1 WHEREAS, while repealing the HSGQE does not remedy the underlying
2 problems in underperforming school districts, it removes the risk that a single exam
3 denies a student a diploma after 12 years of education;
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5 NOW, THEREFORE, the Anchorage Assembly resolves:
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7 **The Anchorage Assembly supports repealing the secondary student**
8 **competency examination or the High School Graduation Qualifying Exam**
9 **(HSGQE), and asks that our state legislators move forward any proven**
10 **measures to improve education during this legislative session.**

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12 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
13 _____, 2010.
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18 _____
19 Chair

20 ATTEST:
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25 Municipal Clerk
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Alaska State Legislature



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Senator Bettye Davis

SB 109, 26-LS0527\A

"An Act repealing the secondary student competency examination and related requirements; and providing for an effective date."

Sponsor Statement

SB 109 repeals the Alaska secondary student competency examination, also known as the High School Graduation Qualifying Exam (HSGQE) or "Exit" exam. The HSGQE was initiated in 2001 and became fully effective in 2004, following the trend for more assessment in the No Child Left Behind Act of 2001. It was never clear that the Alaska HSGQE would improve performance and measure whether students would be better prepared for college, much less determine conclusively that students were receiving diplomas but lacking basic skills. The HSGQE has become a "high stakes" hurdle that has harmed many students in Alaska while exacerbating a court finding in 2007 that the State was violating students' constitutional rights to an education without providing proper assistance and direction. (See *Moore, et al. v. State of Alaska*, 3AN04-9756).

It may be argued that State does not need the HSGQE, as the State and all school districts already require many assessment tests to determine student progress and competency. At the same time there is a trend away from exit exams. The Center on Education Policy (CEP) report in August, 2008 that most states are moving toward end-of course exams which assess mastery of content of a specific high school course in lieu of exit exams. The current Alaska HSGQE reportedly has been changed by the Board of Education and made less difficult than at inception. As a result, the HSGQE has become somewhat redundant, time-consuming, and expensive to administer. To save time and money, beginning in the spring of 2006 sophomores took a test that combined the HSGQE with a standards-based reading and math assessment required by the federal No Child Left Behind Act. Although students took one only exam, some questions counted for one or the other or both exams to satisfy state requirements. (See *Legislative Research Report 06.233, "History, Results, and cost of the HSGQE," June 28, 2006*). The HSGQE reportedly has detracted from the standard curriculum and has also promoted "teaching to the test."

The Department reported in 2007 that over 1,100 students statewide failed to pass the HSGQE after five opportunities, while 8,524 passed. See *Moore*, supra, exhibit 2514, p. 13 of 58, "Findings of Fact, Conclusions of Law and Order." These numbers excluded all students who had dropped out or transferred to another school before passing. The court in *Moore* determined that the State was violating the substantive due process rights of students by denying high school diplomas to students in chronically underperforming school districts. Students were failing the High School Graduation Qualifying Exam, while the State was failing to provide the oversight, assistance, and direction with clear standards to guide districts attempting to meet content and performance standards. As a result, the court concluded that the Department was ultimately failing to "maintain a system of public schools" as required under the Alaska Constitution, Article VII, Section 1. Finding insufficient proof of compliance with its 2007 court order, the court in *Moore* on February 4, 2009 gave the Department 60 days to establish compliance with its constitutional duties and to file with the court "revised district intervention plans that address and incorporate as appropriate remedial measures related to each of the problem areas identified in these Findings."

Alaska's experience with high school exit exams is not new but widespread. Fearful that hundreds of thousands of students would be left behind by one set of standardized, time-pressured tests in New York, an article appeared in the *New York Times* headed "Albany Legislators Seek to Dilute New, Tougher Graduation Exams." It was stated in the article that "an unusual bipartisan coalition of state lawmakers, whose constituents ranged from inner-city residents to affluent suburbanites, is pushing to scale back new more stringent graduation requirements for nearly all public high school students." *New York Times*, May 12, 1999.

The Center on Education Policy (CEP) reported in August, 2008 that in the 2007-2008 school year 23 states required students to take and pass exit exams to receive a high school diploma. Three more states, Arkansas, Maryland, and Oklahoma, will begin withholding diplomas within the next few years, leading to a total of 26 states with such policies by 2012. Additionally, Connecticut, Pennsylvania, and Oregon are considering exit exams, but Oregon and Pennsylvania are opting to use multiple measures. The CEP reported that 68% of the nation's public high school students attend school in the 23 states with such policies. By 2012 approximately 75% of the nation's public high school students will be affected, including 84% of low income students and students of color.

The Center on Education Policy (CEP) recommends more funding should be allocated to research aimed at better understanding the impact of exit exams, considering the vast number of students affected by state-mandated high school exit exams. State governments, the CEP reports, should move immediately to collect and release data on final passage rates on these and the rate of students using alternative paths to graduation. As they implement more end-of-course exams, the CEP recommends that states address the need for greater rigor in the content of their exams and provide for greater coordination of high school requirements with college preparedness and work readiness demands.

While dropping the HSGQE does not remedy underlying problems in delivering quality education in underperforming districts already identified by other assessments, it does remove the risk that a student can be denied a diploma after 12 years of education by one exam. Eliminating the HSGQE may also encourage youth to stay in school long enough to get a diploma and reduce the dropout rate. After complying with court-ordered requirements in *Moore*, and perhaps after experience with other on-going assessments, the Department and the Board of Education may better determine whether an exit exam or HSGQE Exam is in the best interests of the state, recognizing that more states seem to be moving away from exit exams toward end-of-course exams.

SENATE BILL NO. 109

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 2/17/09

Referred: Education, Community and Regional Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the secondary student competency examination and related**
2 **requirements; and providing for an effective date."**

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

4 *** Section 1.** AS 14.03.078 is amended to read:

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

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

10 (2) [THE NUMBER AND PERCENTAGE OF STUDENTS IN
11 EACH SCHOOL WHO PASS THE EXAMINATION REQUIRED UNDER
12 AS 14.03.075, AND THE NUMBER WHO PASS EACH SECTION OF THE
13 EXAMINATION;

14 (3)] progress of the department

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

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

4 (3) [(4)] a description of the resources provided to each school and
5 school district for coordinated school improvement activities and staff training in each
6 school and school district;

7 (4) [(5)] each school district's and each school's progress in aligning
8 curriculum with state education performance standards;

9 (5) [(6)] a description of the efforts by the department to assist a public
10 school that receives a designation of deficient or in crisis;

11 (6) [(7)] a description of intervention efforts by each school district
12 and school for students who are not meeting state performance standards;

13 (7) [(8)] the number and percentage of turnover in certificated
14 personnel and superintendents;

15 (8) [(9)] the number of teachers by district and by school who are
16 teaching outside the teacher's area of endorsement [BUT IN AREAS TESTED BY
17 THE HIGH SCHOOL COMPETENCY EXAMINATION].

18 * **Sec. 2.** AS 14.03.120(d) is amended to read:

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

25 (1) information on accreditation;

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

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

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

31 (5) a description of the school's attendance, retention, dropout, and

1 graduation rates, [INCLUDING THE NUMBER AND PERCENTAGE OF
 2 STUDENTS WHO RECEIVED A DIPLOMA UNDER A WAIVER FROM THE
 3 COMPETENCY EXAMINATION REQUIRED UNDER AS 14.03.075(a),] as
 4 specified by the state board;

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

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

10 (8) [THE NUMBER AND PERCENTAGE OF STUDENTS IN
 11 EACH SCHOOL WHO TAKE AND WHO SUCCESSFULLY COMPLETE AN
 12 ALTERNATIVE ASSESSMENT PROGRAM IN READING, ENGLISH, OR
 13 MATHEMATICS; AND THE NUMBER AND PERCENTAGE OF PUPILS IN
 14 EACH SCHOOL WHO SUCCESSFULLY COMPLETE THE ALTERNATIVE
 15 ASSESSMENT PROGRAM BUT WHO DO NOT REACH THE STATE
 16 PERFORMANCE STANDARDS AT THE COMPETENCY EXAM LEVEL IN
 17 READING, ENGLISH, OR MATHEMATICS; A SCHOOL MAY NOT REPORT
 18 RESULTS UNDER THIS PARAGRAPH UNLESS THE SCHOOL COMPLIES
 19 WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
 20 REQUIREMENTS OF 34 C.F.R. 99;

21 (9)] the performance designation assigned the school under
 22 AS 14.03.123 and the methodology used to assign the performance designation,
 23 including the measures used and their relative weights; and

24 (9) [(10)] other information concerning school performance and the
 25 performance of the school's students as required by the state board in regulation.

26 * **Sec. 3.** AS 14.03.123(f) is amended to read:

27 (f) In the accountability system for schools and districts required by this
 28 section, the department shall

29 (1) implement 20 U.S.C. 6301 - 7941 (Elementary and Secondary
 30 Education Act of 1965), as amended;

31 (2) implement state criteria and priorities for accountability including

1 the use of

2 (A) measures of student performance on standards-based
3 assessments in reading, writing, and mathematics [, AND INCLUDING
4 COMPETENCY TESTS REQUIRED UNDER AS 14.03.075];

5 (B) measures of student improvement; and

6 (C) other measures identified that are indicators of student
7 success and achievement; and

8 (3) to the extent practicable, minimize the administrative burden on
9 districts.

10 * **Sec. 4.** AS 14.03.255(a) is amended to read:

11 (a) A charter school operates as a school in the local school district except that
12 the charter school (1) is exempt from the local school district's textbook, program,
13 curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c); the
14 principal of the charter school shall be selected by the academic policy committee and
15 shall select, appoint, or otherwise supervise employees of the charter school; and (3)
16 operates under the charter school's annual program budget as set out in the contract
17 between the local school board and the charter school under (c) of this section. A local
18 school board may exempt a charter school from other local school district
19 requirements if the exemption is set out in the contract. A charter school is subject to
20 [SECONDARY SCHOOL COMPETENCY TESTING AS PROVIDED IN
21 AS 14.03.075 AND OTHER] competency tests required by the department.

22 * **Sec. 5.** AS 14.03.075 and AS 14.07.165(5) are repealed.

23 * **Sec. 6.** This Act takes effect July 1, 2011.