

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #35 (2003-2004)

September 8, 2003

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: A RESOLUTION IN OPPOSITION TO PROPOSED STATE
REGULATIONS REGARDING WAIVERS FROM THE HIGH
SCHOOL GRADUATION QUALIFYING EXAM (HSGQE)

RECOMMENDATION:

It is the Administration's recommendation that the School Board adopt the attached resolution in opposition to proposed Department of Education and Early Development (DEED) regulations regarding waivers and exemptions to the High School Graduation Qualifying Exam (HSGQE) by local school boards (Attachment A).

PERTINENT FACTS:

The Anchorage School District opposes the proposed regulations delegating the final decision for granting individual student waivers on the HSGQE to the local governing body (school board) with no final review and approval from a state body or authority such as the Department of Education & Early Development or the State Board of Education.

In the February 15, 2002 report to the Alaska Legislature by the Department of Education and Early Development (DEED) entitled, Waiver and Appeals - SB 133, DEED recommends that a statewide Appeals Board, rather than a local board or administration, consider appeals under this category in order to standardized expectations and requirements across the state.

Leaving the final decision on whether or not to grant a student a waiver without a final review and approval by a state authority may lead to inconsistent and subjective application of the regulations around the state and throw into doubt the fairness of the high school graduation system. Furthermore, the proposed regulations invite litigation by students denied a waiver, as there is no other

recourse, thereby forcing districts to either grant the waiver or risk incurring untold legal expenses. Under the proposed regulations, the only appeal option available to a student disagreeing with the local governing body's decision is through superior court.

The Administration recommends a state level review and approval process and authority similar to the review and approval process and authority in place for students taking the optional assessment to meet the state graduation requirement for passing the HSGQE. Such a process would allow for local involvement, review and approval thus meeting the intent of both local control and state law, while also ensuring state-wide consistency through this state review and approval for the state exam requirement.

The HSGQE is a state mandated requirement. The final decision to approve or disallow a waiver should be handled at the state level. DEED, the State Board of Education, or a statewide Appeals Board, not local school boards, should provide final approval or disapproval of waivers to this state mandated graduation requirement.

CC/LAW

Attachment

Prepared by: Lawrence Wiget
Executive Director, Public Affairs

Ed McLain
Executive Director, Assessment & Evaluation

Approved by: Carol Comeau, Superintendent

**ANCHORAGE SCHOOL DISTRICT
ASDR 2003 - 2004 - 1**

**A RESOLUTION IN OPPOSITION TO PROPOSED DEED REGULATIONS
REGARDING WAIVERS AND EXEMPTIONS TO THE HSGQE BY LOCAL
SCHOOL BOARDS**

WHEREAS, in 2001, the legislature passed a law to revise the High School Graduation Qualifying Exam (HSGQE) to make sure it measures “essential” skills and knowledge and to extend its effective date to 2004; and

WHEREAS, the legislation also requires the State Board of Education to adopt regulations to establish the criteria and procedures by which a student may be granted a waiver; and

WHEREAS, the State Board of Education has noticed proposed changes in 4 AAC 06 describing how a student may request a waiver from the HSGQE and proposes establishing procedures for the local governing body to follow in granting a waiver; and

WHEREAS, DEED has proposed regulations delegating the final decision for granting individual student waivers on the HSGQE to the local governing body; and

WHEREAS, under the proposed regulations, the only option available to a student to appeal a decision by the local governing body to deny or grant a waiver to the HSGQE is to superior court; and

WHEREAS, providing no state level review and approval authority while granting local school boards the final decision to waiver and essential graduation requirement will lead to inconsistent and subjective application around the state, and throw into doubt the fairness of the high school graduation system; and

WHEREAS, the proposed regulations practically invite litigation by people denied a waiver, thereby forcing districts to either grant the waiver or risk incurring untold legal expenses; and

WHEREAS, in the February 2002 report to the Alaska State Legislature by DEED entitled, Waiver and Appeals - SB 133, DEED recommends that a statewide Appeals Board, rather than a local board or administration consider appeals to HSGQE;

NOW THEREFORE BE IT RESOLVED, that the Anchorage School Board opposes proposed DEED regulations regarding waivers and exemptions to the HSGQE that provide no state oversight or approval authority or role and make the local governing board (school board) decision for approving or denying a waiver from the HSGQE the final decision, with the recourse being an appeal by the student directly to superior court.

BE IT FURTHER RESOLVED, that as the HSGQE is a state mandated requirement, the final decision to approve or disallow a waiver should be handled at the state level through DEED, the State Board of Education, or a statewide Appeals Board, not local school boards.

PASSED AND APPROVED by the Anchorage School Board this 8th day of September 2003.

ANCHORAGE SCHOOL BOARD

Jake Metcalfe, President

Tim Steele
Macon Roberts
Jeff Friedman

Mary Marks
John Steiner
Crystal Kennedy

Carol Comeau, Superintendent