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Alternative Routes to the Standard Diploma

NCEO Synthesis Report 54

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Executive Summary

Mandatory exit exams are in place, or will soon be, in 27 states. Students must pass them as one condition for receiving a standard diploma. Because the standard diploma is considered a property right, states must carefully consider the opportunities that students have to pass graduation exams. Federal legislation has resulted in increased emphasis on the participation of all students in statewide assessments, including those with disabilities. Attention also is being paid to the use of accommodations during exit exams, and the extent to which these exams are designed to be accessible to the greatest possible number of students. There have been several court cases in which states were challenged about the extent to which they allowed appropriate accommodations.

While universally designed and accessible tests and appropriate accommodations are important to ensure that exit exams give students the opportunities needed to earn a standard diploma, they alone may not be adequate. As a result, a number of states provide alternative routes that students can take to earn a standard diploma. The purpose of this study was to investigate the alternative routes used by states for all students (including students with disabilities) and those that are allowed only for students with disabilities. In a previous National Center on Educational Outcomes survey, state directors of special education (or a designee) in 16 states indicated that an alternative route of some type was available. Our study involved obtaining information on alternative routes from these state Web sites, and then verifying that information (and adding to it when verifiable information was received).

Of the 16 states that we studied, 10 had an alternative route for all students (including students with disabilities) as well as alternative routes just for students with disabilities. Three of the remaining six states had alternative routes for all students only, and three had alternative routes just for students with disabilities. We examined the specific nature of the alternative routes, including the eligibility criteria, who initiates the alternative route request, who makes decisions, the process itself, and the comparability of the alternative route to the standard route and found significant variation. Perhaps of most interest was our analysis of the comparability of the alternative routes and the standard routes to the diploma. Although we used only broad criteria for our analysis, it is nevertheless noteworthy that 71% of the alternative routes for all students were judged comparable to the standard routes, whereas only 35% of the alternative routes for students with disabilities were judged to be comparable. This tendency of many states to identify non-comparable routes for students with disabilities leads to questions about the assumptions and beliefs that underlie the alternative routes.

Based on our analysis of states' approaches and an amalgamation of varied results from many other studies, we propose a basic assumption that should underlie the development of any alternative route—regardless of the target of the alternative route: Because the standard diploma is an important property right, the alternative route to this property right should uphold the same principles as the standard route to the diploma. This assumption leads us to make several recommendations:

1. States with an alternative route to their standard diploma must provide clear, easy-to-find information about the alternative route.
2. The alternative route must be based on the same beliefs and premises as the standard route to the diploma.
3. The same route or routes should be available to all students.
4. The alternative route should truly be an alternative to the graduation exam, not just another test.
5. The alternative route should reflect a reasoned and reasonable process.
6. Procedures should be implemented to evaluate the technical adequacy of the alternative route and to track its consequences.

There is much that states have to do to open up opportunities for students with disabilities to demonstrate what they know and can do through ways other than those typically used in large-scale assessments. It is a worthwhile endeavor if we want the diploma to mean something for all students who receive it.

Overview

In this era of significant accountability for schools and districts, many states also focus on high stakes accountability for students (Heubert, 2002; Thurlow & Johnson, 2000). The major federal legislation that supports education in the United States, the No Child Left Behind Act (NCLB), focuses on system improvement and holding systems responsible for the improved achievement of students. As states face the implications and consequences of system accountability, they have questioned whether they can achieve its goals without imposing student accountability as well—as a way to increase the student motivation necessary for state test performance to reflect what students actually know (O’Neil, Sugrue, Abedi, Baker, & Golan, 1997). In most instances, this student accountability involves adding high school graduation exams to more traditional course requirements.

Exit Exams

More than half of the states have, or will soon have, mandatory exit exams that must be taken and passed as a condition for receiving a standard diploma (Center on Education Policy, 2002, 2003; Johnson & Thurlow, 2003). Tests generally are considered “high stakes” when they are used in making decisions about which students will be promoted or retained in grade, and which will receive high school diplomas (Heubert, 2002; Thurlow & Johnson, 2000).

Exit exams are not a new idea. Several states adopted policies and implemented minimum competency tests in the 1970s and 1980s. The aim was to ensure that students leaving high schools had some minimal set of skills that meant they were ready for the workplace, college, or other post-secondary training. Along with increased global competition in the 1990s came an emphasis on higher levels of student performance. No longer were people interested in the minimal skills reflected in minimum competency tests and the resulting high school diplomas. Increasingly there was evidence that students were leaving schools without adequate skills even though they had received high schools diplomas; this was found to be the case whether the students were in states with minimum competency tests or in states that only had coursework requirements. Evidence of the lack of adequate skills has included complaints from employers about the basic academic skills of high school graduates (Public Agenda, 2002) and the high rate at which high school graduates take remedial courses when they enter college (NCES, 2001).

Initial high failure rates on exit exams in states like Massachusetts, New York, and Virginia triggered attacks on the states’ academic standards and assessments, and produced calls for the tests to be eliminated or deferred. In most cases, the states stayed with the standards that they had set; in some, the passing scores were lowered (Schwartz & Gandal, 2000). Even when states stayed with their original standards, they almost always found that results on graduation exams improved in subsequent years. In Massachusetts, 49% of tenth graders failed either or both of the math and English portions of the Massachusetts Comprehensive Assessment System (MCAS) exam in 2000, compared to 55% who failed at least one of those sections in 1999 (Gehring, 2000). Following an initial jump in the percentage reaching competency in Massachusetts when the tests first counted, the percentage of students passing the graduation tests on the first attempt has shown a steady increase (Wiener, 2004).

The National Center on Educational Outcomes (NCEO) has tracked states’ practices in including students with disabilities in large scale assessment and accountability systems for many years. On occasion, attention has been devoted to those assessments that have high stakes for individual students (Guy, Shin, L., & Thurlow, 1999; Langenfeld, Thurlow, & Scott, 1996; Thurlow, Ysseldyke, & Anderson, 1995). Recently NCEO joined forces with the National Center on Secondary Education and Transition (NCSET) to

study graduation requirements for students with disabilities (Johnson & Thurlow, 2003). Each time a report is completed, it is again obvious that states' graduation requirements and the array of exit documents are varied and complex.

Legal Issues

When states grapple with high failure rates or concerns about the performance of certain subgroups of students, legal considerations often emerge. Attention is directed to how students obtain high school diplomas because the high school diploma is considered a property right. A U.S. Supreme Court case, *Debra P. v. Turlington* (1981), confirmed that a high school diploma is a constitutionally protected property interest, and that the due process provisions of the Fifth and Fourteenth amendments of the U.S. Constitution are applicable to graduation tests. These indicate that students must be given adequate notice of the exams (which, according to *Debra P.*, is four years), and they must have been taught the information included on the tests.

Several subsequent decisions confirmed the *Debra P.* ruling (for example, *Brookhart v. Illinois*, 1983). Recent court cases that have addressed exit exams have taken a slightly different twist, focusing in part on the inappropriateness of the tests because of the nature of their accommodation policies as well as the number and type of accommodations that were allowed during the test. Four of these cases are relevant here because of their implications for understanding alternative routes that states have made available for students with and without disabilities to earn a standard diploma.

Rene v. Reed, a 2001 Indiana case, raised two issues about graduation exams: (1) the length of the time period that students knew about the testing requirement—an issue of adequate notice (raised especially for students with disabilities, reflecting a concern that they were unlikely to have had access to the curriculum before the requirement was announced); and (2) the number and type of accommodations allowed for students with disabilities to demonstrate their knowledge and skills. This case was decided in favor of the state, with the judge making the decision on the basis that three years is adequate notice of an upcoming graduation exam, regardless of the student's prior school experiences. No decision was made on the basis of the accommodation argument.

Advocates for Special Kids (ASK) v. Oregon (1999) argued that students with disabilities did not have an equal and fair chance to pass the state test to earn a Certificate of Initial Mastery because the state's list of allowable accommodations was too narrow and the research base for the accommodation policies was non-existent. Oregon settled out of court in 2001 agreeing, among other things, to establish an Accommodations Panel that would review research and other evidence each year to determine whether an accommodation produces invalid scores. Oregon also agreed to develop an alternative route for students to earn the Certificate of Initial Mastery when they were unable to demonstrate that they had met the standard through a paper and pencil format.

In *Juleus Chapman et al. v. California Department of Education* (2001), one concern was that the state had not made sure that students with disabilities had reasonable accommodations during the test. The judge imposed an immediate solution, which was to allow all students with disabilities to receive any accommodations they needed to participate in the exit exam. California now has an advisory panel considering alternatives to the high school exit exam for students with disabilities, with recommendations to be made in 2005.

Alaska also was challenged with a court case by *Advocates for Special Kids*. Settling out of court in 2004,

the state began working on its accommodation policies. During 2004, high school seniors with disabilities were not required to pass the state's high school exam to graduate (Associated Press, 2004). Provisions for accommodations and other alternatives for subsequent classes are in development.

Alternative Routes

As is evident in the legal cases, there continues to be considerable activity around the high school diploma. Much of this activity lately addresses the concern of what must be done to ensure that students with disabilities have access to the opportunity to earn a diploma and the benefits associated with it. Given the value of the standard diploma, it is important to determine whether those states that have graduation exams provide alternative ways for students to demonstrate their knowledge and skills. And when there is an alternative, it is important to ask whether it requires activities other than completing a paper and pencil test.

The need for an alternative route to a standard diploma comes up most often when talking about students with disabilities. Some disabilities may make it difficult for students to respond via paper and pencil; even if they can respond to this format, it may be difficult to accurately reflect their knowledge and skills. Allowable accommodations may not meet their disability needs. For these students, an alternative route may be needed for them to show their skills. It is likely that similar arguments can be made for students without disabilities—unusual circumstances may arise or other characteristics may create a need to be able to demonstrate knowledge and skills in ways other than with a paper and pencil test.

A survey of special education directors conducted by NCEO (Thompson & Thurlow, 2003) indicated that 24 states had a high stakes graduation assessment, and 3 states were working on one. Seven states reported that passing the assessment was the only way to earn a standard diploma. Directors from the other states gave responses indicating that other routes were available to students.

Directors from eight states reported that students with disabilities could earn a standard diploma without passing the graduation examination. Two states reported that they used a process of juried or performance assessments as an alternative route for students to show knowledge. Three states indicated that they had an appeals process that included students with disabilities, and one state responded that it was developing an appeals process *only* for students with disabilities. Finally, there were two states that simply indicated they had "other" ways for students to earn a standard diploma.

Study Purpose

The purpose of this study was to explore states' alternative routes after first documenting which states actually do and do not have alternative routes to the standard diploma. Several questions remained unanswered despite the information gathered from the 2003 NCEO survey of special education directors. For example, what exactly are the alternative routes to a standard diploma? Are they indeed waivers from the test, or other ways to determine whether students possess the skills and knowledge equivalent to those measured on the exit exams? Are these options available for all students? Are there some alternatives for students with disabilities and other routes for students without disabilities? What are the specific criteria involved in order for students to access these alternative routes?

It was very important in this study not to confuse the alternative route to the standard diploma that could be used when a state had a graduation exam with the "alternate assessments" that states had developed to meet requirements of the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA).

Alternate assessments were first defined in IDEA 97 as assessments for students unable to participate in the general assessment. Alternate assessments are included in Title I legislation and in NCLB accountability requirements as a specific state option for system stakes in school, district, and state accountability. It would be easy for an uninformed researcher to confuse an alternative route assessment and an alternate assessment simply because of the similarity of the terms "alternate" and "alternative." We made it a priority not to confuse these two in our analysis of states' alternative routes to the standard diploma.

Method

Starting from the NCEO survey data (Thompson & Thurlow, 2003) to identify states that potentially had alternative routes for students to obtain a standard high school diploma, we conducted online searches of state Web sites from October to December 2003. We searched for information about graduation examinations, details about alternative routes for obtaining a standard diploma, and specific criteria required to participate in any alternative route that we identified. We looked in sections of the states' Web sites related to the topic, such as "Assessment," "Accountability," and "Graduation Requirements." For states that had searchable Web sites we used several of the following key words and phrases: appeals, exit exams, graduation examination, graduation requirements, high stakes tests, high school testing, standard diploma, and waiver.

Once the information was collected from state Web sites, it was summarized in tables and brief descriptive paragraphs. This summary information was mailed in early January 2004 to state assessment directors for verification. In several cases, the state directors delegated the task of verifying the state profiles to other knowledgeable specialists, including education consultants and other state assessment personnel. The states were asked to verify the accuracy of our information. We then followed up by contacting the states by e-mail, and in some cases, by fax. All but four of the states we contacted for verification responded to our request. Changes were made following verification and this verified information is used in this report. The state profiles, which are the basis for tables on alternative routes, are included in Appendix A.

In the process of compiling the report, we analyzed the comparability of each alternative route to the standard route for obtaining a diploma. In early October 2004, we sent our comparability analysis for each state to the state contacts to allow them to review our results and provide other information to us if they disagreed. All but two states responded to this request for verification.

Graduation Exams: The Context for Alternative Routes to Standard Diplomas

Only those states that have graduation exams, or those with other exams that are considered high stakes for students, are likely to have alternative routes for demonstrating mastery of the knowledge and skills measured by those exams. Based on our review of the information in the NCEO report, *2003 State Special Education Outcomes: Marching On* (Thompson & Thurlow, 2003), as well as information in the Johnson and Thurlow (2003) report on graduation requirements, *A National Study on Graduation Requirements and Diploma Options for Youth with Disabilities*, we identified 27 states that had active or soon to be active graduation exams.