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State Enters Stipulation In Disabilities Class Action Lawsuit

Students with Disabilities Can Get Diplomas in 2004 Without Passing Exit Exam

Attorney General Gregg Renkes and Education Commissioner Roger Sampson announced the filing of a joint stipulation today in U.S. District Court that would allow students with disabilities in the Class of 2004 to get a diploma without passing the state's high school exit exam. The stipulation was based on an agreement by the State of Alaska and the lawyers who filed a class action lawsuit in U.S. District Court.

As many as 500 high school seniors with disabilities have not passed all three parts of the high school exam – reading, writing and math. Under the injunction, the students still need to complete all other state and district graduation requirements. About 800 seniors have disabilities.

The lawsuit was filed March 16 against the State Board of Education & Early Development, two Department of Education & Early Development officials and the Anchorage School District.

“We have stated from the outset that we have concerns any time the State Board and Department of Education & Early Development are implicated in treating students unfairly,” said Education Commissioner Roger Sampson. “Our aim is exactly the opposite. We are working to provide a top rate education for each and every child in the state and to help them make a successful transition to life after graduation.” Sampson added: “The agreement with the plaintiffs will allow both sides to negotiate in good faith the issues raised in the suit to reach a resolution that is fair for all involved.”

Sampson and Attorney General Gregg Renkes said the stipulation will provide time for the State to seek guidance from the Legislature and the State Board of Education regarding options for settling the lawsuit. “We need to know whether the legislature will act on pending legislation affecting this case before we can engage in meaningful settlement negotiations,” said Renkes.

The key points of the stipulation are:

- Members of the class action lawsuit include all students who have an Individualized Education Program (IEP) under the federal Individuals with Disabilities Education Act or a Section 504 Plan under the Rehabilitation Act of 1973 and who have taken or who must the high school graduation qualifying exam. About 18,000 students statewide at all grade levels have IEPs.
- The high school exam will not be used to deny a class member a high school diploma in the spring of 2004 if the student has met all other requirements for a diploma.
- The State of Alaska will notify secondary school principals and special education directors about the stipulation. Schools will be required to notify parents, special education teachers and affected students.
- The State of Alaska and the plaintiffs' lawyers will enter into negotiations to try to resolve the issues raised in the lawsuit. The first negotiation is expected to be May 18.
- The State of Alaska and lawyers for the plaintiffs will report to the court progress on the negotiations no later than July 9.

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