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High school exit rules called 'cruel'

Some disabled students must
use complex waiver system

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The state Board of Education's new plan for letting disabled students take the required high school exit exam is "cruel and Kafkaesque," a civil rights lawyer who is suing the board said yesterday.

The plan approved by the board Wednesday in Sacramento lets school districts apply for a state waiver so that disabled students can take the high-stakes test with help — such as a calculator or a reading aid — and graduate if they score well enough. But the state's position is that the students won't have actually passed the test.

Such accommodations are explicitly prohibited in the state's regulations because they would "fundamentally alter" what the test is designed to measure: the ability to read and to calculate, the rules say. Braille or large-print versions of the exam are permitted.

But California has tens of thousands of disabled students who need to use certain other aids so that they can perform high-school level work. A blanket prohibition on using those aids on the exit exam would make it impossible for most to pass and graduate.

Board members say their waiver plan is fair.

"We're saying, 'Hey, if it is clear you can't pass the test for a physical reason, we'll give you the modifications and we will give you a high school diploma,'" said John Mockler, the board's executive director.

What students don't get, however, is a true passing score.

The new plan says: "If this waiver is granted by the state Board of Education, these students may graduate from high school and be given a diploma, even though by definition they have not 'successfully passed the exit examination.'"

"They're very clever politically," said attorney Sid Wolinsky of Disability Rights Advocates in Oakland, the organization that is suing the state to outlaw the exit exam altogether. "They've taken a policy that's the most hostile to students in the country and are hawking it as being affirmative to children with disabilities."

Wolinsky said the state's new plan is particularly unfair because there is no requirement that the board grant the waiver, and disabled students cannot require their school district to request one.

"It's a process only a bureaucrat could love," he said. "The student has no rights or entitlement at all. All the discretion is on the district. The state board will sit in judgment on thousands of these requests and may or may not grant the waiver. The student will have no way of knowing until some undetermined time later."

Wolinsky said his law firm will seek a preliminary injunction to stop the test from being given in March. He said that the state also let pass a federal deadline last July 1 by which all states were supposed to have created an "alternative assessment" for disabled students.

Most states have met the deadline, he said.

The board's policy can be viewed at www.cde.ca.gov/board/policies/pdf/CAHSEEspeced-waiv.pdf.

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