

# Coalition for Multiple Pathways to a Diploma

Coordinator: Abja Midha • [amidha@advocatesforchildren.org](mailto:amidha@advocatesforchildren.org) • 212-822-9502

August 8, 2016

## BY EMAIL

Angelica Infante-Green  
Deputy Commissioner for Instructional Support  
New York State Education Department  
89 Washington Avenue  
Albany, NY 12234

### **Re: Comments on Superintendent Determination as to Academic Proficiency for Certain Students with Disabilities to Graduate with a Local Diploma**

Dear Deputy Commissioner Infante-Green:

The Coalition for Multiple Pathways to a Diploma submits these comments in regards to the superintendent determination pathway to graduation for students with disabilities. We are a state-wide coalition with more than 65 members, including advocates, teachers, administrators, parents and youth, representing a broad cross-section of students, including students with disabilities, English Language Learners (ELLs), and economically disadvantaged students. Members of the Coalition are united by the concern that high-stakes standardized exit exams are serving as a barrier to high school graduation for students who have otherwise mastered New York State standards and are college or career ready. We urge New York State to create multiple instructional and assessment pathways to a high school diploma, each of which holds all students to high expectations, provides them with quality instruction, and opens doors to career and post-secondary education opportunities.

We support providing more flexibility to students who have mastered New York State standards but struggle to demonstrate their knowledge and skills on the Regents exams. Given that many

Advocates for Children of New York • Alliance for Quality Education • Annenberg Institute for School Reform • ARISE Coalition • Lynn Bass, Principal, Tapestry Charter High School • David C. Bloomfield, Esq., Professor of Educational Leadership, Law & Policy, Brooklyn College and The CUNY Graduate Center • Brooklyn Defender Services • Bronx Independent Living Services • Brooklyn Center for the Disabled • Brooklyn Young Mothers' Collective • Business Teachers Association of New York State • Campaign for Tomorrow's Workforce • Capital Region Refugee Roundtable • Center for Independence of the Disabled, New York • Citizens' Committee for Children of New York • Council for a Strong America • Council of Family and Child Caring Agencies • Valerie DeClara, Parent • Robert Dodd, New York City Special Education Teacher • Families Together in New York State • Ann Marie FitzPatrick, Parent • Flanbwayan Haitian Literacy Project • Jennifer Ghidui, Big Picture Learning • Good Shepherd Services • Roberta Grogan, Parent/Advocate • Lorri Gumanow, Parent and Special Educator • Holly Gurnick, Parent • Shelley Hubal, Parent • Jill Lewis-Flood, Parent • Meghan Healy • INCLUDEnyc • Internationals Network for Public Schools • Lawyers for Children, Inc. • Learning Disabilities Association of New York State • Long Island Advocacy Center • Long Island Communities of Practice • Noreen Maher, Parent • Diana Mendez, Parent • Mental Health Association of New York City • Neighborhood Family Services Coalition • New York Council of Administrators of Special Education • New York Immigration Coalition • New York Lawyers for Public Interest • New York Performance Standards Consortium • New York State Association for Bilingual Education • New York State Coalition of 853 Schools • New York State Community of Practice on Family, School and Community Collaboration • New York State Disabilities Advocacy Association and Network • New York State Independent Living Council, Inc. • New York State Rehabilitation Association • New York State Teachers of English to Speakers of Other Languages • NY Stop Grad HST • Regina Paleau, Parent • Parent to Parent New York, Inc. • Queens Community House • Lynn Russo, Parent • SCO Family of Services • Tracey Shannon, Parent • Sinergia Metropolitan Parent Center • The Advocacy Center • United We Stand • Upward Bound • Metropolitan Center for Research on Equity and the Transformation of Schools • Marcia Vogel, Parent/Advocate • YOUTH POWER!

## **Coalition for Multiple Pathways to a Diploma**

Coordinator: Abja Midha • [amidha@advocatesforchildren.org](mailto:amidha@advocatesforchildren.org) • 212-822-9502

families are not fully aware of the different and often confusing Regents exam appeals options that are currently available to high school students, we appreciate the State Education Department's effort to place responsibility on school districts for making eligibility determinations. This will help to ensure that all students with Individualized Education Programs (IEPs) are afforded the opportunity to benefit from this option and not just those students whose families who are informed about their rights and/or have the assistance of an advocate.

However, we are concerned that the process does not provide the opportunity for families to review a superintendent's determination and confirm whether exiting high school via this pathway is in the best interests of the student. In particular, the review process does not require consideration of a student's IEP goals, including postsecondary transition goals, and does not require superintendents to consult with IEP teams before making a determination. At a minimum, once a superintendent identifies a student as potentially eligible for a local diploma via this pathway, families should be notified and provided with the opportunity to accept or forgo this pathway. The opportunity to forgo the superintendent determination pathway is particularly crucial when a student's IEP goals have not yet been achieved. Without the opportunity for family participation, we are concerned that the process inadvertently opens the door for a school district to use the superintendent determination pathway as a mechanism for prematurely pushing students with disabilities out of the system and denying these students the free appropriate public education to which they are entitled.

Provided that safeguards are put into place to ensure parent review and consent to superintendent determinations, we strongly urge the State Education Department to extend this pathway to all students. Students with IEPs are not the only student population that struggles with Regents exams. No student should be penalized for not being able to demonstrate their mastery of New York State standards on high-stakes standardized tests. All students who have passed the Math and ELA Regents exams and have otherwise met New York State standards in the required subjects, as evidenced by their classroom performance, should be provided with the opportunity to graduate with a high school diploma.

Moreover, we remain concerned that the superintendent determination pathway continues to operate within a one-size-fits-all framework that unfairly penalizes students who struggle on high-stakes standardized tests. In order to ensure that all students are given a fair opportunity to demonstrate their mastery of State standards, we continue to urge the New York State Education Department to develop performance-based assessments and make them available to all students in lieu of Regents exams.

## Coalition for Multiple Pathways to a Diploma

Coordinator: Abja Midha • [amidha@advocatesforchildren.org](mailto:amidha@advocatesforchildren.org) • 212-822-9502

Thank you for the opportunity to comment on the proposed regulation. If you have any questions about our comments or would like to discuss them further, please contact Abja Midha at (212) 822-9502 or [amidha@advocatesforchildren.org](mailto:amidha@advocatesforchildren.org).

Sincerely,



Abja Midha  
Coalition Coordinator

cc: Members of the Board of Regents  
Commissioner MaryEllen Elia  
Senior Deputy Commissioner Jhone Ebert