

Coalition for Multiple Pathways to a Diploma

Coordinator: Abja Midha • amidha@advocatesforchildren.org • 212-822-9502

November 28, 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 revised 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.

In general, 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. We therefore support the new superintendent determination, as revised, and particularly appreciate the State Education Department's revisions in response to the concerns that we raised about the automatic

Advocates for Children of New York • Alliance for Quality Education • Annenberg Institute for School Reform • ARISE Coalition • Asperger Syndrome & High Functioning Autism Association • David C. Bloomfield, Esq., Professor of Educational Leadership, Law & Policy, Brooklyn College and The CUNY Graduate Center • Bronx Independent Living Services • Brooklyn Defender Services • Brooklyn Center for the Disabled • 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 • Lisa Finnerty Coggi, Parent/Advocate • Community Service Society • Council for a Strong America • Council of Family and Child Caring Agencies • Valerie DeClara, Parent • Della DeKay JD, EdD • Max Donatelli, Family Advocate • Irja Estrella, Parent • Families Together in New York State • Ann Marie Fitzpatrick, Parent • Flanwayan Haitian Literacy Project • Jennifer Ghidiu, Big Picture Learning • Michael Godino, Advocate • Good Shepherd Services • Roberta Grogan, Parent/Advocate • Lori Gummanow, Parent/Special Educator • Meghan Healy • Shelley Hubal, Parent • INCLUDEnyc • Muronji Inman-McCraw • Internationals Network for Public Schools • Lawyers for Children, Inc. • Learning Disabilities Association of New York State • Jill Lewis-Flood, Parent/PIP Member • Long Island Advocacy Center • Long Island Communities of Practice • Chris McNell, Special Education Supervisor/Principal • Diana Medina Mendez, Parent • Mark Anthony Mendez • Mental Health Association of New York City • Metropolitan Center for Research on Equity and the Transformation of Schools • Namita Modasra • New York Council of Administrators of Special Education • New York Immigration Coalition • 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. (NYSILC) • New York State Rehabilitation Association • New York State Teachers of English to Speakers of Other Languages (NYTESOL) • NY Stop Grad HST • Regina Paleau, Parent • Parent to Parent New York, Inc. • Evelyn Perez, Parent • Catherine Phillips-Russ, Baker Victory Services • Sharon Poole, Education for Everyone Consultant • Queens Community House • Lynn Russo, Parent • SCO Family of Services • Tracey Shannon, Parent • Bruce A. Shields, PhD, Associate Professor of Education, Daemen College • Sinergia Metropolitan Parent Center • Starbridge • United We Stand • Christian Villenas, PhD • Marcia Vogel, Parent/Advocate • YOUTH POWER!

Coalition for Multiple Pathways to a Diploma

Coordinator: Abja Midha • amidha@advocatesforchildren.org • 212-822-9502

review process possibly being used to deny these students the free appropriate public education to which they are entitled.

We also support the addition of language to the regulations concerning transition planning, which will now require a discussion of graduation requirements, a student's progress towards meeting graduation requirements, and the availability of the appeal, safety net and superintendent determination options. Incorporating a discussion of graduation requirements into transition planning will help to ensure that families are made aware of the different options available to their children so that they can plan accordingly and know when and how to request an appeal, safety net or superintendent determination. As part of the implementation process, we urge the State Education Department to revise the Individualized Education Program (IEP) forms currently in use so that the transition section of IEPs documents students' progress towards a high school diploma and outlines steps that will be taken to help students work towards a diploma.

We continue to urge the State Education Department to extend the superintendent determination to all students. Students with disabilities 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. Nor should students be required to fail the Regents exams before having access to the superintendent determination pathway. 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 local diploma using the superintendent determination.

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.

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.

Sincerely,



Abja Midha
Coalition Coordinator

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