

Coalition for Multiple Pathways to a Diploma

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May 25, 2018

BY EMAIL

Christopher Suriano
Assistant Commissioner of Special Education
New York State Education Department
89 Washington Avenue, Room 309 EB
Albany, NY, 12234

Re: Comments on Superintendent Determination Amendment of 8 NYCRR § 100.5(d)(12)

Dear Mr. Suriano:

The Coalition for Multiple Pathways to a Diploma submits these comments on the revised amendment of 8 NYCRR § 100.5(d)(12) to establish a new Superintendent Determination option for a local diploma 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 New Yorkers, including students with disabilities, multilingual learners, and economically disadvantaged students. Our coalition advocates for multiple instructional and assessment pathways to a high school diploma, each of which holds all students to high expectations, provides them with meaningful instruction, and opens doors to career and post-secondary education opportunities.

The Coalition strongly supports expanding pathways to graduation for students who have mastered State standards, but struggle to demonstrate their knowledge and skills on the Regents exams. So, we were very pleased that the emergency measure removes Regents exams as a barrier to graduation for young people with disabilities who have passed Regents-level courses and demonstrated mastery of State Standards. However, as we stated in our [February comments](#) (attached), we remain concerned that any graduation option limited to students with disabilities brings with it the risk of discrimination, stigma, and devaluation of the local diploma. Moreover, we remain concerned that without clear standards or resources for implementation, this new option puts an onerous burden on families to understand their options and to ensure that schools do not push students with disabilities into less rigorous courses. Finally, this new option is yet another piecemeal adjustment to a system that continues to rely on high-stakes exams rather than a rethinking of the diploma requirements to ensure that all students have the opportunity to demonstrate that they are college and career ready on the basis of rigorous, meaningful assessments.

We write to reiterate the recommendations in our previous comments and to urge the following additional changes before this amendment is permanently adopted:

- I. **Clarify Existing Graduation Requirements**
 - a. **Provide Resources to Families and Schools to Clarify Graduation Rights and Requirements**

While this new option opens the door to college and career for some students who might otherwise have left high school without a diploma, as a recent [Chalkbeat article](#) notes, it also adds another

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exception to an already complicated web of exit exam requirements for students with disabilities. With this increased complexity comes an increased risk of misinformation. Families without internet access, whose primary language is not English, and whose children attend high-need schools are among those most impacted by this misinformation.

Members of our coalition are already hearing from students and families who asked school staff about the new Superintendent Determination and were given incomplete or completely inaccurate information. For example, Carlee, a 20-year-old student with a disability, has taken Regents exams 53 times, ultimately passing just the Algebra exam. Carlee's family was told twice by her school that she was ineligible to graduate and that she would need to transfer to a CTE school in September 2018 to pursue a Career Development and Occupational Skills (CDOS) credential. It was only when an attorney contacted her school that school staff determined that Carlee had already met CDOS requirements and was, in fact, eligible for a local diploma.

Families and school staff seeking information on the CDOS on NYSED's website currently encounter a [video on the "Dual Role" of the CDOS Credential](#), which makes no mention of the Superintendent Determination. Information about 2017-18 and 2018-19 CDOS requirements is accessible on the site only by clicking "Standards and Curriculum," then "Diploma Requirements," reading down 8 bullet points, clicking on "Superintendent Determination" or "Multiple Pathways" and navigating one of these two text-dense webpages. None of this information is available in graphic form or in any languages other than English and, indeed, would be daunting for even school personnel to process.

To inform parents of their options, and to empower parents to advocate for their children, it is critical that NYSED develop simple, family-facing materials to explain all graduation pathways, including options for students with disabilities and multilingual learners. These materials must explain the difference between high school diplomas and commencement credentials and must clarify which options are available to students who are assessed using New York State Alternate Assessments. It is also critically important that these materials be available in languages other than English.

Family-facing documents from NYSED would reduce the burden on local schools and districts to create these materials and would ensure that the information is accurate and consistent. In addition, NYSED must create clearer, up-to-date, and better organized resources for schools and for ACCESS-VR counselors. These resources would equip educators not just to accurately inform families of their options, but also to appropriately program students for the courses and exams they need to graduate ready for college and/or career.

b. Develop and Expand Resources to Help Schools Meaningfully Implement the CDOS

Since December, we have heard from teachers, students, and educators that many schools do not "have CDOS." We are extremely concerned that this signals a lack of access to the Career Development and Occupational Skills credential as a +1 pathway for all students and as one component of the Superintendent Determination for students with disabilities. NYSED should monitor use of both pathways and should publicly report on the use of each pathway and option when releasing annual graduation data.

In addition, schools face a number of barriers to successful CDOS implementation. School staff point to challenges understanding the difference between career and technical education (CTE) and

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work-based learning (WBL) requirements, identifying meaningful work-based learning opportunities for students and increasing the number of Work-Based Learning coordinators in their school districts. Furthermore, much of the information about the CDOS on NYSED's website needs updating and refers only to students with disabilities. See e.g. www.p12.nysed.gov/specialed/publications/CDOScredentialed-att3.htm, www.p12.nysed.gov/specialed/publications/CDOScredentialed-613.pdf, and www.p12.nysed.gov/specialed/gradrequirements/CDOS-QA-1113.htm.

NYSED should provide current, clear resources to assist schools and districts in creating and expanding CDOS programs. These resources should include:

- Guidance for implementation of CDOS Options 1 and 2;
- Clarification on the difference between CTE and WBL requirements;
- Examples of existing WBL programs that can serve as models;
- Curricula that schools can adopt to create new work-based learning programs; and
- Resources to assist existing school staff in obtaining a NYS Certificate Extension for Work-Based Learning.

II. Rethink the Existing Graduation Framework to Develop Pathways to a Diploma That Do Not Rely on High-Stakes Exit Exams.

Finally, although we support the opportunity this new option presents for some students, we remain concerned that the Superintendent Determination continues to operate within a complicated framework of exit exam requirements that do little to ensure that students are college or career ready. This framework requires students to take high-stakes standardized tests and unfairly penalizes many students who struggle to demonstrate what they know on these types of assessments.

Rather than continuing to adjust the current system through a series of emergency actions, we encourage NYSED and the Board of Regents to undertake a thoughtful reexamination of the State's existing graduation requirements, in collaboration with a diverse group of educators, students, families, and other stakeholders, to recommend a system that is simpler, coherent, and fair. No federal law requires that students pass high-stakes exit exams in order to graduate from high school, and [more than 30 states](#) currently require no exit exams at all. We encourage New York to reduce the number of required exit exams, to develop and support performance-based assessments in lieu of high-stakes exams, and to ensure that all pathways and options are available to all students.

Thank you for considering our comments. If you have any questions or would like to discuss this further, you can reach me at agrant@advocatesforchildren.org or (212) 822-9548.

Sincerely,



Ashley Grant
Coalition Coordinator

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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 • Eskolta School Research and Design • Irja Estrella, Parent • Families Together in New York State • Ann Marie Fitzpatrick, Parent • Flanbwayan Haitian Literacy Project • Jennifer Ghidui, Big Picture Learning • Michael Godino, Advocate • Good Shepherd Services • Roberta Grogan, Parent/Advocate • Lorri Gumanow, 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 Alliance for Inclusion and Innovation • 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 Teachers of English to Speakers of Other Languages (NYTESOL) • NY Stop Grad HST • NYU Metro Center • 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!

cc: Chancellor Betty Rosa
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