

February 4, 2021

BY EMAIL

New York State Education Department &
New York State Board of Regents
89 Washington Avenue
Albany, NY 12234

Re: Ensuring no student loses the chance to graduate due to COVID-19

Dear Interim Commissioner Rosa, Chancellor Young and Members of the Board of Regents:

We are writing on behalf of the Coalition for Multiple Pathways to a Diploma to thank you for your recent announcement about the State's proposed waiver of Regents exams this year and to **request that you take additional, immediate action to ensure that no student loses the chance to finish high school due to COVID-19.** We ask that you:

- Extend COVID-19 Regents exam graduation exemptions, even before receiving a determination from the U.S. Education Department about the full cancellation of exams;
- Allow high schoolers aging out of school this year to return in 2021-22; and
- Support schools working to get over-age students to graduation by modifying school accountability metrics to recognize over-age students who graduate.

Extend COVID-19 Regents Exam Graduation Exemptions

Members of our coalition, along with [over 2,000 parents, students and educators](#) from around the State, continue to urge the State Education Department and the Board of Regents to extend last year's COVID-19 exemptions through August 2021. Thank you for your recent announcement that New York State will seek a waiver to accountability assessments following the State's determination that Spring assessments, including Regents exams, cannot be safely, equitably and fairly administered. As many seniors begin their last semester of high school, students, teachers and educators need to know what will be required for graduation. We appreciate that SED may not know for some time whether some Regents exams will be required for accountability purposes. **Because neither the Every Student Succeeds Act (ESSA) nor New York State's ESSA plan requires these tests to be tied to graduation, we urge the Board of Regents to immediately extend COVID-19 graduation exemptions whether or not exams are ultimately cancelled or waived for accountability purposes.** For example, although New Jersey has not made a final determination as to whether to administer the high school proficiency test required by its ESSA plan, on January 11, 2021 it waived the State requirement that students pass this exam during the 2020-21 school year in order to graduate.¹ Similarly, the Board of Regents'

¹ <https://newark.chalkbeat.org/2021/1/11/22225842/new-jersey-graduation-teacher-evaluation>

authority to approve emergency regulations extending COVID-19 graduation exemptions requires neither canceling the exams nor prior approval from the Federal government. **To allow students and schools to plan now for the semester ahead, we ask you to immediately extend the COVID-19 exemptions to graduation requirements through August 2021.**

Allow high schoolers aging out this year to return in 2021-22

Our coalition is also extremely concerned about the oldest high school students who, without your action, may lose the chance to finish high school when they age out in June 2021. Last June, NYSED and the Board of Regents issued guidance [strongly encouraging](#) schools across the State to allow 21-year-olds to return for summer school and, if necessary, attend school in the 2020-21 year, to complete their education. **As the pandemic rages on, we now call on you to extend this guidance to students aging out in 2020-21 so that no student loses the chance to graduate due to the pandemic.**

This is a matter of basic fairness. Students turning 21 this school year should have as much time to complete this year's coursework as their younger classmates. In the face of the incredible hardships caused by COVID-19, districts across the State have had to adjust grading policies and timetables, including giving high schoolers additional time to complete coursework. In January, for example, 1 in 5 New York City high schoolers were still working to complete coursework from *last spring*; these students are disproportionately students with disabilities and multilingual learners.² Similarly, many districts have already told high schoolers that they may have through the first semester of 2021-22 to resolve incomplete grades from *this school year*. However, we are concerned that seniors who turn 21 before June 2021 may lose these opportunities if NYSED does not direct schools to, once again, allow students who have "aged out" to return in the 2021-22 school year if they need to do so to graduate or complete their transition goals. As Senior Deputy Commission D'Agati wrote last June, "It would be a cruel injustice to pull the rug out from under these young adults who have worked so hard for so long."³

This is also an equity issue because students racing against the clock to finish high school just before they age out are significantly more likely to be Black, Latinx, students with disabilities, and multilingual learners. Even before the pandemic, Black and Latinx high school graduates were 7 times more likely than White graduates to need a sixth year to earn a diploma.⁴ Similarly, graduating ELLs were *six times as likely as non-ELLs* to need a 6th year.⁵ Extending eligibility to students aging out would ensure that these students, who come from the very same communities that have already been hardest hit by the pandemic,⁶ do not also lose their chance to graduate because of this terrible pandemic.

² <https://ny.chalkbeat.org/2021/1/7/22219009/nyc-high-school-grades-incomplete>

³ <http://www.nysed.gov/common/nysed/files/programs/coronavirus/nysed-covid-19-memo-over-age-students.pdf>

⁴ https://advocatesforchildren.org/sites/default/files/on_page/extended_eligibility_brief.pdf

⁵ Id.

⁶ <https://subscriber.politicopro.com/article/2020/12/31/black-latino-city-workers-faced-disproportionate-death-toll-in-chaos-of-nyc-pandemic-1351825>; <https://subscriber.politicopro.com/article/2020/12/28/state-racial-disparities-study-nears-completion-1350758>

Finally, this request is urgent. Last year, because NYSED did not issue the memo about extended eligibility until June 18th, it was difficult to get information out to eligible students and families before the school year ended. This year, your immediate action would allow schools the time necessary to get the word out to students and families and to create realistic plans to help students reach the finish line. For this reason, **we ask that SED immediately extend the June 18, 2020 memo to urge schools to allow students aging out this year to remain in high school this summer, and if necessary, to return in 2021-22.**

Support Schools Working to Get Over-age Students to Graduation

Schools supporting 21-year-olds need funding and alternate accountability metrics that support and acknowledge the work they are doing to help these over-age students to earn their diploma and meet IEP transition goals under this policy. This year, districts supporting students over age 21 are not receiving funds to do so and, as a result, many students, including many students with disabilities who needed to remain in their state-approved nonpublic school, were denied the option of returning to school. We are also concerned that, without changes, schools doing this work will not receive credit in their accountability scores for over-age students who graduate during this year of extended eligibility. To support and acknowledge the important work happening at high schools around the State, **State accountability metrics should be modified to fairly recognize graduates who earn their diploma during this time of extended eligibility.**

We would also like to work with you to continue advocating that **schools receive all available federal COVID-19 education relief funding—and that such funding supplements, and does not supplant, state support—to address the significant needs created by this pandemic, including supporting students age 21 and older, whether they attend public high schools or state-approved nonpublic schools.**

Thank you again for your leadership during these incredibly challenging times. We would welcome the opportunity to discuss these recommendations further and to hear your feedback about how we can support your ongoing federal and state requests related to these issues.

Sincerely,



Ashley Grant

Advocates for Children of New York • Alliance for Quality Education • ARISE Coalition • Asperger Syndrome & High Functioning Autism Association • Big Picture Learning • David C. Bloomfield, Esq., Professor of Educational Leadership, Law & Policy, Brooklyn College & The CUNY Graduate Center • Bronx Independent Living Services • Bronx Defenders • Brooklyn Defender Services • Brooklyn Center for the Disabled • Bonnie Buckley, Founder Multiple Pathways to a Diploma For All • 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 • Citywide Council on Special Education, NYC • Lisa Finnerty Coggi, Parent/Advocate • Community Service Society • Dr. Catherine Costa, Principal/Parent • Council for a Strong America • Council of Family and Child Caring Agencies • Valerie DeClara, Parent • Amber Decker, Family Peer Advocate, Special Support Services • Della DeKay JD, EdD • Max Donatelli, Family Advocate • Eskolta School Research and Design • Irja Estrella, Parent • Katy Faivre, MS, MPA

LEND Family Specialist Trainee • Families Together in New York State • Tracy Farrell, Business Education/Work Experience Coordinator • Ann Marie Fitzpatrick, Parent • Flanbwayan Haitian Literacy Project • Jennifer Ghidiu, Parent/Advocate • Michael Godino, Advocate • Good Shepherd Services • Roberta Grogan, Parent/Advocate • Lorri Gumanow, Parent/Special Educator • Meghan Healy • HERE to HERE • Rochelle Hoot, Special Education Administrator • 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 • JobsFirst NYC • 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 • New York Council of Administrators of Special Education (NYCASE) • New Visions for Public Schools • 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 • Katherine Teasdale-Edwards, School Counselor/Advocate • Amy Ming Tsai, Parent/Advocate for Special Education • United We Stand • Unity Preparatory Charter School of Brooklyn • Christian Villenas, PhD • Marcia Vogel, Parent/Advocate • YOUTH POWER!
