



Advocates for Children of New York

Protecting every child's right to learn



**EXTENDED ELIGIBILITY
FOR 21-YEAR-OLDS
IN COVID-19**

MAY 21, 2021



What is Advocates for Children (AFC)?

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AFC is an independent agency that protects the rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Free legal services to low-income families

Poll: Who is Here Today?





Agenda

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1. What is Extended Eligibility?

2. State Policy & Next Steps

3. City Policy & Next Steps



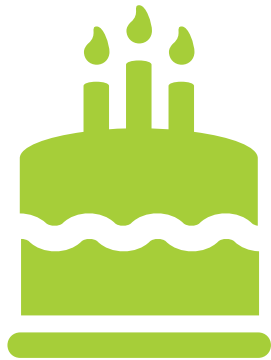
New Yorkers have the right to stay in school until

5



You earn a diploma

OR



The June after your 21st
birthday

(whichever comes first)



Key Terms

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Aging out: Students generally lose the right to attend high school after the end of the school year in which they turn 21.

Statewide, 3,700 students turned 21 during the 2019-2020 school year; those who did not earn a diploma “aged out” in June 2020.

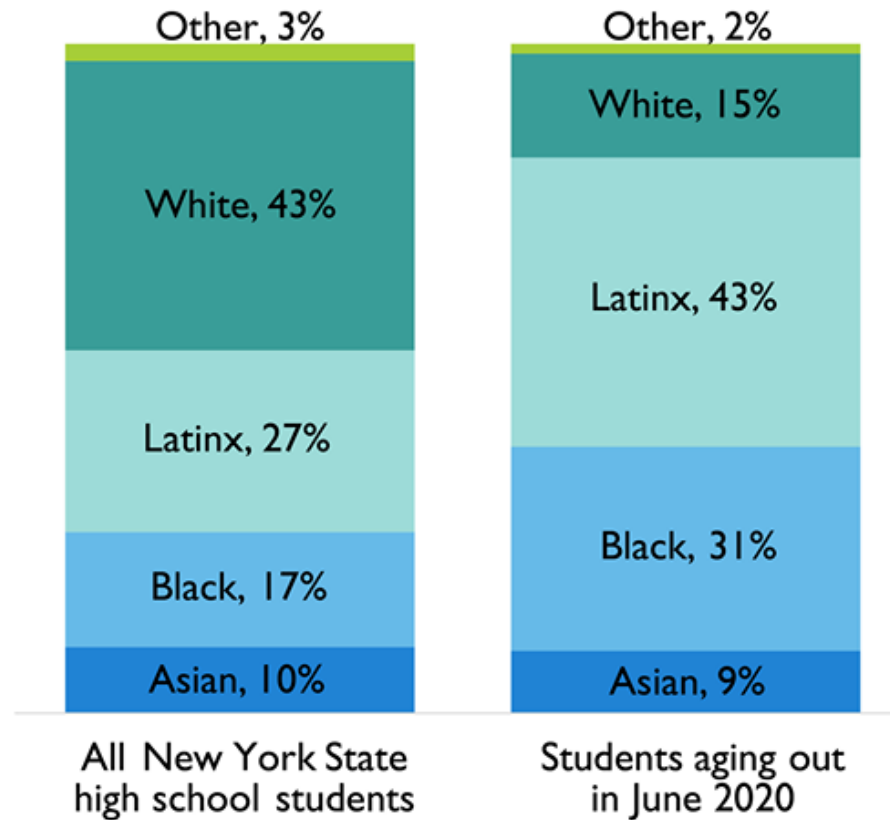
Extended eligibility: In certain circumstances, schools offer students the opportunity to stay in school after the end of the school year in which they turn 21.



Students Aging Out

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74% of students aging out in June 2020 are Black or Latinx, though Black and Latinx students comprise only **44%** of the total high school population.



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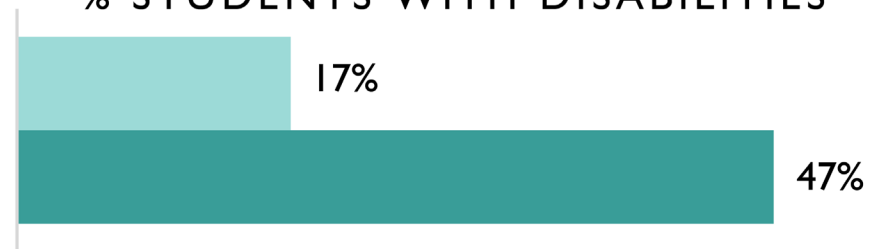
Students Aging Out

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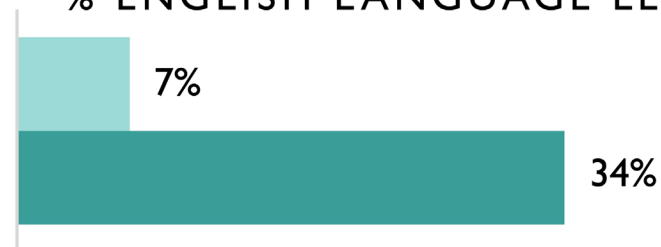
NEARLY HALF
of New York State
students aging out
have disabilities



ONE IN THREE
is learning English
as a new language

% STUDENTS WITH DISABILITIES



% ENGLISH LANGUAGE LEARNERS



 All New York State high school students
 Students aging out in June 2020



ADVOCATES FOR CHILDREN
OF NEW YORK



June 18, 2020

To: District Superintendents
Superintendents of Schools
Principals of Public Schools
Leaders of Charter Schools

From: John L. D'Agati *John L. D'Agati*

Subject: Providing Over-Age Students the Opportunity to Return to School in the 2020-21 School Year Due to the COVID-19 Pandemic

As you know, the Board of Regents and the State Education Department have made a number of temporary regulatory changes to minimize the harm to New York's students as a result of the closing of schools and the abrupt move to remote instruction this year. Specifically, we cancelled the June 2020 administration of Regents exams and modified the requirements that students must meet in order to earn high school diplomas, credentials, and endorsements.

While COVID-19 has impacted all of us, it has been particularly harmful to vulnerable populations, including especially English language learners, economically disadvantaged and homeless students, and students with disabilities. The problem is greatly compounded for those students who will "age out" of the P-12 education system because they have turned 21 years old by the start of school in September 2020.

Many plans for the final quarter of school were placed on hold this year, leaving some students without the high levels of support and planning they needed to effectively transition from high school to their postsecondary plans. Through no fault of their own, these students now risk losing the opportunity to earn a high school diploma when they age out of the system at the end of the 2019-20 school year. That is an unfair and unjust result for our students who can least afford to lose this life-changing opportunity to earn a diploma, credential, or endorsement.

To ensure that 21-year-old students have the chance to earn their high school diploma and fully prepare for the transition to their previously planned postsecondary experiences, the Board of Regents and the Education Department are strongly encouraging schools and school districts to allow those students who will age out of school the opportunity – for this year only – to return for summer school and, if necessary, attend school in the 2020-2021 year, in order to complete their education and earn a diploma.

We must do everything possible to support our most vulnerable students and their families through these incredibly challenging times. It would be a cruel injustice to pull the rug out from under these young adults who have worked so hard for so long. Giving them the opportunity to complete their schooling, earn a diploma, and transition to the next step in their lives will benefit them, their families, and the communities in which they live and work – and we urge you to offer them that opportunity.

June 18, 2020: New York State Education Department Issues Memo

“[S]trongly encouraging schools and school districts to allow those students who will age out of school the opportunity – for this year only – to return for summer school and, if necessary, attend school in the 2020-2021 year, in order to complete their education and earn a diploma”





What Happened during 2020-21?

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Districts allowed many students to remain.

Some never learned about the opportunity.


Districts declined some requests -- especially those with IEP-mandated NPS programs.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
 Senior Deputy Commissioner
 Office of Education Policy

April 13, 2021

To: District Superintendents
 Superintendents of Schools
 Principals of Public Schools
 Leaders of Charter Schools

From: John L. D'Agati 

Subject: Providing Over-Age Students the Opportunity to Return to School in the 2021-22 School Year Due to the COVID-19 Pandemic

As you know, the Board of Regents and the State Education Department have made a number of temporary regulatory changes to minimize the educational impact that the COVID-19 pandemic has had on the students of New York State. This has resulted in the need to modify the requirements that students must meet in order to earn high school diplomas, credentials, and endorsements.

While COVID-19 has impacted all of us, it has been particularly harmful to vulnerable populations, including most importantly, English language learners, economically disadvantaged and homeless students, and students with disabilities. Again, this school year, this problem is greatly compounded for those students who will "age out" of the P-12 education system because they have turned 21 years old by the start of school in September 2021.

Many plans for this school year were again placed on hold or interrupted due to the constantly changing health and safety conditions and the need to transition between remote, hybrid and in-person instruction. As we experienced last school year, these changes to our educational system disrupt learning leaving some students without the high levels of support and planning they need to effectively transition from high school to their postsecondary plans. Through no fault of their own, many of these students now risk losing the opportunity to earn a high school diploma when they age out of the system at the end of the 2020-2021-school year. That is an unfair and unjust result for our students who can least afford to lose this life-changing opportunity to earn a diploma, credential, or endorsement.

To ensure that 22-year-old students have the chance to earn their high school diploma and fully prepare for the transition to their planned postsecondary experiences, the Board of Regents and the State Education Department are strongly encouraging schools and school districts to allow those students who will age out of school the opportunity to return for summer school and, if necessary, attend school in the 2021-2022 school year in order to complete their education and earn a diploma, credential, or endorsement.

We must do everything possible to continue to support our most vulnerable students and their families through these incredibly challenging times. As we stressed to you last school year, giving these young adults that have worked so hard for so long the opportunity to complete their schooling and transition to the next step in their lives will benefit them, their families, and the communities in which they live and work – this is what they deserve and again we urge you to offer them this opportunity.

Room 2M, Education Building
 Albany, New York 12234

(518) 474-3862
 john.dagati@nysed.gov

April 13, 2021: New York State Education Department Memo

“[S]trongly encouraging schools and school districts to allow those students who will age out of school the opportunity to return for summer school and, if necessary, attend school in the 2021-2022 year, in order to complete their education and earn a diploma, credential, or endorsement.”





Ongoing State Advocacy

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Urge districts around NYS to notify families immediately that 21-year-olds may remain in high school

Ask elected officials to support legislation extending school eligibility for students with IEPs through age 23



Coalition
for
Multiple
Pathways
to a
Diploma 





Next Steps for NYS Families

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Talk to your school. Share the NYSED memo & ask for more time

Talk to your CSE or Superintendent

Parents of students with disabilities can request an Impartial Hearing for Extended Eligibility



Requesting an Impartial Hearing

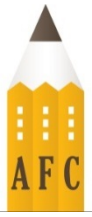
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All parents of students with disabilities have the right to request an impartial hearing to ask for more time in high school

Some parents will need to request an impartial hearing to get more time in high school

- Unilateral placement at private school
- School/CSE-level escalation unsuccessful





Supports During Extended Eligibility



Instruction

Related
Services

Community
Experiences

Job Goals

Daily Living
Skills





NYC: What Happened in 2020-21?

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400+ Students Returned

NPS
funding
denied

Finishing
Diploma
Requirements

IEP
Recommended
NYSAA

Transition
Consultation



NYC: What we know about 2021-22

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"Any student who may be aging out this year can attend our Summer Rising program and continue their education into the 2021-22 school year"

- 4/15/21 [Chalkbeat Article](#) 



NYC: What we know about 2021-22

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Students Working Toward a High School Diploma:

Step 1: Talk to your school

Step 2: Escalate to

- [Your superintendent](#) 
- specialeducation@schools.nyc.gov

Step 3: Request Impartial Hearing *

Problems? Contact AFC

AgingOut@advocatesforchildren.org or Helpline: 866-427-6033



NYC: What we know about 2021-22

Students with Disabilities Working Toward a Non-Diploma Credential:

Whether the student has met IEP goals

Signs of regression

Missed instruction during the pandemic, and

Whether they are connected with a postsecondary program or service.

Decisions made with parents after considering:



NYC: What we know about 2021-22

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Students with Disabilities Working Toward a Non-Diploma Credential:

Step 1: Talk to your school

Step 2: Escalate to

- specialeducation@schools.nyc.gov
- [Your Superintendent](#) 

Step 3: Request an Impartial Hearing

Problems? Contact AFC

AgingOut@advocatesforchildren.org or Helpline: 866-427-6033



NYC: What we know about 2021-22

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Students attending NPS programs:

DOE Letter should have gone to NPS programs by today (5/21/21)

NPS programs need to send DOE names by 5/28

Parents can contact CSE directly



NYC: What we know about 2021-22

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Students in NPS programs:

Step 1: Talk to your NPS

Step 2: Contact

- Your CSE Chairperson
- specialeducation@schools.nyc.gov

Step 3: Request an Impartial Hearing

Problems? Contact AFC

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Transition Consultation

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Can include ...

I:I support (in person or remote)

Help applying to college or vocational programs

ACCESS-VR intake & documents

OPWDD eligibility

Can review documents, make calls with you, reach out on your behalf

Consultation services until adult services are in place



Transition Consultation

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Step 1: Contact

- Transition & College Access Centers ([TCACs](#)) 
- D75transition@schools.nyc.gov

Step 2: Escalate to

- specialeducation@schools.nyc.gov

Step 3: Contact AFC

- AgingOut@advocatesforchildren.org
- Helpline: 866-427-6033





To Recap . . .

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Reach out to your school for more time

Contact Transition and College Access Centers (TCACs) for transition consultations.

Email specialeducation@schools.nyc.gov

Parents of students with disabilities can Request an Impartial Hearing for Extended Eligibility 



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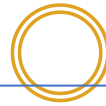
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Monday-Thursday, 10am-4pm

agingout@advocatesforchildren.org

NYS Graduation Requirements, COVID-19 Changes



[AFC Summary of COVID-19 Graduation Changes](#)

[NYSED COVID-19 Graduation Guidance:](#)

[NYSED COVID-19 Graduation FAQ](#)



Give us Your Feedback!



**Please complete this
Short survey!**



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