



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,  
NY 12234

TO: P-12 Education Committee

FROM: Ken Slentz 

SUBJECT: Potential Revisions of High School Graduation  
Requirements to Provide Safety Net Options for Students  
with Disabilities

DATE: January 3, 2012

AUTHORIZATION(S):

### **SUMMARY**

#### **Issue for Discussion**

Do the Regents wish to take steps to consider different options for providing a safety net for students with disabilities?

#### **Reason(s) for Consideration**

Review of policy and requesting support from the Board of Regents to propose regulations and seek public comment on various safety net options for students with disabilities.

#### **Proposed Handling**

This question will come before the P-12 Education Committee for discussion at the January 2012 meeting.

#### **Background Information**

In the 2009-10 school year (2005 cohort), approximately 44 percent of students with disabilities (14,248 out of 32,058 students) graduated from high school with a regular high school diploma within four years as of August and 16.7 percent of students with disabilities (5,352 students) dropped out of school. Most students with disabilities have the cognitive abilities to earn a high school diploma, but disability factors impede them from meeting the same requirements as nondisabled students. Without a regular high school diploma, these students will be greatly disadvantaged in achieving their postsecondary academic or

employment goals. Over the past ten years, there have been three diploma options available to students with disabilities; a Regents diploma, a local diploma, and an IEP diploma.

1. Students with disabilities are eligible for a Regents diploma if they meet the required 65 passing score on all five examinations or request a waiver for one score of 63 or 64. This is the same standard as for all general education students. In the last ten years, the number of students with disabilities graduating with a Regents diploma has risen from 1,773 in 2001-2002 to 8,295 in 2010-2011 demonstrating the positive impact of required access to Regents level courses.
2. Students with disabilities have had two safety net options available to meet testing requirements for a local high school diploma: the Regents Competency Test (RCT) and the 55-64 passing score on Regents examinations.

The RCT policy was first adopted by the Regents over a decade ago as a temporary measure to provide students with disabilities increased opportunities to earn a diploma at a time when many had never had full access to general education learning standards and course completion diploma requirements that could lead to a Regents diploma. Access to the RCTs was meant to terminate once districts had revised their instructional programs to provide full access to the general education standards both in elementary school and when students reached secondary level classes.

The existing RCT safety net is, by regulation, only available to students with disabilities entering grade 9 prior to September 2011. The RCTs are available to these students until they graduate or until the end of the school year in which they turn 21. Most students with disabilities earning a local diploma have relied on at least one RCT but many students continue to drop out after failing both the Regents and the RCTs

The RCT safety net has allowed those students with disabilities who fail one or more of the required Regents examinations (i.e., English, Mathematics, Science, Global History and U.S. History) to meet the testing requirements for the local diploma by passing the corresponding RCT(s) or its equivalent.

The 55-64 passing score option provides an additional safety net for all students with disabilities. Under this safety net, students with disabilities may meet the local diploma requirements by achieving a passing score of 55-64 on any or all of the five required Regents examinations. Although the 55-64 local diploma option was phased out for general education students entering Grade 9 in 2008 and thereafter, the 55-64 passing score option continues to be available to students with disabilities. The number of students with disabilities graduating with a local diploma has dropped from 8439 in 2001-2002 to 7688 in 2010-2011 as more students earn a Regents diploma.

3. In 1984, the Regulations of the Commissioner of Education were amended to authorize school districts to award a high school IEP diploma to a student with a disability. In 1999, the Regulations of the Commissioner of Education were further amended to provide that the award of the IEP diploma be based on the student's achievement of the educational goals based on the appropriate level of the learning standards as

specified in the student's IEP. The IEP diploma has been justly criticized as a misleading credential that many parents and students believe represents a regular diploma when it does not result in access to college or the military and does not represent any recognized level of achievement of the learning standards. Despite this criticism, in 2011 approximately 20% of exiting students with disabilities left high school with an IEP diploma.

In September, 2011, the Regents discussed a proposed amendment to Commissioner's Regulations that would, effective beginning with the 2013-14 school year, establish a new Skills and Achievement Commencement Credential to replace the current IEP diploma option and would only be available to students who have been instructed and assessed on the alternate performance level for the State learning standards (NYSAA). The credential would not be considered a regular high school diploma in accordance with State standards or for federal accountability purposes. In addition, the credential must be issued together with a summary of the student's academic achievement and functional performance (i.e., the Student Exit Summary) and must include documentation of the student's level of achievement and independence against the NYS Career Development and Occupational Studies (CDOS) Learning Standards; the student's level of academic achievement as measured by the NYSAA; and the student's skills, strengths, interests and, as appropriate, other student achievements and accomplishments. These regulations have been published and received generally favorable public comment regarding the use of this credential for NYS Alternate Assessment students. The regulations are proposed for adoption in January.

However, we believe that there is a need for an additional optional credential that documents attainment of CDOS standards and acknowledges a student's successful completion of academic, career and technical education programs and coursework for students who are not eligible for the NYSAA. Proposals for the use of the credential as noted here will be provided to the Regents as changes to the high school graduation requirements for all students are considered. Such a credential might be issued independent of a regular diploma and/or as a supplement to a local or Regents diploma.

### Need for Additional Safety Net Options for a Local Diploma

While the Department has developed the above described alternate credential option for NYSAA students who cannot earn a regular diploma, there is an increasing call from stakeholders to provide pathways to a regular high school diploma for a greater number of students with disabilities to replace the RCT option which is currently being phased out. Recognizing that the standards for a regular high school diploma in this State must be rigorous and represent readiness for employment or postsecondary education, we do not recommend extending the RCT option. However, it is recommended that new safety net diploma requirements be established consistent with the following guiding principles:

1. Students with disabilities must demonstrate an appropriate level of knowledge in foundation skills (literacy/English language arts and mathematics) which are fundamental to career or postsecondary education and/or training.
2. While recognizing the unique challenges presented by students' disabilities in demonstrating certain knowledge, students with disabilities must show competence in a range of key content subject areas through successful coursework and an objective and recognized measure of their knowledge.
3. Diploma standards should recognize completion of rigorous career-related skill development coursework and a formal process for demonstration of competence in these areas, which can lead to employment or more advanced postsecondary training.

### Options to Consider for Local Diploma State Testing Requirements

One recommendation is to provide alternatives *within the existing safety net* to students scoring at least 55 on all five of the currently required Regents exams. These alternatives must ensure an objective demonstration of sufficient proficiency to warrant Regents endorsement and the loss of entitlement by students with disabilities to receive a free appropriate public education under the IDEA upon receipt of a regular diploma. This could include options such as:

1. Completion of the required coursework and achievement of a composite Regents test score (e.g., 280), provided that the student achieves a score of 55 or higher on the math and English Regents examinations.
2. Completion of the required coursework and achieving a passing score of 55 or higher on the English and math Regents examinations as well as three other Regents examinations, provided that the student could choose which other three Regents examinations or approved alternatives would apply toward the diploma (e.g., more than one math examination or science examination in place of the Global History or U.S. History examination).

### Options for Credits/Courses Requirements

In addition to the options described above, the Regents could consider allowing students to substitute courses aligned with the Career Development and Occupational Studies (CDOS) Standards and/or integrated/specialized career and technical education courses or other courses that prepare the student to achieve his/her postsecondary goals for currently required courses and credits.

### Recommendation

There is considerable urgency that additional safety net options be endorsed by the Board of Regents this school year in order for current high school 9<sup>th</sup> graders to fully understand their options and to plan their future academic programs in the context of their post-school goals and IEP transition plans. Extensive public comment to date on graduation options and recommendations for a safety net for students with disabilities has

been provided through either public hearings or facilitated discussions with parents, teachers, school administrators, former students, attorneys, advocates, college disability service coordinators, and employers as well as representatives from institutions of higher education, adult service agencies and numerous statewide organizations.

We recommend that the Regents convene a workgroup to develop recommendations for a revised graduation safety net for students with disabilities to be initially discussed at the February P-12 Regents Committee meeting. We recommend that the workgroup also consider which students would be eligible for the revised safety net. The workgroup should consider whether all currently enrolled students, including those entering Grade 9 prior to 2011 who continue to have access to the RCTs, would be eligible to apply any new provisions and whether students would be required to choose one option (e.g., RCT, other test alternatives, course requirement options) or could apply more than one option simultaneously.

### Timetable

It is recommended that the Regents discuss safety net recommendations at the February 2012 Regents meeting and, based on this discussion, determine the timeframe for proposed regulations to be presented.