

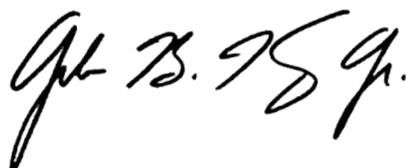


TO: P-12 Education Committee

FROM: Ken Slentz 

SUBJECT: Proposal to Strengthen the Safety Net for Students with Disabilities

DATE: April 18, 2012

AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

Should the Regents adopt the Department's proposals for strengthening the safety net for students with disabilities to further enable graduation with a local diploma?

Reason(s) for Consideration

Review of Policy

Proposed Handling

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

Procedural History

The Regents Competency Test (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. To provide adequate time for the transition, the Board of

Regents delayed the phase out of the RCT three times¹ and decided to apply the phase out to the entering cohort of September 2011. Therefore, under current regulations, only the 55-64 pass score Safety Net option to earn a local diploma will continue to remain available to cohorts of students with disabilities who enter ninth grade in September 2011 and thereafter.

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 reversing the Board's previous decision to eliminate the RCT option beginning with the entering cohort of September 2011. However, it is recommended that new safety net diploma requirements be established.

Background Information

Through the safety net, students with disabilities may earn a regular high school local diploma. Students with disabilities who entered ninth grade in September 2010 are the last cohort of students who may graduate from high school with a local diploma through use of the combination of the Regents Competency Tests (RCT) and the 55-64 pass score option on the required Regents tests.

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 Regents Competency Test (RCT) option which is currently being phased out. Under current regulations, only the 55-64 pass score Safety Net option to earn a local diploma will continue to remain available to cohorts of students with disabilities who enter ninth grade in September 2011 and thereafter.

In January 2012, the Regents discussed the need to consider additional options for students with disabilities to earn a local diploma. Discussions around the Safety Net are intended to address the group of students with disabilities who, with appropriate accommodations, supports and services, can reach the State's learning standards at the Commencement Level.

Guiding Principles

Most students with disabilities have the intellectual ability to be successful in careers and go on to further courses of study after high school, but many have real disability-related factors that impede students from earning scores between 55 and 64 on one or more of the five required Regents exams. State policy should meaningfully recognize these disability-related factors, while at the same time hold school districts accountable for ensuring that a local diploma represents a legitimate route to a meaningful future for students with disabilities. Under the Individuals with Disabilities

¹ July 1999 - establishes new diploma requirements and provides for safety net for students w/disabilities entering prior to September 2001; June 2001 - extend safety net for students entering prior to September 2005; February 2004 - extend safety net for students entering prior to September 2010; December 2009 - extend safety net for students entering prior to September 2011

Education Act (IDEA), which sets out the rights and entitlements for students with disabilities, a student who receives a regular high school diploma is no longer eligible for special education services. That means that the policy recommended by the Regents on a local diploma must represent a rigorous standard that would indicate that the school district has appropriately and sufficiently prepared a student with a disability for his or her readiness for post-school education and/or employment.

Recognizing that the standards for a regular high school diploma in this State must be rigorous and represent readiness for employment or postsecondary education, the Regents supported the following three guiding principles to guide the discussions:

1. Students with disabilities must demonstrate an appropriate level of knowledge in foundation skills (literacy/English language arts and math) which are fundamental to career or postsecondary education 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.

On March 9, 2012, the Regents convened a stakeholder workgroup to discuss options, consistent with the Regents guiding principles, for a revised graduation safety net for students with disabilities. Participating in this workgroup were representatives of parents of students with disabilities, school districts, boards of cooperative educational services, charter schools, approved private schools for students with disabilities and professional organizations along with Department staff and members of the Board of Regents. The discussion focused on the following questions:

Regents Test Scoring: Are there acceptable scoring variations other than 55-64 on the required Regents exams that could warrant a local diploma?²

Test Selection: Are there tests other than the current five mandated Regents exams (ELA, Math, Science, Global History, U.S. History) that could be accepted?³

²Many students with disabilities' scores on one or more Regents exams are at such a low level (0-30) that there is little evidence that any real effort was made to pass the exam. Even with that fact, if we applied a compensatory model, approximately six percent more students would have met the requirement for a local diploma.

³ For the option of using alternative Regents exams after ELA and Math, about two percent of additional students would have met the requirement of passing five exams at 55 if they could substitute a language, additional math or additional science exam for one of the currently required assessments.

Required Course Credits: Should the Regents consider allowing students with disabilities to substitute courses for currently required courses and credits?

Some of the major points raised during this discussion and in written comment following the meeting included the following:

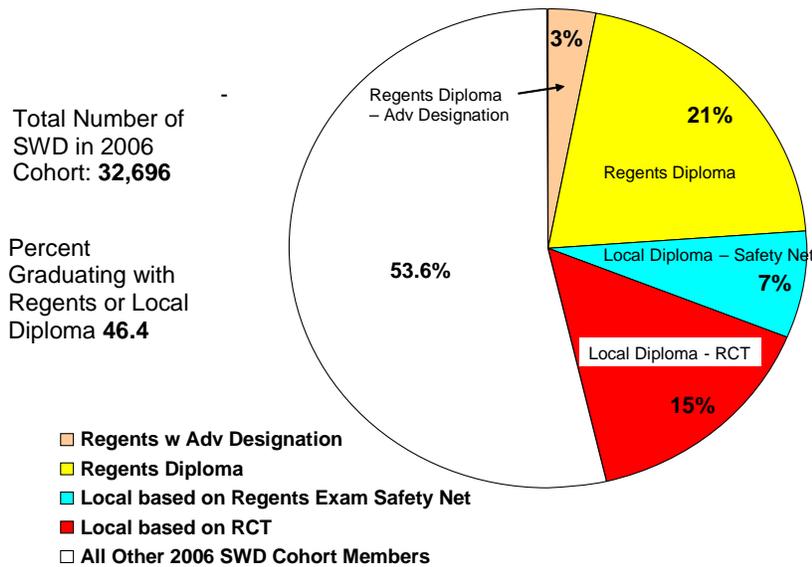
- The Regents should continue their discussions of multiple pathways to graduation for all students.
- The safety net options under discussion will not lead all students with disabilities to graduate with a local diploma, but are likely to assist many students who previously would have relied on the RCT to be able to graduate from high school with a local diploma.
- The options discussed would provide additional choice and flexibility for students with disabilities as may be required given their learning strengths and weaknesses.
- The proposed local diploma standards should lead to higher instructional expectations for students with disabilities than did the prior RCT safety net option.
- The Regents policy on the Safety Net should incorporate a combination of the above options (i.e., flexibility in test scoring, test selection and units of study required for graduation with a local diploma).
- The Regents should consider adding to the list of approved alternatives to Regents exams, particularly to add career and technical examinations.
- The Regents testing accommodation policy for Regents exams should be reviewed and options expanded to ensure that students with disabilities are provided the maximum opportunity to demonstrate their knowledge in the subject areas.

While each of the options discussed were strongly supported by most workgroup participants, some expressed support only if these options lead to a diploma for all students. Other specific considerations/concerns regarding the various options, as raised by workgroup members, included:

- Without a floor score, a compensatory model option could allow students to earn very low scores on some Regents exams to graduate, representing a diploma with less rigor.
- The lack of availability and accessibility of career and technical education (CTE) courses for many students with disabilities throughout the State must be addressed.
- There also should be alternative methods of providing course credit other than hours of instruction.
- Alternative ways to define and measure competency other than high stakes tests need to be explored.
- Restricting some of these options to students with disabilities may have an unintended consequence of increasing referrals of students for special education.

It is very difficult to predict what will happen when districts and students move to a greater focus on Regents courses and assessments versus relying on the RCTs. However, it may be helpful to consider data on the 2006 cohort to generate hypotheses about the impact of the proposed steps to strengthen the safety net. In the 2006 cohort, 7,382 students with disabilities graduated with a local diploma. 4,971 of those students relied on the RCTs and 2,411 relied on the 55-64 pass score option only to earn that diploma.

2006 Cohort Outcomes
Students with Disabilities After 4 Years – as of August 2010



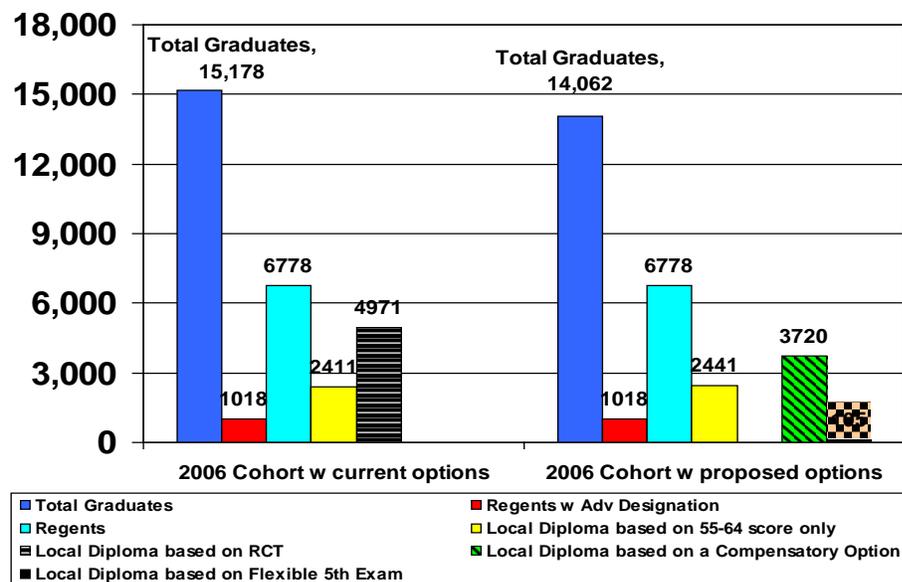
If the Regents adopt scoring variations such as a compensatory model⁴ (in addition to the 55-64 pass score option), data shows that approximately 6,131 students would have graduated with a local diploma. If the Regents also adopt the multiple pathways option described in the item on graduation requirements allowing students with disabilities to substitute another Regents for the Global History and Geography exam, the cohort of 2006 students with disabilities would have included another 105 graduates without the RCT option. Thus, based on analysis of 2006 cohort data, the State's graduation rate for students with disabilities is expected to remain close to its current rate – with only approximately seven percent fewer students with disabilities graduating with a regular diploma than those who graduated with the RCT/55-64 pass score safety net – as a result of implementation of the combined recommendations

⁴ A compensatory model would allow a student to earn a local diploma based on attaining a score above the safety net score on one or more of the five required Regents exams, which could compensate for a score(s) below the safety net score on one or more of the other required Regents exams.

(even without accounting for the effect of fuller access to Regents-level instruction). However, the current rate is disappointingly low, and improving upon that rate requires accelerating improvements in teaching and learning for students with disabilities.

The following chart displays the current numbers of students with disabilities from the 2006 cohort who graduated with a regular high school diploma, including those who graduated using a safety net of the RCT and/or the 55-64, with a comparison to the projected numbers of students with disabilities who would have graduated under the proposed safety net options without accounting for the effect of fuller access to Regents-level instruction.

Comparison of 2006 Students with Disabilities Graduates Using Current and Proposed Options



Ongoing Work with Alternate Credentials

In December 2011, the Regents approved a change to State regulations to, effective beginning with the 2013-14 school year, replace the current individualized education program (IEP) diploma – which is not considered a regular high school diploma for purposes of admission to college or the military – with a Skills and Achievement Commencement Credential for students with severe disabilities who have taken the New York State Alternate Assessment. The documentation that must accompany award of the Skills and Achievement Commencement Credential for students with severe disabilities will include specific information documenting the youth’s level of independence and achievement, as well as strengths, on the commencement level CDOS learning standards. In addition, the Offices of P-12, CTE and ACCESS-VR are jointly working on the framework for the credential for other students, including students with disabilities who cannot earn a regular diploma. It is

our goal to have this second credential available to students at the same time as the IEP diploma sunsets (2013-14 school year) and as such, we will bring a recommendation to the Board no later than the December 2012 meeting. Neither of these two credentials, however, will represent a regular high school diploma.

Recommendation

The Department recommends that the Board expand the safety net options for students with disabilities to earn a local diploma beyond the current option of the 55-64 pass score on the five required Regents exams. Current high school ninth graders must have advance notification to fully understand their options and to plan their future academic programs (i.e., courses of study) in the context of their post-school goals and IEP transition plans.

In expanding the safety net options, the Regents should direct staff to propose regulations to establish a local diploma for students with disabilities that would provide that such a student could graduate with a local high school diploma under the following options:

1. The student attains a 55-64 on five Regents exams (and/or passed an alternative examination); or
2. The student attains a score above the safety net score on one or more of the five required Regents exams which can compensate for a score(s) below the safety net score on one or more of the other required Regents exams; or
3. The student must take the Regents English exam, one mathematics exam and one science exam, and should the Board decide to offer flexibility in the selection of whichever exams can be taken could select other Regents exams that would apply toward the diploma (e.g., more than one math examination or science examination in place of the Global History).

The Department also recommends that the Regents direct staff to review current testing accommodation policy for Regents exams to ensure students with disabilities are being provided the maximum appropriate accommodations necessary to demonstrate their performance-based knowledge of the subject areas being tested.

Timetable for Implementation

To provide appropriate advance notice of safety net options to the cohort of students who entered grade 9 in the 2011-12 school year, it is recommended that the Regents direct staff to develop proposed regulations for discussion or emergency action at the June 2012 Regents meeting.