

Coalition for Multiple Pathways to a Diploma

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We call upon the New York State Education Department and the Board of Regents to establish a commission to reexamine existing graduation pathways and to develop a coherent, meaningful and equitable system of diploma pathways. Input from diverse stakeholders is critical to creating a graduation system that is fair and comprehensible and that meets the needs of all learners. The Commission should include:

- Current or recent students, parents, educators, researchers, advocates, and business leaders;
- Individuals with experience with learners with disabilities, multilingual learners, and overage and under-credited students;
- Individuals with expertise in the development and implementation of work-based learning, career and technical education, and performance-based assessment systems.

The Commission should address the following study questions:

1. What steps should New York State take to engage diverse stakeholders beyond the members of the Commission to help build coherence and transparency into the multiple pathways system?

The current system, which evolved out of a series of emergency measures, has become too complex for most students, families, and even school professionals to navigate.ⁱ The system is now unduly cumbersome and relies heavily on appeals and disability-only safety nets.ⁱⁱ Any new system must be thoughtful and coherent and must provide opportunities for stakeholder feedback before any new plan is brought to the Board of Regents for a vote.

2. What are the real-world skills required for success in college and career? The Commission should identify the skills, knowledge and experiences critical for post-secondary successⁱⁱⁱ and should design a coherent system for students to demonstrate that they have achieved such benchmarks. The group's task should not merely be to review exit exam requirements; it should review each of the State's current exit credentials and diplomas,^{iv} including the coursework and exit exams required for each. From this review, the Commission should identify the changes necessary to create a system of graduation options and pathways that are equitable and accessible and that communicate meaningful skills to colleges^v and employers.^{vi}

3. How should New York State assess these skills and ensure meaningful exit requirements? Should Regents exams be required for a diploma? Although the Every Student Succeeds Act (ESSA)^{vii}

requires states to assess high school students in reading/language arts, math, and science for the purposes of state accountability, no federal law requires high school exit exams. As of June 2019, only 11 states require students to pass exit exams to graduate from high school.^{viii} Of these states, New York has some of the most onerous testing requirements.^{ix} For many students, Regents exams serve as a barrier for students who are otherwise prepared for adult life.^x The Commission should examine the 39 states with no exit exam requirements and consider whether any exit exam is necessary for New York students who have otherwise demonstrated mastery of State standards.^{xi} Regents and other exams could remain available for students who choose to take them to graduate with honors or advanced designations. These exams could be used for school accountability purposes without serving as a barrier to graduation.^{xii}

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- 4. How can New York State develop and support performance-based assessments?** All students should be given the option to demonstrate their knowledge and skills through State-approved, stakeholder-developed performance-based assessments or State-approved performance-based assessment systems, completing a series of tasks/projects in contexts that are familiar and relevant to their high school experiences.^{xiii} Schools with demonstrated capacity to develop and implement performance-based systems should continue to be supported. The Commission should consult with educators in New York State already using performance-based assessments,^{xiv} review the experiences of other states that have provided students with performance-based options in lieu of standardized tests, and make recommendations that include procedures and funding for developing and approving performance-based assessments for all students.
- 5. How do we avoid disability-only and ELL/MLL-only options and make all pathways available to all students?** New York's current pathways system relies heavily on disability-only and English Language Learner/Multilingual Learner (ELL/MLL) exceptions and fails to acknowledge that all students need access to a variety of opportunities to demonstrate readiness to graduate. For example, students with IEPs can currently demonstrate readiness for graduation without passing any Regents exams,^{xv} while students with 504 plans and those without disabilities must pass at least 4 Regents exams. The State has also created three different sets of appeals – one for ELLs/MLLs, one for students with disabilities, and another for all students.^{xvi} The Commission's recommendations should break down walls between student populations whenever possible by creating opportunities for all students to demonstrate their skills and knowledge without forcing them to pass high-stakes tests.^{xvii}
- 6. What tools do districts need to support students with disabilities and use the IEP process, rather than disability-only pathways, to ensure that students with disabilities meet graduation requirements?** Rather than relying on disability-only pathways to address the significant gap in graduation rates between students with disabilities and their non-disabled peers, the Commission should make recommendations to ensure that students with disabilities get the academic and transition supports they need to access each graduation pathway.^{xviii}
- 7. What steps should the State take to close the opportunity gap^{xix} and to ensure that all students have access to the instructional programming required for any approved graduation pathway?** Multiple pathways are only meaningful if students and families know about them and can access them.^{xx} As the State looks to expand pathways to graduation that require work-based learning,^{xxi} Career and Technical Education;^{xxii} the arts; humanities; science, technology, engineering, and math (STEM); and other programs shown to promote student engagement and advancement towards college or career readiness, it must ensure that such programs are accessible to diverse student populations, including multilingual learners,^{xxiii} students with disabilities,^{xxiv} students who are overage and under-credited,^{xxv} and students who, for a variety of reasons, find their original high school placement to be a poor fit. The State must also provide students, families, and school professionals with clear, concise, and easy-to-follow information on all approved pathways to a diploma, and must develop a system to continuously identify and address barriers to implementation of such programs.

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Coalition members Include:

Advocates for Children of New York • Alliance for Quality Education • ARISE Coalition • Asperger Syndrome & High Functioning Autism Association • David C. Bloomfield, Esq., Professor of Educational Leadership, Law & Policy, Brooklyn College and The CUNY 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 Inclusion & Development Alliance • 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!

ⁱ Monica Disare, *What Should it Take to Graduate? Inside the Growing Divide Over Whether to Require New York's Vaunted Regents Exams*, Chalkbeat (May 3, 2018), www.chalkbeat.org/posts/ny/2018/05/03/what-should-it-take-to-graduate-inside-the-growing-divide-over-whether-to-require-new-yorks-vaunted-regents-exams/; see also Letter from Coalition for Multiple Pathways to a Diploma to Bd. of Regents (May 25, 2018), www.advocatesforchildren.org/sites/default/files/on_page/diploma_coalition_comment_revised_supt_determination_52518.pdf (describing need for resources clarifying graduation requirements).

ⁱⁱ N.Y.S. Educ. Dep't, *Appeals, Safety Nets, and Superintendent Determination*, www.nysed.gov/curriculum-instruction/appeals-safety-nets-and-superintendent-determination (describing rules for eight appeals, safety nets and superintendent determinations); N.Y.S. Educ. Dep't., *Diploma/Credential Requirements* (Apr. 2019), www.nysed.gov/common/nysed/files/programs/curriculum-instruction/diploma-and-credentials-summary-requirements.pdf (eight-page document summarizing N.Y.S. graduation requirements).

ⁱⁱⁱ See The Forum for Youth Investment, *Ready By Design: The Science (And Art) of Youth Readiness* (Mar. 2016), <http://foster-ed.org/wp-content/uploads/2017/02/Ready-By-Design-2016.pdf>; Jenny Nagoaka, Camille Farrington,

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Stacy Ehrlich, & Ryan Heath, *Foundations for Young Adult Success: A Developmental Framework*, Univ. of Chicago (June 2015), www.wallacefoundation.org/knowledge-center/Documents/Foundations-for-Young-Adult-Success.pdf; N.Y.S. Educ. Dep't, *CDOS: Commencement Standard 3a, Universal Foundation Skills*, www.p12.nysed.gov/cte/cdlearn/documents/CDOS-Commen-CareerandUniversa.pdf; Advance CTE, *The Career Ready Practices*, <https://careertech.org/career-ready-practices>; CTE Technical Assistance Center of NY, *Life/Career Abilities*, <https://nyctecenter.org/instruction/life-career-abilities>; Richard Jones, *Life/Career Abilities Framework: Begin with the End in Mind* (2016), https://nyctecenter.org/images/files/Publications/Defining_LifeCareer_2016.pdf.

^{iv} Achieve, *State Expectations for Graduation Matter – and Differ – More Than you Think* (Aug. 2018), www.achieve.org/files/Grad%20Reqs%20Matter_Final_081718.pdf (finding states with a required or default college and career ready curriculum often have a greater share of low-income students and students of color completing the curriculum than in opt-in states like New York).

^v Roneeta Guha, Tony Wagner, Linda Darling-Hammond, Terri Taylor, & Diane Curtis, *The Promise of Performance Assessments: Innovations in High School Learning and College Admission*, Learning Policy Institute (Jan. 18, 2019), <https://learningpolicyinstitute.org/product/promise-performance-assessments-report> (PBAs have promise for better reflecting the achievements and potential of historically underserved students); William C. Hiss, & Valerie W. Franks, *Defining Promise: Optional Standardized Testing Policies in American College and University Admissions* (Feb. 2, 2014), <https://offices.depaul.edu/enrollment-management-marketing/test-optional/Documents/HISSDefiningPromise.pdf> (Even given the variation in high school grading, authors find high school GPA (HSGPA) to be a broadly reliable predictor of college performance, and standardized testing to be very far from 'standardized' in its predictive value); see also Achieve, *Graduation Ready*, <https://highschool.achieve.org> (interactive nationwide database about course and credit requirements and high school assessments).

^{vi} Partnership for New York City, *Career & Technical Education in NYC: A Comprehensive Survey* (Apr. 2015), http://pnyc.org/wp-content/uploads/2016/02/CTE-Survey_Employer_Final-Results_2015.pdf (18 to 25 percent of employers in various sectors said unprepared students presented a problem when partnering to provide work experience).

^{vii} 20 U.S.C. § 6311(b)(2)(B)(v).

^{viii} Philissa Cramer, *As High School Exit Exams Fall Out of Favor in Washington and New Jersey, New York is Increasingly An Outlier*, Chalkbeat (May 15, 2019), <https://chalkbeat.org/posts/ny/2019/05/15/as-high-school-exit-exams-fall-out-of-favor-in-washington-and-new-jersey-new-york-is-increasingly-an-outlier/>.

^{ix} N.Y.S. Educ. Dep't, *A Discussion of Diploma Requirements* (Oct. 16, 2017), www.regents.nysed.gov/common/regents/files/P12%20-%20A%20Discussion%20of%20Diploma%20Requirements.pdf (As of 2015, New York was one of only two states that required students to pass five or more exit exams in order to graduate); Catherine Gerewitz, *Which States Require an Exam to Graduate?*, Education Week (updated Apr. 9, 2019), www.edweek.org/ew/section/multimedia/states-require-exam-to-graduate.html.

^x As it examines these issues, the Board of Regents should investigate how Regents exams, particularly text-heavy exams such as ELA, U.S. History and Global Studies, affect English Language Learners'/Multilingual Learners' (ELLs/MLLs) ability to earn a diploma and contribute to the opportunity gap between ELLs/MLLs and other students. The group should specifically compare the graduation rates of long-term ELLs/MLLs, ELLs/MLLs identified as students with interrupted formal education (SIFE), and newcomer ELLs/MLLs who have been in the U.S. for less than four years with overall graduation rates. It should also analyze the rate at which graduating students in each group of ELLs/MLLs utilized performance-based assessments to meet graduation requirements. See Dalia Zabala,

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State High School Exit Exams, Center on Education Policy (Mar. 2006), www.cep-dc.org/displayDocument.cfm?DocumentID=247 (ELLs have lower than average initial pass rates on exit exams); New York Performance Standards Consortium, *Redefining Assessment: Data Report on the New York Performance Standards Consortium* (2018) at 7, <https://drive.google.com/file/d/1VEb5XiDStR7nzFZxLc6WMMMywOMAnCnSq/view> (ELLs/MLLs at Consortium schools graduate at rates 50% higher than the overall high school graduation rate of ELLs/MLLs in NYC).

^{xi} Anne Hyslop, *The Case Against Exit Exams*, New America Education at 7 (2014), www.newamerica.org/downloads/ExitExam_FINAL.pdf (Analyzing how exit exam policies and student performance on these exams affect high school attainment and postsecondary success); Charlotte R. Pennington, Derek Heim, Andrew R. Levy, & Derek T. Larkin, *Twenty Years of Stereotype Threat Research: A Review of Psychological Mediators*, PLoS ONE 11(1): e0146487 (Jan 11, 2016), <https://doi.org/10.1371/journal.pone.0146487> (Stereotype threat often contributes to disparities in student performance by race and gender).

^{xii} Achieve, Statewide High School Assessment Data Explorer, <https://highschool.achieve.org/statewide-assessments-high-school-data-explorer> (Interactive explorer tool details each state's 2018-19 required high school assessments in mathematics, ELA, science, social studies, and career readiness, including how those assessments factor into graduation requirements and school accountability measures).

^{xiii} John W. Saye, Jeremy Stoddard, David M. Gerwin, Andrea S. Libresco, & Lamont E. Maddox, *Authentic Pedagogy: Examining Intellectual Challenge in Social Studies Classrooms*, J. of Curriculum Stud. (2018), <https://doi.org/10.1080/00220272.2018.1473496> (National study of 62 social studies classrooms found that participating Consortium classrooms exhibited the highest level of authentic intellectual work, "a necessity to maintain democratic societies"); Ai-Zhen Tung, *Why Not Push Us to Think?*, Voices in Urban Educ. (2017), <http://vue.annenberginstitute.org/sites/default/files/issues/VUE47.pdf> (High school sophomore reflects on the limits of and alternatives to high-stakes standardized tests); Linda Darling-Hammond & Frank Adamson, *Beyond Basic Skills: The Role of Performance Assessment in Achieving 21st Century Standards Of Learning*, Stanford University, Stanford Center for Opportunity Policy in Education (2010), <https://scale.stanford.edu/system/files/beyond-basic-skills-role-performance-assessment-achieving-21st-century-standards-learning.pdf>; Linda Darling-Hammond & Frank Adamson, *Beyond the Bubble Test: How Performance Assessments Support 21st Century Learning*, Jossey-Bass (2014); Alan Blankstein & Pedro Noguera, *Excellence Through Equity*, Aram Barlowe & Ann Cook, *Empowering Students and Teachers Through Performance-Based Assessment* (2015) (Part of an anthology highlighting educational initiatives focused on the pursuit of equity goals, this chapter documents how eliminating high-stakes testing allows teachers to achieve a greater level of professionalism and enables them to develop skills which foster inquiry, pedagogy, and student participation).

^{xiv} See, e.g., New York Performance Standards Consortium, www.performanceassessment.org/research.

^{xv} N.Y.S. Educ. Dep't, *Superintendent Determination Option for Graduation with a Local Diploma – UPDATED August 2018*, www.p12.nysed.gov/specialed/publications/superintendent-determination-option-august-2018.html. See also Letter from Coalition for Multiple Pathways to a Diploma to Bd. of Regents (Feb 2, 2018), www.advocatesforchildren.org/sites/default/files/on_page/diploma_coalition_comment_revised_supt_determination_2218.pdf (expressing concerns about "disability-only" pathways leading to tracking and lower expectations).

^{xvi} Angelica Infante-Green, *Appeal to Graduate with a Lower Score on a Regents Examination* (Apr. 2017), www.nysed.gov/common/nysed/files/curriculum-instruction/memo/appeal-graduate-lower-score-regents-exam-memo-april-2017.pdf.

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^{xvii} See Candace Cortiella, *Diplomas at Risk: A Critical Look at the Graduation Rate of Students with Learning Disabilities*, National Center for Learning Disabilities (May 2013), www.nclld.org/wp-content/uploads/2014/11/DiplomasatRisk.pdf (finding that states with a policy of multiple diplomas can result in lower graduation rates among students with specific learning disabilities); CAST, *Universal Design for Learning* (2019), www.cast.org/our-work/about-udl.html#.XPRyT9NKjg0; Ning Rui, *Four Decades of Research on the Effects Of Detracking Reform: Where Do We Stand? – A Systematic Review Of The Evidence*, *J. of Evid. Based Med.* 164-183 (Aug. 2009), www.ncbi.nlm.nih.gov/pubmed/21349011 (finding that detracking reform helped low-ability students and had no negative?? effect on average or high-ability students).

^{xviii} 8 N.Y.C.R.R. 200.4 (d)(2)(ix)(b) (requires IEP teams to discuss graduation requirements, the student’s progress toward meeting these requirements and available appeals, safety nets and superintendent determination options); N.Y.S. Educ. Dep’t, *Improving Special Education Outcomes in New York State* (Mar. 11, 2019), www.regents.nysed.gov/common/regents/files/FB%20Monday%20AM%20-%20Improving%20Special%20Education%20Outcomes%20in%20New%20York%20State%20Presentation.pdf (New York State did not meet Indicator 13: Secondary Transition targets in 2016-17, and preliminary data indicates the State will not meet this target for 2017-18).

^{xix} N.Y.S. Bd. of Regents Research Work Group, *Integration, Equity and Diversity – The Equity Imperative* (May 6, 2019), www.regents.nysed.gov/common/regents/files/Regents%20Research%20Work%20Group%20-%20May.%206%202019.pdf; N.Y.S. Bd. of Regents Research Work Group (June 3, 2019), www.regents.nysed.gov/common/regents/files/Research%20Workgroup%20Presentation.pdf. Civic and Everyone Graduates Center, *Building a Grad Nation: Progress and Challenges in Raising High School Graduation Rates* (June 2019), www.americaspromise.org/2019-building-grad-nation-report (With an estimated 64% four-year graduation rate nationwide, students who are homeless may be the subgroup with the lowest graduation rates in the country); Corey Mitchell, *English-Learner Graduation Rates Rise Nationally, But Lag in Several States*, *Education Week* (Dec. 2017), http://blogs.edweek.org/edweek/learning-the-language/2017/12/english_language_learner_grad_rates_improve.html (NYS graduation rate for ELL students is well below the national average); Claudio Sanchez, *English Language Learners: How Your State is Doing*, *National Public Radio* (Feb. 2017).

^{xx}The New York Equity Coalition, *Within our Reach* (2018), <http://equityinedny.edtrust.org/wp-content/uploads/sites/14/2018/05/Within-Our-Reach.pdf> (Students of color and low-income students in New York are more likely to lack access to advanced coursework); Monica Disare, *New Rules to Help New York Students Graduate Offer ‘False Promise,’ School Leaders Say*, *Chalkbeat* (May 13, 2016), www.chalkbeat.org/posts/ny/2016/05/13/new-rules-to-help-new-york-students-graduate-offer-false-promise-school-leaders-say/ (Many students do not have access to coursework needed to take advantage of new graduation pathways); Clara Hemphill, Nicole Mader, & Bruce Cory, *What’s Wrong with Math and Science in NYC High Schools*, *Center for New York City Affairs* (2015), <https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/55c413afe4b0a3278e55d9a7/1438913455694/Problems+with+Math+%26+Science+05.pdf> (Occupations like HVAC mechanic, lab technician, and dental hygienist are closed to students who do not have access to advanced math and science courses).

^{xxi} ExpandED Schools, *Expanding Postsecondary Readiness Opportunities for All High School Students in New York City* (Mar. 2019), www.expandedschools.org/sites/default/files/ES-Postsecondary-report-20190405.pdf (Summarizing gaps in access to work-based learning and making recommendations to NYSED and NYCDOE to expand meaningful access to these programs).

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^{xxii} Tamar Jacoby & Shaun M. Dougherty, *The New CTE*, Manhattan Institute (Mar. 2016), <https://media4.manhattan-institute.org/sites/default/files/R-TJSD-0316.pdf> (New York City schools often lack access to work-based learning).

^{xxiii} Advocates for Children of New York, *Missed Potential: English Language Learners Under-Represented in NYC Career and Technical Education Programs* (July 2017), www.advocatesforchildren.org/sites/default/files/library/data_brief_cte_ells.pdf;

^{xxiv} Advocates for Children of New York, *Obstacles and Opportunities: Creating Career and Technical Education Pathways for Students with Disabilities* (Dec. 2016), www.advocatesforchildren.org/sites/default/files/library/cte_obstacles_opportunities.pdf