

Statement of the Learning Disabilities Association of New York State to the New York State Assembly Standing Committee on Education and the Senate Education Committee

October 22, 2003

Introduction

Good morning Honorable chairs and distinguished members of the committees, my name is Heather Loukmas and I am the Executive Director of the Learning Disabilities Association of New York State. I appreciate the opportunity to testify before you today and share with you LDA's concerns regarding the requirements to earn a Regents Diploma.

The Learning Disabilities Association of New York State was established in 1958 and is comprised of seven regional affiliates. LDA is a parent-driven organization that provides advocacy and support services to children and adults with learning disabilities, neurological impairments and other related developmental disabilities, as well as providing support services to the families of individuals with these disabilities.

One of the primary services LDA's provide is educational support. This can include both advocating for students to ensure that they receive the free and appropriate education to which they are entitled by law and instructional/ tutorial services as well. We have seen such a huge increase in the demand for these services since the implementation of the Regents Exams that unfortunately our regional affiliates are unable to meet. I will be focusing my comments on 3 major areas related to the Regents Exams and the effect the requirement that students pass all 5 exams in order to receive a diploma has had on our educational system in New York.

I. Regents Standards, Exams & Diploma:

On the issue of the standards and the exams, LDA has always taken a position in support of higher learning standards for all students, but we have expressed concern from day one that using only one tool to measure a student's mastery of those standards leading to one single diploma option could be problematic for many students, especially those with learning disabilities. Additionally, teachers, facing the pressure to ensure their students perform, are having to abandon creative instructional methods, from which many students with learning disabilities can benefit, in favor of curriculums that teach students how to take tests. Paper-pencil timed tests can be a struggle for many students, especially those with reading, handwriting, spelling and attention deficits and may actually test a student's disability, not "ability". LDA endorses an assessment system that provides options in assessments that are as rigorous as the current exams; that are aligned to the Learning Standards; that allow students the opportunity to demonstrate their knowledge in a manner that is appropriate for their ability and that gives teachers the flexibility to implement teaching strategies that will produce sustained learning and skills essential for students to become successful members of society, not just rote-memory and test-taking tactics.

The current structure of the diploma system is also troublesome. Students with disabilities have limited options. They either need to get a Regents diploma (which 11.1% of students with disabilities achieved in 2001-2002) or, become a “marked” person with a disability by going the safety net route and getting a local diploma (53% of students with disabilities received a local diploma in 2001-2002). Other students in special education who do not qualify for the Regents or the local diploma can get what State Ed deems an IEP “diploma”. In the 2001-2002 school year, 29% of students with disabilities earned an IEP certificate. Contrary to what students may be told, an IEP certificate has no merit in the workplace or in institutions of higher education and therefore should not be considered or labeled a diploma. Instead of continuously extending the safety net, the Regents need to create meaningful diploma options for everyone and get rid of this system of segregation where students with disabilities are branded as such by the type of diploma they receive.

II. Dropout Rates, Record-keeping Methods & GED Programs:

Many people worried that the implementation of the Regents standards and exams and the elimination of the local diploma option for all students would lead to an increase in the dropout rate. Statistics show that the dropout rate among students with disabilities has increased since the 1997-98 school year. Perhaps even more disturbing is the reporting procedure being utilized by school districts throughout the state to push out or “discharge” students who may be dragging down school performance. Schools are able to hide these underachievers by putting them in the “transferred to another educational setting” category or a similarly nebulous category. Once in these categories there is no tracking mechanism in place to determine whether these students actually did transfer and whether they ever received a high school diploma. Under extreme pressure to perform, school districts are using this practice more and more and with students at younger ages. By law, students are entitled to attend school until the age of 21, however, we are seeing an increase in the number of 16, 17 and 18 year olds being encouraged by schools to pursue other educational alternatives such as GED programs. LDA affiliates throughout the state are aware of this problem because they have worked with many of these students.

GED programs should not be considered a cure all. Again, a GED holds much less value in the marketplace and GED providers are finding they are not prepared to handle the younger students coming into their programs. GED programs are intended for older students, not 16 and 17 year olds who still require two or more years of solid education before they are ready to take the GED exams. Additionally, many students who express interest in GED courses, never actually enroll or show up, thus another large group of students that are being lost in the administrative quagmire of data and statistics.

There are many questions that arise in response to statistics that get published on graduation rates and dropout rates. Often times, they are difficult to comprehend and relate to other statistics. If you boil it down to the simplest level and look at the enrollment numbers for freshmen versus seniors in any given school district, you will see quite a difference. Why are there so many more freshmen than seniors...where do they all go? In light of these questions, the record-keeping method that allows schools to quietly discharge underachievers, and the inability to link published statistics to real-world experiences, LDA has urged the Board of

Regents conduct an independent audit of the data being reported by school districts and State Ed and to implement a series of additional action steps that will begin to address these issues.

III. Transition Planning for Students with Disabilities:

The current status of transition planning for students with disabilities in New York State is not encouraging. Since the implementation of the Regents Standards and the requirement that students must take and pass all five Regents Exams to receive a high school diploma, transition planning for students with disabilities has taken a much different approach, which may no longer be aligned with the requirements under the federal Individuals with Disabilities Education Act. Transition plans for students with disabilities now largely consist of achievement of a Regents Diploma as their primary goal.

By implementing the Regents Standards for all students, the Regents wanted to ensure that *“all students will meet high standards for academic performance and personal behavior and demonstrate the knowledge and skills required by a dynamic world”*. No longer would receiving a Regents Diploma be reserved for only those who were college bound but all students, including students in special education. Consequently, beginning at age 14 (the time at which transition services are to begin according to IDEA) a student in special education quite possibly spends all of his time and energy at school, after school and on the weekends, working to meet the challenge that has been laid before him. The dilemma arises however, when at age 18, it becomes evident that this student, despite all of his hard work and effort, cannot pass the exams and as a result, cannot receive a Regents Diploma. For now, the safety net provision can provide some protection as these students can still get a local diploma and therefore, still be considered successful in attaining their transition plan of receiving a diploma. However, if and when the local diploma is no longer an option, discovering at age 18 that a Regents Diploma is not to be, is too little and too late to put in place any meaningful, alternative transition services.

LDA is concerned for the students with disabilities who are exiting high school without a Regents or local diploma, who are not prepared for the world of work because their transition plan did not adequately address the possibility that a diploma might not be attainable. In situations where students whose transition plans consisted of diplomas yet achievement of such was not accomplished, students receive an IEP certificate. Upon applying to college, many students possessing IEP certificates and their parents, are dealt harsh blows when the majority of institutions inform them that acceptance is based upon the student having a Regents or local diploma and that an IEP certificate is insufficient. State Ed’s office of Vocational and Educational Services for Individuals with Disabilities won’t accept a student into one of their training programs unless they hold a Regents or local diploma. So what is a student with an IEP certificate to do now? They have spent all of their high school years focused on trying to achieve a Regents diploma instead of receiving any job skills training that might have prepared them for employment.

With 95% of special education students having transition plans that push them toward a Regents diploma (5% of students with disabilities take the Alternate Assessment for Student with Severe Disabilities) and only 11% of special education students actually receiving Regents diplomas, a huge majority of these students will be left unprepared for post-school living, learning and working. While pushing all students toward achievement of a Regents diploma is a

noble goal, it cannot and will not work for every student. Alternative transition plans that prepare these students to become productive, working members of our society after school have to be developed and implemented early on in a student's life and cannot be postponed until a student's failure to attain a Regents diploma is imminent in 11th or 12th grade.

I would again like to thank the committee for the opportunity to be here today to present LDA's concerns regarding the Regents Exams and Diploma and the subsequent effect their implementation has had on New York's educational system and students. LDA is encouraged by this committee's desire to seek input from the public on how our educational system might be improved so that all students in the state of New York can be held to higher learning standards yet still attain the level of educational success to which they are entitled. We look forward to ongoing discussions on this issue and hope positive change will be the end result. Thank you.

Respectfully submitted,

Heather Loukmas
Executive Director
LDA of NYS
1202 Troy-Schenectady Rd.
Bldg. 1, Rm. 225
Latham, NY 12110
Ph: 518-608-8992
Fx: 518-608-8993
E-mail: statelda@ldanys.org

