November 16, 2009

Rebecca Cort, Ed. D.
Deputy Commissioner
Vocational and Educational Services for Individuals with Disabilities
New York State Education Department
One Commerce Plaza, Room 1606
Albany, NY 12234

Dear Dr. Cort,

The Learning Disabilities Association of New York State is a parent-driven organization providing a wide range of advocacy and support services to individuals with learning disabilities, neurological impairments and other disabilities with similar characteristics. One of our primary roles is to provide educational advocacy to ensure that students receive a free and appropriate education under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and No Child Left Behind. Students with Learning Disabilities represent the largest category within the special education population. In 2008, 40% of the total students with disabilities, ages 4-21, were classified with Learning Disabilities.

We are opposed to extending the current safety net for students with disabilities, including continuing to use the Regents Competency Tests as an alternative assessment -- these tests are not accessible, have not been upgraded, and are not aligned to the curriculum or instruction.

While we are waiting for the Regents to initiate much needed comprehensive reforms on graduation requirements, the Safety Net must be revised so that it is universal for all students, and not just available for students with disabilities. Anything less is discriminatory, and does not meet the standard of ensuring students with disabilities will continue to have the opportunity to earn a Regents local diploma of value. Without including all students, the local diploma becomes as meaningless as the IEP Diploma currently is.

Instead of extending the current safety net, the Regents must move forward to initiate comprehensive reforms. They need to create a meaningful Regents Diploma based on the NYS learning standards, Career Development and Occupational Studies, and have multiple pathways to make it accessible for all students. This would end the current system of segregation where students with disabilities are branded by the type of diploma they receive.

The current Safety Net was started in 1996, and was extended in 2001 and again in 2003 for the purpose of gathering more data and providing time to make revisions to graduation requirements that would ensure all students have the fair opportunity to earn a valued diploma and access to postsecondary options. There has been no significant progress in the 13 years of the Safety Net for students with disabilities, English Language Learners, Black and Latino students.

The time for action is now to institute reforms that will ensure all students can achieve high standards and a diploma of value.

Sincerely,

Mike Helman
President