

**WRITTEN TESTIMONY FOR NY EDUCATION REFORM
COMMISSION PUBLIC HEARING-SEPTEMBER 24, 2012
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Learning Disabilities Association of New York State, Inc. LDANYS Position Statement Regarding the Issuance of IEP Diplomas in NYS

*I am a Senior Educational Advocate with the **Learning Disability Association of the Mohawk Valley**, covering Oneida Herkimer counties. I have worked as an educational advocate for twenty years. LDA of the Mohawk Valley is a Regional Affiliate of LDA of New York State. I found in the recent LDANYS Position Paper Regarding the Issuance of IEP Diplomas in NYS, that was submitted on July 5, 2012, touched upon most of the points I was going to address in my testimony. Consequently, I am submitting the LDANYS position paper with **my own comments and opinions in bold italics.***

The Learning Disabilities Association of the State of New York, through its Education Policy Advisory Committee, has recently engaged in a number of discussions regarding the issuance of IEP Diplomas, and the stated intention of SED to reexamine this issue and seek public comment. We have also been working with other organizations that have been engaged on this topic, including Advocates for Children, the IDEA Partnership and the PTA of NYS. All agree that there are substantial problems with the current practice of issuing IEP diplomas, as outlined in Ms. Rebecca Cort's recent report to the Board of Regents. We support these efforts to offer constructive input to the Education Department regarding this problem and look forward to continuing to be engaged with them. However, our LDANYS Education Policy Committee also finds that there are a number of very unique issues associated with children with learning disabilities and the current practices of issuing IEP diplomas.

The Learning Disabilities Association of New York State (LDANYS) is a statewide 501(c) 3 membership association of parents, professionals and service organizations, now in its 50th year of advocacy on behalf of persons with learning disabilities and their families. LDANYS advocates for a broad range of community-based supports and services for people of all ages who live with specific learning disabilities and neurological impairments. LDA's mission is to work collaboratively with individuals, families and the community through its network of regional affiliates to empower and enable these children and adults to lead independent, productive and fulfilling lives. LDANYS is the only statewide organization specifically dedicated to advocacy on behalf of persons with learning disabilities. We have strong local Chapter representation in areas of the state where there is a high percentage of children receiving IEP diplomas, such

as New York City, Buffalo, Rochester, Syracuse and in upstate rural areas. Our Chapter educational consultants work on a daily basis with these students and their schools. The Learning Disabilities Association of New York State Board of Trustees recommends the name 'IEP Diploma' be discontinued and a multi-tiered approach to high school completion eliminating all references to the IEP and meeting the needs of all students must be implemented.

We base these recommendations on the following:

□ Many students with learning disabilities, Aspergers, and mental health disorders have been misdirected to IEP Diplomas. As a result, their post-secondary options and opportunities are seriously limited. The long-term negative consequences are significant in all aspects of these students' lives. They are unable to go to community colleges, to the armed forces, or be hired by many employers. Their earning power, if they are able to obtain employment, is significantly lower. The IEP Diploma as presently designed is not a marketable diploma and is viewed as a certificate of attendance. **Many of the students and families referred to LDA of the Mohawk Valley report being told by school personnel that the IEP is just like a regular diploma and are shocked to find that it is not.**

□ The IEP Diploma is rarely if ever an appropriate alternative for a student with a learning disability. We agree that it should be limited to those who receive alternative assessments or less than 2% of the students receiving special education.

□ At the same time, there are a group of students with and without disabilities that are not able to successfully meet the testing requirements for a Regents or Local Diploma. For them, alternative diploma tracks should be developed and available, including a Career-Tech High School Diploma that is at the same level as a Regents Diploma.

□ We need to reduce the number of dropouts and the number of students who are misdirected to GED programs. Students should be encouraged to stay in school and be supported in diploma programs that can meet their needs. We must offer them the variety of instructors and curriculum that traditional students are offered. **Often we see students with disabilities who trying to cope with a school day that is so packed with required courses and programs that there is little or no room for the special education supports and services that are necessary for school success. Many of the students we work with have deficits in short term memory and/or processing speed. They need additional time to process information and time for additional "drill & practice". Because students with disabilities are allowed to remain in school until the end of the school year in which the student turns 21, we try to develop a five year plan for graduation as a remedy. Unfortunately most guidance counselors look at a fifth high school year only as a back-up plan in case a student is not able to**

graduate in four years. This approach results in students with disabilities who barely pass courses or drop out from sheer frustration at their lack of success. A well supported five year high school graduation plan allows for supports and services to be provided and makes it more likely that students with a disabilities will earn grades that are consistent with their potential. A longer school day would also be helpful in this regard.

□ The student's IEP should have a clear direction regarding post-secondary plans. This should be carefully considered when planning the student's curriculum, classes, and programs each year. It should include a group discussion, not only with the student's guidance counselor, special education teacher(s) and parent(s), but also most importantly, the student. It is crucial that everyone involved has clearly stated information and understands the post-secondary options based on the planning. This discussion should start in the 8th grade, and be included, in detail, on the IEP. Currently, most IEP's simply state, "plans to attend...." This needs further articulation and summarization regarding specific planning to reach that goal.

□ Many students with learning disabilities could be successful in Regents and local diploma tracks if they received the appropriate early identification, early intervention programs, especially in the areas of reading and language arts; in addition, with appropriate accommodations and compensatory strategies being taught, many more students would be able to meet the testing requirements of the Regents or Local diplomas. **Too often I am still seeing school districts that have a policy to not evaluate a child who is struggling in reading until the end of third grade. Specialized Reading Instruction is difficult to obtain on an IEP, and reading instruction in the form of remedial reading is usually ineffective with students who are learning disabled in Reading. Accommodations and compensatory strategies such as "Books on Tape" and "Tests Read" are often provided inconsistently or not at all. The literature tells us that a child who leaves the third grade as a non-reader will likely remain a non reader. I would add that such a child will also likely be unsuccessful in school, higher education and the workplace. In the last two or three years I have observed that several school districts in Oneida and Herkimer Counties have taken the initiative and are providing scientifically based reading programs as early as kindergarten and first grade as part of special and regular education programs. Remedial Reading is a regular education service that is applied earlier and more consistently across districts. If a different approach to reading instruction was required for remedial instruction, there is a good chance the result would be better readers overall and fewer students being referred to CSE for evaluation in third grade.**

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An additional concern is the fact that regular education teachers, staff, and administrators too often lack knowledge and/or expertise in issues related to students with disabilities. This is particularly seen in how a school district handles student discipline issues. There are too many detentions and out of school suspensions of students with learning disabilities, Aspergers Syndrome, neurological impairments, and mental health disorders. Often the punishments are given for relatively minor offenses that reflect the nature of the student's disability rather than purposeful misbehavior. NYS Education department guidance documents recommend positive behavioral supports & services (PBIS), but the message does not appear to have been heard in many of the school districts I visit. Increasingly, all regular education teachers and administrators will be dealing with students with disabilities on a day to day basis, and there is a need for appropriate and effective interventions and teaching methods that is lacking in too many schools.

- It is very important that students with learning disabilities and their parents receive appropriate information by guidance counselors, CSE Chairpersons, and School Administrators including,
 - Parental disclosure and sign off on the limitations of IEP Diploma
 - Training for parents, special education administrators and guidance counselors
 - The opportunity for students with disabilities to stay in school until 21, and
 - The opportunity to take 5 years to obtain a diploma.

The rights of students with learning disabilities to receive a free and appropriate education is intrinsically linked to these issues. We urge that the IEP diploma be discontinued and a new procedure fully reflective of the above recommendations and findings be implemented.