

Cape Schools Open Minds  
and Open Doors

Community • Academics • Passion • Ethics

**Howard P. Colter**  
Interim Superintendent of Schools

**Catherine A. Stankard**  
Director of Teaching and Learning

**Catherine O. Messmer**  
Business Manager

**CAPE ELIZABETH SCHOOLS**

320 Ocean House Road  
P.O. Box 6267  
Cape Elizabeth, Maine 04107  
Phone: (207) 799-2217 Fax: (207) 799-2914

**Jessica A. Clark**  
Director of Special Services  
jclark@capeelizabethschools.org  
Direct Line: 799-3987

September 6, 2017

Ms. Diana Doiron  
Standards-Based Education Specialist  
Maine Department of Education  
23 State House Station  
Augusta, Maine 04333  
diana.doiron@maine.gov

Re: Comment/Testimony on Proposed Regulation 134, Regulations for Awarding a High School Diploma

Dear Ms. Doiron:

Thank you for the opportunity to write on behalf of Cape Elizabeth in regard to the proposed Regulation 134; Regulations for Awarding a High School Diploma. Our student population continues to strive for excellence, in the manner that benefits each child as a learner in their own right and as future member of society. It is a great concern for our administrators, parents, staff and school board members that this proposed regulation will limit the ability for all of our students to receive a high school diploma and it is within this context that I implore you to reconsider your proposal.

As educators, and by law, we have the obligation to provide a free, appropriate education in the least restrictive environment for all of our students. It is our job to ready all of our students for the social, academic and environmental needs of our society. Our student population receives rigorous academic demands in order to ready them for what will become a purposeful career or to prepare them for the next step in the development of employee readiness. The path that is determined for each student is based on the particular learning profile that they present and each student has needs that do not necessarily replicate their peer group. With the new proposal, the overarching theme and interpretation is that all of our students are not equally deserving, therefore placing our special education population at a significant disadvantage.

Federal law mandates that if a child is eligible to receive Special Education services, the Individualized Education Plan is paramount in all aspects of educational programming in order to establish how the child will make progress in order to achieve in a manner that is similar to their typically developing peers. With this proposal, the IEP and the IEP team decisions become obsolete and irrelevant. The language that is proposed in Regulation 134 is in stark contrast to the philosophical and legal obligations in which the IEP team is charged, according to the Individuals with Disabilities Act. Some students will never be able to adequately achieve all learning standards, despite accommodations and modifications. The purpose of the IEP is diminished as the goal of an IEP is to assist the learner to "catch up". Many of our students do not have the

capacity to learn beyond a preschool or elementary level and students will always be at a significant disadvantage, despite the best efforts of teachers and parents.

A high school diploma is a basic prerequisite for any meaningful and long-term employment. If this proposal were to be passed without changing requirements for employment, many students will be left without the opportunity to learn and focus on a skill set which facilitates the ability to become a consumer and further contribute to our society as a whole. Additionally, this disadvantage is further substantiated by the limited and very minimal access that our students have to social services, which typically occurs once the student has graduated from high school. Leaving these students unemployable and without appropriate supports is deplorable and we as educators should do everything in our power to prevent this from occurring.

In order to accommodate the state's position on graduation requirements for special education students, perhaps it would be worthwhile to look at the current common core/Maine Learning Standards and task individuals to develop a scaffolding of entry points to the learning standards. This has been done in other states and has a high success rate of students achieving graduation standards based on their level of ability. To simply deny our special education population the same access to a diploma will completely dismiss the relevance of a public education for these students, and it will force parents to make educational decisions based on their financial situation and not in the best interest of the child. Surely there is a way for everyone to access this crucial document so that all of our students have the ability to be gainfully employed.

While it is not disagreed that standards for graduation should be in place, the direction of how one achieves these standards deserves another viewing before such a catastrophic shift in special education occurs. It is my hope that the committee is able to read through the many testimonials, comments and anecdotes that have been provided by so many individuals and groups across the state of Maine and appreciate that all of our learners deserve the ability to have a meaningful and purposeful role in our society and in their own lives. To do otherwise would be incredibly detrimental for all involved.

Best,

A handwritten signature in cursive script that reads "Jesslea Clark". The signature is written in black ink and is positioned above the typed name.

Jesslea Clark, MEd, EdS, BCBA