

## **Appeal to Graduate with a Lower Score on a Regents Examination Frequently Asked Questions**

### **1. What are the new eligibility requirements for students seeking an appeal to graduate with a lower score on a Regents Examination as a result of the Board of Regents action in March 2016?**

Students seeking to appeal with required Regents Examination scores between 60 and 64 and students with disabilities seeking a local diploma using the low pass safety net, with required Regents examination scores between 52 and 54 must meet the following criteria to demonstrate that they meet the State Learning Standards:

- i. Have taken the Regents examination under appeal at least two times;
- ii. Have at least one score on the Regents examination under appeal within the score band stated above;
- iii. Present evidence that the student has taken advantage of academic help provided by the school in the subject tested by the Regents examination under appeal;
- iv. Have a course average in the subject under appeal (as evidenced in the official transcript that records grades achieved by the student that meets or exceeds the required passing grade by the school); and
- v. Be recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination under appeal.

English Language Learners who first entered school in the United States in grade 9 or above, seeking to appeal with a score between 55 and 59 on the required Regents exam in English language arts must meet the following criteria to demonstrate that they meet the State Learning Standards:

- i. Have taken the required Regents examination in English language arts under appeal at least two times;
- ii. Have been identified as an English Language Learner at the time the student took the Regents examination in English language arts the second time;
- iii. Have at least one score on the required Regents examination in English language arts between 55 and 59;
- iv. Present evidence that the student has taken advantage of academic help provided by the school in English language arts;
- v. Have a course average in English language arts (as evidenced in the official transcript that records grades achieved by the student) that meets or exceeds the required passing grade by the school;
- vi. Be recommended for an exemption to the graduation requirement by the student's teacher or department chairperson in English language arts.

**2. Where can I find additional information on the appeal process, including the appropriate forms needed to record appeal actions?**

Additional information, including the appeal form, is available at: <http://www.p12.nysed.gov/ciai/gradreg/CurrentAppealForm.pdf>.

**3. In the past students were required to meet a minimum attendance rate of 95% exclusive of excused absences. Why is that requirement not listed above?**

The Board of Regents eliminated the attendance requirement from the appeal criteria.

**4. The score band for the appeal to graduate with a Regents or local diploma was expanded from 62-64 to 60-64. Is there also an expansion of the score band for students with a disability seeking the local diploma through the low pass safety net?**

No. The score band for students with a disability seeking the local diploma through the low pass safety net remains at 52-54.

**5. Are students who have taken the Regents Examination under appeal at least two times prior to June 2016 eligible for an appeal if their score falls into the revised range?**

Yes. There is no restriction as to when a student earns a qualifying score on the Regents Examination under appeal. Any student who has met the all the graduation requirements by June 2016 (or thereafter), with the exception of the examination(s) under appeal, is eligible for an appeal if they meet each of the revised eligibility criteria.

**6. Are students who have met all eligibility requirements for an appeal with the exception of the former attendance requirement now eligible for an appeal?**

Yes. Any student who has met the all the graduation requirements by June 2016 (or thereafter), with the exception of the examination(s) under appeal, is eligible for an appeal if they meet each of the revised eligibility criteria.

**7. May students who did not meet the appeal criteria prior to the March 2016 revised regulations, who were otherwise eligible to graduate in a prior year, present an appeal to graduate with a lower score on a Regents Examination?**

Districts may consider an appeal from any enrolled student in order to enable them to meet the diploma requirements.

**8. May a district reenroll a student who left school without a diploma, in order to consider an appeal to graduate with a lower score on a Regents Examination?**

Yes. Any student who has not yet earned a diploma, and is eligible to reenroll in high school, may utilize the appeal process to meet the diploma requirements.

**9. May a student use the appeals process in order to graduate with a lower score on a Regents Examination in conjunction with the 4+1 or 4+CDOS Pathway option?**

Yes. A student who meets the appeal criteria may utilize the appeals process to appeal scores of 60-64 on up to two Regents Examinations used to meet the diploma requirements regardless of the pathway chosen.

**10. May a student identified as an English Language Learner utilize the ELA Regents Examination appeal process outlined in Commissioner's Regulations in conjunction with the 4+1 or 4+CDOS Pathway option?**

Yes. A student identified as an English Language Learner who is eligible to appeal a score of 55-59 on the ELA Regents Examination required for graduation may also meet the diploma requirements using a 4+1 or 4+CDOS Pathway option.

**11. Are appeals to graduate with a lower score on Regents Examinations subject to New York State Education Department approval?**

No. The school superintendent or, in the City School District of the City of New York, the chancellor of the city school district or his/her designee, shall make a final determination to accept or deny the appeal.

**12. Who can bring forth an appeal?**

An appeal may be initiated by the student, the student's parent or guardian, or the student's teacher, and shall be submitted in a form prescribed by the commissioner to the student's school principal.

**13. Once an appeal has been initiated, how long does the standing committee have to make a recommendation to the Superintendent?**

The standing committee shall review an appeal within 10 school days of its receipt and make a recommendation to the school superintendent or, in the City School District of the City of New York, to the chancellor of the city school district or his/her designee, to accept or deny the appeal.

**14. Where should questions regarding appeals be directed?**

Questions related to the appeals process can be forwarded to the graduation requirement information e-mail box at [EMSCGRADREQ@nysed.gov](mailto:EMSCGRADREQ@nysed.gov).