

This document provides an overview of the policies pertaining to students' option to appeal to graduate with a low score on a Regents examination. The Regents exam appeal options described below are designed for students who are unable to achieve a passing Regents exam score despite multiple attempts and support; they should not be used as an alternative to retaking an examination to achieve a higher score.

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### Overview of Appeals

There are three types of low score Regents appeals that are currently available to students. Each has [specific eligibility requirements](#), detailed in the following pages.

#### **Low Score Appeal:** Appeal to graduate with a score of 60–64 on Regents exams (**Updated March 2016**)

In March 2016, the New York State Board of Regents passed an [emergency amendment](#) to State Commissioner's Regulations Section 100.5 that allows students to appeal scores of 60–64 (expanded from 62–64) on up to two Regents examinations, provided that they pass the remaining Regents exams with a score of 65 or above and meet the additional criteria. Students can earn a Regents diploma if they successfully appeal one exam score of 60–64 and have a score of 65 or above on the four remaining exams; students can earn a local diploma if they successfully appeal two exam scores of 60–64 and have a score of 65 or above on the three remaining exams.

#### **New Arrival ELA Appeal:** Appeal to graduate with a score of 55–59 on the ELA Regents exam for newly-arrived English Language Learners (ELLs)

English Language Learners (ELLs) who entered the United States for the first time in grades 9–12 can appeal to graduate with a score of 55–59 on the ELA Regents exam. ELL students can earn a local diploma if they successfully appeal a score of 55–59 on the ELA Regents exam and score a 65 or above on the four remaining exams; or successfully appeal a score of 55–59 on the ELA Regents exam and successfully appeal one other exam score of 60–64 and score 65 or above on the remaining three exams.

#### **Safety Net Appeal:** Appeal to graduate with a score of 52–54 on Regents exams for Safety Net-eligible students

In December 2015, the New York State Board of Regents passed an [amendment to the Commissioner's Regulations](#) to allow Safety Net-eligible students to appeal a score of 52–54 on up to two of the required Regents examinations, provided that they pass the remaining Regents exams with a score of 55 or above and meet the [additional criteria](#). Students can earn a local diploma if they successfully appeal a score of 52–54 on any Regents exam and a score of 55 or above on the remaining exams.

The low score appeal for Safety Net-eligible students may be used in conjunction with the [compensatory score option](#). If a student is using both of these options to graduate, the student must still earn a 55 or higher on the ELA and math Regents exams; he/she may only appeal a score of 52–54 on the science, social studies, or fifth Regents exam. Examples of how students can use both the compensatory score and safety net appeal options to graduate with a local diploma are [at the end of this guidance](#).

## Overview of Appeals to Graduate with Low Scores on Regents Examinations

	Low Score Appeal	New Arrival ELA Appeal	Safety Net Appeal
	Appeal to graduate with a score of 60–64 on Regents exams	Appeal to graduate with a score of 55–59 on the ELA exam for newly-arrived ELLs only	Appeal to graduate with a score of 52–54 on Regents exams for Safety Net-eligible students
<b>Eligible Students</b>	All students that meet the criteria listed below	Only for ELL students that arrived in the US for the first time in grades 9–12 and who meet the additional criteria listed below	Only for Safety Net-eligible students who meet the additional criteria listed below
<b>Test Score Requirements</b>	60–64 on up to two of the required Regents exams	55–59 on an ELA Regents	52–54 on up to two of the required Regents exams; students must earn a 55 or higher on ELA and math Regents exams if appeal is used with the compensatory score option
<b>Type of Diploma</b>	One successful appeal results in a Regents diploma. Two successful appeals result in a local diploma	New arrival ELA appeal always results in a local diploma (even if student also appeals another Regents score of 60–64)	Safety Net appeals always result in a local diploma
<b>Process</b>	Request must be made in ATS using the <a href="#">RQSA</a> screen, code RGT	Request must be made in ATS using the <a href="#">RQSA</a> screen, code ELL	<a href="#">Request form</a> and all supporting documents must be submitted to superintendent; RQSA is not used at this time

### Eligibility Requirements (Updated March 2016)

#### To be eligible for these appeals, the student must have:<sup>1</sup>

- Taken the exam(s) under appeal at least two times;
- Scored within the point range on the exam(s) under appeal;
- Earned a passing score on the other Regents exams required for graduation;
- Earned or be on track to earn a [passing grade](#) in all courses required for graduation in the subject area of the exam under appeal;
- Been provided academic intervention services in the subject area under appeal; and
- Been recommended by his or her teacher or department chairperson for the appeal.

#### To be eligible for the New Arrival ELA appeal to appeal a score of 55–59 on the ELA Regents exam, the student must:

- Be a current ELL student or have been an ELL student at time of ELA Regents administration; and
- Have enrolled in any United States school for the first time in grades 9–12.

#### To be eligible for the Safety Net appeal to appeal a score of 52–54 on the Regents exam, the student must:

- Have an Individualized Education Program (IEP);
- Have a 504 plan specifying Safety Net eligibility; or
- Be a student with a disability who was declassified in grades 8-12 and the last IEP specifies Safety Net eligibility

<sup>1</sup>As of March 2016, students are no longer required to a minimum attendance rate of 95%, exclusive of excused absences, in the year they last took the examination under appeal.

### Appeals to Graduate with Low Scores on Regents Exams Approval Process

Schools must follow the procedures below when a student is appealing to graduate with a low score on a Regents exam. An appeal may be initiated by a student, a student's parent/guardian, teacher, or other school staff member. All Regents exam appeals to graduate must be approved by the superintendent.

1. **Complete the appeals request form.** The school's designee (teacher, administrator, department chair, guidance counselor, etc.) completes and submits the [appeals request form](#), along with the [required supporting documentation](#), to the school's appeal committee for review.
2. **Convene the school committee to review the appeal.** The school's appeal committee reviews the appeals request and supporting documentation and decides whether to approve the appeal. The committee must be comprised of three teachers (not to include the student's teacher in the subject area of the Regents exam under appeal) and two school administrators, including the principal. The committee can either approve or reject the appeal request.
3. **Submit the appeal to the superintendent.**

#### Low Score and New Arrival ELA Appeals

- The school's designee enters the request into ATS using the [RQSA](#) screen (choosing RGT for the low score appeal or ELL for the New Arrival ELA appeal).
- The principal sends the [required supplementary documentation](#) to the superintendent, which initiates the appeal review. Superintendents will not review an appeal until all supporting documentation is received.

#### Safety Net Appeal

- The principal sends the request form along with all [required documentation](#) to the superintendent.
- The principal sends an email to the superintendent informing him/her of the pending request.

4. **Wait for the superintendent's review. The student is not yet a graduate and the appeal is not guaranteed.**

#### Low Score and New Arrival ELA Appeals

- The superintendent reviews all submitted documents, fills in all required fields in the [RQGA](#) screen and either approves or rejects the appeal.
- The school's designee monitors the [RQSD](#) screen to view the status of the requested appeal. Additional confirmation of approval from the superintendent is not required.

#### Safety Net Appeal

- The superintendent reviews all submitted documents and notifies principal of the final decision.
- The superintendent documents all requests and final decisions in their appeals request tracker.

5. **Update the student transcript.** If the appeal is approved by the Superintendent, the school is required to update the student transcript by adding a new instance of the exam and entering 'WG' as the score. The original examination score must not be changed.

**Example:** If a student has successfully appealed the U.S. History exam with a score of 63, the school must leave the original score of 63 as it currently exists in the transcript. The school must add a new U.S. History exam with a score of 'WG' to represent the successful appeal. Instructions for completing transcript updates are available on the [STARS Wiki](#).

6. **Discharge student in ATS.** When the student is certified to graduate, the school discharges the student with the appropriate graduation code in [GRDT](#) and uses code 'Q' for the exam override.

### Frequently Asked Questions

**1. Is an appeal to graduate with a low score on a Regents examination the same as a Regents scoring appeal?**

No. An appeal to graduate with a lower score is for students that scored a 60–64 on up to two Regents exams, are newly arrived ELLS who scored a 55–61 on an ELA Regents exam, or are Safety Net-eligible students who scored 52–54 on up to two Regents exams. This appeal does not change the actual exam score. A scoring appeal is for students who request to have their exams formally rescored. Any questions related to appeals for rescoring should be directed to your [Performance and Assessment Lead](#).

**2. Who can initiate an appeal?**

The student, family, student’s teacher, or other school staff member can request an appeal on the student’s behalf. Once a request for an appeal has been initiated, the principal must designate school staff member(s) to facilitate the collection of the required documentation to bring to the school-based panel for [approval](#).

**3. When should a school request an appeal for a student?**

The appeal should be filed in the semester that the student has met all other graduation requirements and is ready to graduate. Schools should not submit appeals prior to a student’s last semester of high school. Schools should support students in reattempting failed Regents exams prior to graduating where appropriate.

**4. Is there an attendance requirement in order to be eligible for any of the three appeals?**

No. In March 2016, the Board of Regents adopted an [emergency amendment](#) to [State Commissioner’s Regulations Section 100.5](#) that eliminates the requirement for all three low score appeals (Low Score, Newly Arrived ELL, and Safety Net) that students meet a minimum attendance requirement of 95%, exclusive of excused absences, in the year they last took the examination under appeal. If a student’s attendance is adequate to meet course expectations and ultimately pass the course, the appeal should be considered.

**5. If a student was discharged as a non-graduate, but continues to attempt a Regents exam, can the student appeal a low score on the Regents exam?**

Yes. If a student earns a low score on a Regents exam after being discharged from the NYCDOE as a non-graduate (e.g. code 39 or code 21), a student can appeal the low score provided he/she has met [eligibility requirements](#) and all other credit and exam graduation requirements.

**Example:** Sara was discharged as a non-graduate (code 21) in June of 2014, despite only needing to pass the ELA Regents exam in order to graduate. She attempts the ELA Regents exam in January 2015 as a walk-in at her former school. In January 2015, Sara earns a 62 and submits an appeal to graduate with a low score. The school reviews Sara’s appeal and submits the request to the superintendent.

If the low score appeal is approved by the superintendent, the school must update the student’s post-secondary information in ATS using the [PDSC](#) function. At that time, the school may issue the student with the appropriate high school diploma.

**6. Can a low score appeal be used retroactively?**

Yes, all low score appeals can be used retroactively. Schools can submit a low score appeal on behalf on any student who has met all of the [eligibility requirements](#), even if the student was previously discharged as a non-graduate. As ultimate approval rests with the superintendent, schools should not notify a student that an appeal has been submitted and that the student may be candidate for graduation until the appeal has been approved.

**Example:** Juan dropped out of school in March 2015. At the time, Juan had met all graduation requirements except for passing ELA Regents exam. After multiple attempts, Juan’s highest score on the ELA Regents exam

is a 58. Juan arrived in the United States from Puerto Rico for the first time as a tenth grader. In January 2016, Juan's teacher realizes that he was eligible for the Newly Arrived ELL appeal. The teacher now submits the appeal to her school, to be applied retroactively. The school reviews the request and submits the appeal to the superintendent, who approves the appeal. The school can now update Juan's records in ATS, notify Juan of the approved appeal and issue Juan a local diploma.

**7. What does it mean to have earned or to be on track to earn a passing grade?**

To be eligible for any appeal, a student must have earned or be on track to earn a passing grade in *all courses* required for graduation in the subject area under appeal.

**Example:** Erica appealed a low score of 63 on her U.S. History Regents exam. To have met the passing grade eligibility requirement, Erica must have completed and passed (or be on track to completing and passing) the 2 required credits of U.S. History.

**Example:** Todd, who is Safety Net-eligible, appealed a score of 53 on the ELA Regents exam. Thus far, Todd has passed all 7 credits required for graduation in ELA. To have met the passing grade eligibility requirement, Todd must be on track to earn a passing grade in his final ELA course required for graduation in order to be eligible for the Safety Net appeal.

**Example:** Charlie appealed a score of 61 on the Global History Regents exam. To have met the passing grade eligibility requirement, Charlie must have completed and passed (or be on track to completing and passing) the 4 required credits of Global History.

**8. What is Academic Intervention Services (AIS)?**

AIS is extra support outside of the required coursework that is designed to help students become successful in passing the exam and mastering the content. Examples of AIS may include, but are not limited to, a Regents prep class, an afterschool program that focuses on Regents help, or a tutoring program with the teacher. English as a New Language (ENL) courses are not considered AIS.

**9. What documentation should schools submit to the superintendent for appeal approval?**

The school is required to submit the following documents to the superintendent:

- [Appeals request form](#);
- Student STARS transcript (displaying all Regents exams);
- Letter of recommendation;
- Proof of AIS services or other support if not evident on transcript; and
- Letters or documentation for excused absences not recorded in ATS.

The school is required to permanently maintain all of the above documents, including the approval from the superintendent. All appeal documentation must be available for review upon request and should be filed by school year. Additional copies of appeal documentation should be kept in the permanent records folder of each student.

**10. If a student has a waiver for one or more of the required Regents examinations because he/she transferred into a New York State high school during grade 11 or 12, can he/she submit an appeal for any of the remaining examinations?**

Yes. Exams that have been waived are considered to be a score of 65, therefore meeting the exam requirement for that subject area. For information on Regents exam waivers, see the [High School Academic Policy Guide](#).

**11. Can an appeal be submitted for a lower score on the ELA Regents examination for students that attend a New York State approved Consortium or International schools?**

Yes, provided that the student has met all criteria as stated in [question 4](#) and has passed all portfolio requirements for the required subject areas for that school. All student transcripts should reflect all portfolio grades, the ELA and or math Regents grades, and the approved appeal(s).

**12. Are students with Individualized Education Programs (IEPs) eligible to graduate using a low score (60–64) exam appeal?**

Like all students, students with IEPs and English Language Learners are eligible to appeal one low score of 60–64 in order to obtain a Regents diploma provided they meet all of the [criteria](#) outlined above.

**13. What type of diploma does a student qualify for when an appeal is approved?**

The diploma type a student earns once an appeal is granted depends on the number and type of appeals:

**Low Score Appeal**

- Regents diploma: student successfully appeals one Regents exam and passes four Regents exams with scores of 65 or higher.
- Local diploma: student successfully appeals two Regents exams and passes three Regents exams with scores of 65 or higher.

**New Arrival ELA Appeal**

- A student can only receive a local diploma when requesting an ELA appeal for a score of 55–61.
- Newly arrived ELLs who scored a 60–64 on the ELA exam should be encouraged to apply for the traditional low score appeal, rather than the new arrival ELA appeal. These students will still be eligible for a Regents diploma; students graduating with a new arrival appeal can only receive a local diploma.

**Safety New Appeal**

- A student can only receive a local diploma when requesting a Safety Net appeal for a score of 52–54.
- A student cannot receive an Advanced Regents diploma or an honors designation if a low score appeal has been approved.

**14. How is an approved appeal recorded in STARS and documented on the student’s transcript?**

If an appeal is approved by the Superintendent, the school is required to update the student transcript by adding a new instance of the exam and entering 'WG' as the score. The original examination score must not be changed. Instructions for completing transcript updates are available on the [STARS wiki](#).

**15. What code should be used to override the examination requirement when discharging a student in ATS?**

When graduating a student using the [GRDT](#) or [DISC](#) screens in ATS, schools should use the exam override code 'Q' for students that successfully appealed one or more Regents examinations.

**16. If a student attended any US school prior to grade 9, is the student eligible for the New Arrival ELA appeal?**

The New Arrival ELA appeal is only available to ELL students who attend a U.S. school for the first time in high school (grades 9–12). A student is not eligible for the New Arrival ELA appeal if he/she attended a US school at any point in kindergarten–grade 8, left the United States and enrolled in a U.S. school in grades 9–12.

**Example:** Charlie attended a NYCDOE school in grades 3–5, and then moved back to his home country. Years later, his family moved back to New York City and enrolled him in a NYCDOE high school as a grade 10 student. John is not eligible for the New Arrival ELA appeal because his first experience in a U.S. school was not at the high school level.

**17. Does a student need to be a current ELL at the time the New Arrival ELA appeal is submitted?**

The student does not have to be an ELL at the time the appeal is submitted, however he/she must have been an ELL at the time he/she attempted the exam under appeal.

**Example:** Katie took the ELA Regents in June 2013, received a score of 50, and was an ELL at that time. She re-took the ELA exam for the second time in January 2014, received a score of 57, and was still an ELL. Now, in January 2015 when Katie is eligible for graduation, she is no longer an ELL, but would like to appeal her 57. Katie qualifies for the appeal because she was an ELL at the time she took the exam under appeal.

**18. Can a school submit a New Arrival ELA appeal and a Low Score appeal for the same student?**

Yes, a student can appeal to graduate with a score of 55–61 on the ELA Regents exam and a score of 62–64 on one of the other required Regents exams. If the student meets the [criteria](#) for both appeals and is approved for both appeals, the student will earn a local diploma.

**Additional Guidance on the Safety Net Appeal**

**19. When does this new appeal go into effect?**

The Safety Net appeal is available to all Safety Net-eligible students who have otherwise met graduation requirements, effective immediately.

**20. Is the criteria for the Safety Net appeal different from the criteria for the existing appeals?**

This appeal has the same [criteria for eligibility](#) as the appeal to graduate with a score of 60–64 on a Regents exam with the following additional criteria. Students must have an Individualized Education Program (IEP); have a 504 plan specifying Safety Net eligibility; or be a student with a disability who was declassified in grades 8 through 12, and his/her last IEP specifies Safety Net-eligibility.

**21. What type of diploma can be issued once the new Safety Net appeal is approved?**

A student can only receive a local diploma when requesting a Safety Net appeal for a score of 52–54. Students with disabilities, like all students, should be encouraged to pursue the most rigorous diploma option available and to achieve higher scores on Regents exams when possible. In graduating students with the local diploma through the Safety Net appeal option, schools should ensure that students have plans for transitioning from high school to college or careers. For additional information on the courses and exams students may take to prepare for college and careers, see the [graduation requirements cards](#).

**22. How can a Safety Net-eligible student use both the compensatory score option and the Safety Net appeal option to graduate?**

The low score appeal for Safety Net-eligible students may be used in conjunction with the [compensatory score option](#). If a student is using both of these options to graduate, the student must still earn a 55 or higher on the ELA and math Regents exams; he/she may *only* appeal a score of 52–54 on the science, social studies, or fifth Regents exam. Examples of how students can use both the compensatory score and Safety Net appeal options to graduate with a local diploma are below.

**Overview of Appeals to Graduate with Low Scores on Regents Examinations**

Regents	Student A	Student B	Student C
English	55 on ELA	55 on ELA	<b>52 (Appealed)</b> <b>on ELA</b>
Math	55 on Algebra I	<b>70</b> <b>on Algebra I</b>	55 on Geometry
Social Studies	<b>45</b> <b>on Global History</b>	<b>45</b> <b>on Global History</b>	55 on U.S. History
Science	<b>65</b> <b>on Living Environment</b>	<b>52 (Appealed)</b> <b>on Living Environment</b>	<b>65</b> <b>on Earth Science</b>
+1 exam	<b>53 (Appealed)</b> <b>on U.S. History</b>	55 on U.S. History	<b>45</b> <b>on Global History</b>
Eligible to graduate?	<b>YES</b> —the 45 in Global History is compensated by the 65 in Living Environment. The 53 in U.S. History can be appealed via the Safety Net appeal.	<b>YES</b> —the low score in Global History is compensated by the 70 in Algebra I. The 52 in Physics can be appealed via the Safety Net appeal.	<b>NO</b> —the 45 in Global History is compensated by the 65 in Earth Science. However, when using the compensatory score option with the Safety Net appeal, students must earn a 55 or higher on the ELA and math Regents exams.