



January 2016

SPECIAL EDUCATION FIELD ADVISORY

FROM:

James P. DeLorenzo

SUBJECT: Amendment to Regulations regarding Graduation Requirements to Extend the Appeal Process to include Appeal of Scores for the Safety Net Local Diploma for Students with Disabilities (Effective December 30, 2015)

At their December 2015 meeting, the Board of Regents approved for permanent adoption the amendment of section 100.5(d)(7) of the Regulations of the Commissioner of Education to provide the option for students with disabilities to appeal a score of up to three points below a 55 on up to two Regents exams in order to graduate with a local diploma. A copy of the amended regulations may be found at (<http://www.regents.nysed.gov/common/regents/files/1215p12a1.pdf>).

To be eligible to appeal a score of less than 55, a student with a disability must meet all other conditions of appeal as follows:

1. has attained at least a 65 course average in the subject area of the Regents examination under appeal;
2. provides evidence that he or she has received academic intervention services by the school in the subject area of the Regents examination under appeal;
3. has an attendance rate of at least 95 percent for the school year during which the student last took the required Regents examination under appeal;
4. has attained a course average in the subject area of the Regents examination under appeal that meets or exceeds the required passing grade by the school and is recorded on the student's official transcript with grades achieved by the student in each quarter of the school year; and
5. is recommended for an exemption to the passing score on the required Regents examination under appeal by his or her teacher or department chairperson in the subject area of such examination.

Appeals by students with disabilities of a score of less than 55 must be made to the local school district. The timelines for appeal, appeal committee membership, forms for appeal, requirements specific to school district maintenance of appeal records and forms and requirements for reporting to the New York State Education Department can be found at <http://www.p12.nysed.gov/ciai/gradreq/CurrentAppealForm.pdf>

To ensure dissemination to appropriate individuals within a school district, I ask Superintendents to please share this memorandum with individuals such as Directors of Special Education, School Psychologists, CSE Chairpersons, Guidance Counselors, Directors of Pupil Personnel and Parent Teacher Associations. Questions regarding this memorandum may be directed to the Office of Special Education's Policy Unit at 518-473-2878 or to the Special Education Quality Assurance Office in your region:

Central Regional Office	(315) 428-4556
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(518) 473-1185
Long Island Regional Office	(631) 952-3352
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002
Nondistrict Unit	(518) 473-1185