THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
89 Washington Avenue
Albany, NY 12234

Updated January 2016

Information on an Appeal to Graduate with a Lower Score on a Regents Examination

General Information

Beginning with students entering grade 9 in 2005, all students who have taken and passed certain courses in preparation to take a Regents examination and have a 65 course average but whose highest score on the Regents examination is below but within three points of the 65 passing score (62-64) may appeal to graduate with a local or Regents diploma using this lower score. Students who are granted one appeal from their local school district under this provision shall earn a Regents diploma. Students who are granted two appeals under this provision shall earn a local diploma. Through this appeal, the student seeks a waiver of the graduation assessment requirement in this subject area.

English Language Learners

Students who are identified as English language learners pursuant to Part 154 Regulations of the Commissioner of Education, and who first entered school in the United States in grade 9 or above, may appeal to graduate with a local diploma if they have taken the required Regents examination in English language arts at least twice and earned a score on this exam between 55 and 61. Such students may also appeal a score within 3 points of passing on one additional examination and graduate with a local diploma.

Students with Disabilities

Students with disabilities, as defined in section 200.1(zz) of the Regulations of the Commissioner of Education, eligible to graduate in January 2016 or thereafter who have taken and passed courses in preparation to take a Regents examination and have a 65 course average but whose highest score on the Regents examination is below but within three points of the 55 passing score may appeal to graduate with a local diploma using this lower score. Through this appeal, the student seeks a waiver of the graduation assessment requirement in this subject area.

Approval

Approval of this appeal will not change the student's score on the Regents examination under appeal. The appeal may be initiated by a student or by the student's parent/guardian or teacher and must be submitted to the student's school principal. A separate appeal must be made for each examination appealed by the student, and the student cannot seek an appeal for more than two examinations.

Students who are granted an appeal with a score between 62 and 64 on one examination and who fulfill all other course and testing requirements will be determined to have met all graduation requirements and, thereby, earn a Regents diploma.

Students who are granted an appeal on two examinations with scores between 62 and 64 on each and who fulfill all other course and testing requirements will receive a local diploma.

Eligible English language learners who are granted an appeal with a score between 55 and 61 on the required Regents examination in English language arts and who fulfill all other course and testing requirements will receive a local diploma.

Eligible English language learners who are granted an appeal with a score between 55 and 61 on the required Regents examination in English language arts and an appeal with a score between 62 and 64 on one other required Regents examination and who fulfill all other course and testing requirements will receive a local diploma.

Students with disabilities who are granted an appeal with a score between 52 and 54 on one or two Regents examinations and who fulfill all other course and testing requirements will be determined to have met all graduation requirements and, thereby, earn a local diploma. Students with disabilities who avail themselves of the Compensatory Safety Net Option may not appeal scores of 52-54 on ELA and Mathematics http://www.p12.nysed.gov/specialed/publications/safetynetcompensatoryoption.html to graduate with a local diploma.

School districts must provide all students an opportunity to access the appeals process if the students meet the eligibility requirements listed below.

Eligible Applicants

Students seeking to appeal with required Regents Examination scores between 62 and 64 and students with disabilities with required Regents examination scores between 52 and 54 must meet the following criteria to demonstrate that they meet the State Learning Standards:

1. Have taken the Regents examination under appeal at least two times;
2. Have at least one score on the Regents examination under appeal within three points of the passing score on the examination;
3. 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;
4. Have an attendance rate of 95 percent (except for excused absences) for the school year during which the student last took the Regents examination under appeal;
5. Have a course average in the subject under appeal (as evidenced in the official transcript that records grades achieved by the student in each quarter of the school year) that meets or exceeds the required passing grade by the school; and
6. 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 61 on the required Regents Exam in English language arts must meet the following criteria to demonstrate that they meet the State Learning Standards:

1. Have taken the required Regents examination in English language arts under appeal at least two times;
2. Have been identified as an English Language Learner at the time the student took the Regents examination in English language arts the second time;
3. Have at least one score on the required Regents examination in English language arts between 55 and 61;
4. Present evidence that the student has taken advantage of academic help provided by the school in English language arts;
5. Have an attendance rate of at least 95 percent (except for excused absences) for the school year during which the student last took the required Regents examination in English language arts;
6. Have a course average in English language arts (as evidenced in the official transcript that records grades achieved by the student in each quarter of the school year) that meets or exceeds the required passing grade by the school;
7. Be recommended for an exemption to the graduation requirement by the student's teacher or department chairperson in English language arts.

Appeal Committee and Review

An appeal committee comprised of the school principal as chair, three teachers (not including the teacher of the student making the appeal), and one additional administrator will review the appeal to determine if the student has demonstrated the knowledge and skills required under the State Learning Standards. The appeal committee may, in its discretion, interview the student or the teacher or Department chairperson recommending the appeal. The appeal committee will review the appeal and rule on it within five days of submission. The school superintendent, or Chancellor in New York City or his/her designee, may also interview the student and will sign off on all appeals. **The decision to grant or deny an appeal is made at the district level and is not subject to State Education Department (SED) approval.**

Record of Appeals:

All records relating to appeals must be maintained by the school and be available for inspection by the SED. Appeals must also be reported to SED using the attached *Appeal to Graduate with a Lower Score on a Regents Examination Summary Form.*

At the conclusion of each school year, please forward the attached **Summary Form only** to the following:

New York State Education Department
Office of Information and Reporting Services
865 EBA
89 Washington Avenue
Albany, NY 12234

(Do **NOT** forward any confidential student information with the submission.)

Questions related to the appeals process should be directed to the New York State Education Department's Office of Curriculum and Instruction by e-mail at: emscurric@ nysed.gov or phone at 518-474-5922.

Appeal to Graduate with a Lower Score on a Regents Examination Form

(This form should be maintained by the school and be available for inspection by the State Education Department, if requested.)

Student Name: _____

Individual(s) Seeking Appeal for Student: _____

School Attended by Student: _____

Regents Examination under Appeal: _____

Date Appeal Submitted: _____

Evidence That Student Meets Criteria

1. Dates Regents examination taken and scores received:

a. Date: _____ Score: _____

b. Date: _____ Score: _____

c. Date: _____ Score: _____

d. Date: _____ Score: _____

e. Date: _____ Score: _____

2. Highest score received on Regents examination and date taken:

Score: _____ Date: _____

3. Evidence that the student has taken advantage of academic help provided by the school in the subject tested by the Regents examination under appeal (attach additional sheet if necessary):

_____

_____

_____

_____

_____

4. Attendance rate (except for excused absences) for the school year during which the student last took the Regents examination under appeal:

   Attendance rate: _____ School year: _____

5. Course average in the subject under appeal (as evidenced in the student's official transcript that records grades achieved by the student in each quarter of the school year):

   Course average: _____

   Required passing grade by the school: _____

   Does this course average meet or exceed the required passing grade by the school?

   ____ YES ____ NO

6. Teacher or Department chairperson in the subject of the Regents examination under appeal who recommended the appeal for the student:

   _____
   Name

   _____
   Title/Position

Appeal to Graduate with a Lower Score on a Regents Examination
Appeal Committee Findings and Recommendations

The appeal committee has determined that the student listed below has fulfilled the following checked criteria for graduating using a lower score on the named Regents examination.

____ The student has taken the Regents examination under appeal two or more times.

____ The student:

- has received a score on the Regents examination under appeal between 62 and 64 on the examination; or
- the student is identified as an eligible English language learner and has received a score between 55 and 61 on the required Regents examination in English language arts; or
- the student is identified as a student with a disability and has received a score between 52 and 54 on the examination.

____ If the appeal is for a score between 55 and 61 on the required Regents examination in English language arts, the student is identified as an English language learner who first entered school in the United States in grade 9 or above.

____ If the student is a student with a disability **and** is utilizing the Compensatory Safety Net Option to meet the diploma requirements, this appeal is **not** for either the English Language Arts Regents Examination or the Mathematics Regents Examination.

____ The student has taken advantage of academic help provided by the school in the subject tested by the Regents Examination under appeal.

____ The student has an attendance rate of 95 percent (except for excused absences) for the school year during which the student last took the Regents examination under appeal.

____ The student has 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.

____ The student was 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.

____ The student has demonstrated the knowledge and skills in the subject of the Regents examination under appeal required under the State Learning Standards.

Student Name: _____ Regents Examination:_____

Committee Members

Administrator #1 _____
(School Principal)

Administrator #2 _____
(Other than Principal)

Teacher #1_____

Teacher #2_____

Teacher #3 _____

The appeal committee recommends:

___ The student be allowed to graduate using the lower score on the Regents examination listed above.

___ The student NOT be allowed to graduate using the lower score on the Regents examination listed above.

Appeal Granted: _____YES _____NO

_____ _____
Name of Superintendent **Signature of School Superintendent**

_____
Date

Appeal to Graduate with a Lower Score on a Regents Examination
Summary Form

Only this two page form should be returned to the State Education Department
at the end of the school year in which one or more appeals are granted.
Return to:
New York State Education Department
Office of Information and Reporting Services
865 EBA
89 Washington Avenue
Albany, NY 12234

School Name:_____

School BEDS Code:_____

Person Completing This Form (Contact Person): _____

Telephone: (____) _____
(Area Code) (Phone Number)

Date Form Completed:_____

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
Most common:		
Comprehensive English - score between 62 and 64		
Comprehensive English - score between 55 and 61 for eligible English language learners only		
Comprehensive English - score between 52 and 54 for students with disabilities only		
English Language Arts (Common Core) - score between 62 and 64		
English Language Arts (Common Core) - score between 55 and 61 for Eligible English language learners only		
English Language Arts (Common Core) - score between 52 and 54 for students with disabilities only		
Integrated Algebra - score between 62 and 64		
Integrated Algebra - score between 52 and 54 for students with disabilities only		
Algebra I (Common Core) - score between 62 and 64		
Algebra I (Common Core) - score between 52 and 54 for students with disabilities only		
Global History and Geography - score between 62 and 64		
Global History and Geography - score between 52 and 54 for students with disabilities only		
U.S. History and Government - score between 62 and 64		

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
U.S. History and Government - score between 52 and 54 for students with disabilities only		
Physical Setting/Earth Science - score between 62 and 64		
Physical Setting/Earth Science - score between 52 and 54 for students with disabilities only		
Living Environment - score between 62 and 64		
Living Environment - score between 52 and 54 for students with disabilities only		
Also possible:		
Geometry - score between 62 and 64		
Geometry - score between 52 and 54 for students with disabilities only		
Geometry (Common Core) - score between 62 and 64		
Geometry (Common Core) - score between 52 and 54 for students with disabilities only		
Algebra 2/Trigonometry - score between 62 and 64		
Algebra 2/Trigonometry - score between 52 and 54 for students with disabilities only		
Algebra II (Common Core) - score between 62 and 64		
Algebra II (Common Core) - score between 52 and 54 for students with disabilities only		
Physical Setting/Chemistry - score between 62 and 64		
Physical Setting/Chemistry - score between 52 and 54 for students with disabilities only		
Physical Setting/Physics - score between 62 and 64		
Physical Setting/Physics - score between 52 and 54 for students with disabilities only		

I certify that the above information is correct.

Name of School Superintendent (print) _____

Signature _____

Date: _____