

## Frequently Asked Questions Related to the Special Determination to Graduate with a Local Diploma in June 2022

This resource addresses frequently asked questions related to the field memo, [Special Determination to Graduate with a Local Diploma in June 2022](#). This option will ensure that all students who have demonstrated, through local measures, that they have met the State's learning standards for graduation can earn a local diploma allowing them to exit high school and pursue a post-secondary opportunity.

### 1. Are all students eligible for the Special Determination to graduate with a local diploma or is this option only for students with disabilities?

All students are eligible for the Special Determination option. To be eligible for the Special Determination, the student must otherwise meet all requirements for graduation in June 2022 and meet **one** of the following criteria:

- The student was enrolled in a course(s) of study or make up program during the 2021-2022 school year leading to a June 2022 Regents Examination, earned credit in such course(s) of study by the scheduled date of the Regents Examination, participated in such examination(s) but did not achieve a passing score or qualify for a special appeal; **or**
- The student was enrolled in a course(s) of study or make up program during the 2021-2022 school year that was intended to culminate in the student's participation in a June 2022 Regents Examination and the student earned credit in such course(s) of study by the date of such examination but was unable to participate in such examination(s) due to illness, including isolation restrictions due to COVID.

### 2. If the student meets the eligibility condition for a Special Determination because they're unable to participate in a required Regents Examination due to illness or isolation restrictions due to COVID-19 is documentation required?

If the student is unable to participate due to required isolation due to COVID-19, the student must follow the Centers for Disease Control and Prevention (CDC) and/or local guidelines for quarantine. Otherwise, the illness must be documented by the student's physician.

### 3. Can a student use the Special Determination option to earn a Regents diploma or a Regents diploma with advanced designation?

No. The Special Determination may only be used to grant a student a local diploma. If the student wishes to pursue a Regents diploma but was either unable to qualify for a special appeal (i.e. they scored below a 50) or unable to take one or more Regents Examination required to graduate because of illness or quarantine, the student may retake the Regents Examination(s) at a later administration.

**4. Could a Special Determination be made if a student was unable to participate in (or pass/appeal) more than one June 2022 Regents Examination?**

Yes, if the student otherwise met the graduation requirements and also met the eligibility conditions for the Special Determination to graduate with a local diploma.

**5. Who requests a Special Determination to graduate with a local diploma?**

A request for a Special Determination to graduate with a local diploma must be made by the student.

**6. What is the process for awarding a local diploma in June 2022 using the Special Determination option?**

1. The superintendent, charter school leader, or chief administrative officer of a registered nonpublic school, must consider evidence demonstrating the student:
  - a. Earned credit in all courses of study required for graduation in accordance with local grading policies; and
  - b. Participated in such June 2022 Regents Examination(s) or was unable to participate due to documented illness, including isolation restrictions due to COVID-19.
2. The superintendent, charter school leader, or chief administrative officer of a registered nonpublic school, will document the evidence reviewed and the Special Determination made on the *Superintendent Determination of Graduation with a Local Diploma in June 2022* form. This form is available on the Office of Standards and Instruction's [Special Determination website](#).
3. Copies of the form must be provided to the student and the student's parent or person in parental relation. A copy of the form must be maintained in the student's record and another copy must be submitted to the Department by August 31, 2022.
4. So long as the superintendent, charter school leader, or chief administrative officer approved the Special Determination to graduate with a local diploma and the student's parent or person in parental relation did not refuse, the local diploma shall be awarded in June 2022.

**7. Can a parent or person in parental relation refuse a Special Determination to graduate with a local diploma?**

Yes. If the student is under age 18 or is a student with a disability that has an individualized education program (IEP), and is not emancipated, the parent may refuse a Special Determination to graduate with a local diploma.

If a student with a disability has an IEP and/or other documentation from the Committee on Special Education (CSE) indicating the plan for the student was to remain in school and continue their educational program, a school or district shall not confer a diploma until they receive confirmation to do so from the parent or person in parental relation.

**8. What options exist for students who are not graduating in June 2022 who were unable to take a June 2022 Regents Examination due to illness or quarantine?**

If the student is not graduating in June 2022 and the Regents Examination is required for the student to meet the graduation requirements, the student will need to take the Regents Examination at a later administration (Regents Examinations are administered in June, August, and January).

**9. May a student who exited school without a local diploma now be considered for the Special Determination option?**

To satisfy the eligibility conditions, students must be enrolled in a course of study or make up program during the 2021-2022 school year.

**10. Will the Special Determination option be available for students graduating in August 2022 or thereafter?**

No. The Special Determination only applies to students graduating in June 2022.

Questions about the Special Determination may be directed to the Office of Standards and Instruction via email to [emscgradreq@nysed.gov](mailto:emscgradreq@nysed.gov) or by calling (518) 474-5922.