



December 8, 2020

TO: District Superintendents
Superintendents of Schools
Principals of Registered Nonpublic High Schools
Leaders of Charter Schools

FROM: Marybeth Casey, Assistant Commissioner

Christopher Suriano, Assistant Commissioner

SUBJECT: Parental Right to Decline Examination Waivers

On May 27, 2020, the New York State Education Department (NYSED or “the Department”) issued a [memorandum on the parental right to decline examination waivers](#) resulting from the COVID-19 health crisis and the subsequent cancellation of the June and August 2020 Regents Examinations. Due to the cancellations, the Department announced certain modifications to the assessment requirements that students must meet in order to earn high school diplomas, credentials, and/or endorsements. The modifications applied to all students enrolled in grades 7-12 during the 2019-20 school year. In addition, the Department cancelled the January 2021 Regents Examination administration and will again propose modifications to the diploma requirements to the Board of Regents in December 2020 impacting students in grades 7-12.

The purpose of this memorandum is to remind schools and districts that the parents or persons in parental relation of students who are eligible to graduate in the 2020-21 school year and beyond as a result of having met an assessment requirement through an exemption at any time may decline such exemptions. Specifically, if the parent or person in parental relation explicitly declines the exemption of a Regents Examination, a NYSED Approved Alternative examination, a Pathway examination or an exemption to the unfinished Career Development and Occupational Studies (CDOS) Commencement Credential requirements applied to his/her child as a result of COVID, a diploma will not be conferred on such student this school year. If a parent or person in parental relation exercises the option to decline for his/her child an exemption as a result of COVID, such declination will apply only to the assessments or requirements that the parent or person in parental relation has declined on the Regents Examination Exemption Declination form enclosed with this memorandum or substantially equivalent information.

At a minimum, 30 calendar days prior to the date on which a student shall receive a high school diploma, the superintendent or school principal must send written notification to the parents or persons in parental relation of all students scheduled to graduate in the 2020-21 school year who were eligible for an exemption due to COVID. These notifications must be sent in the parent’s language or mode of communication, to the extent practicable, and the school must maintain a record of the notifications. The notification shall inform the parents and

persons in parental relations of their right to decline the exemptions to the graduation requirements if they do not wish their child to earn a diploma in the 2020-21 school year. The notification must explain that:

- the decision of a parent or person in parental relation to decline the graduation assessment requirement exemption is irrevocable;
- the child will not be eligible to graduate until he or she meets all graduation assessment requirements, including those for which the child was previously eligible for an exemption and the parent declined such exemption; and
- the child will remain eligible to receive a free public education until the end of the school year in which the child attains age 21 or earns a diploma, whichever shall occur first.

As part of the written notification to parents and persons in parental relation, schools shall forward to them the enclosed declination form to indicate their wishes in writing, which may be submitted by mail, email or text. Schools must also accept submissions by parents or persons in parental relation that provide substantially equivalent information about their intent, even if it is not submitted using the enclosed declination form. Schools must make every effort to ensure parents and students are aware that the student will have to meet all assessment requirements for which the exemptions were declined. Schools must make multiple documented attempts via any means available to reach the parent of each student scheduled to graduate this school year as a result of an exemption to a graduation requirement due to COVID. It is important to note that for some students, conversations with parents and persons in parental relation need to occur now to discuss long-term educational program plans that may be impacted by a student graduating this school year as a result of an exemption of an assessment requirement due to COVID.

Parents and persons in parental relation must submit their written declination on the enclosed declination form or substantially equivalent information prior to the conferral of the diploma. Upon receipt of the form, schools must inform the parent or person in parental relation of the status of the request and the remaining diploma assessment requirements that the student must meet in order to graduate. A superintendent or school principal should accept, upon a finding of good cause, a declination request submitted by a parent or person in parental relation that is not timely, so long as the school has not yet conferred a diploma upon the student.

In cases where a student with a disability has an individualized education program and/or other documentation from the Committee on Special Education indicating that the plan/recommendation for the student was to continue his or her education beyond the 2020-21 school year, schools may not confer a diploma until a parent or person in parental relation confirms in writing such child should receive such diploma. For these students, schools shall hold such diplomas while continuing to attempt to obtain parent permission to confer the credential. Until such permission is received, the student must remain enrolled in the school and retain his or her eligibility to return to continue his or her educational program.

For questions related to the above regarding general education students email emscgradreq@nysed.gov and for students with a disabilities email speced@nysed.gov.

Enclosure