



Angelica Infante-Green, Associate Commissioner
Office of Bilingual Education and World Languages

55 Hanson Place, Room 594
Brooklyn, New York 11217
Tel: (718) 722-2445 / Fax: (718) 722-2459

89 Washington Avenue, Room 528EB
Albany, New York 12234
(518) 474-8775/ Fax: (518) 474-7948

April 2015

English Language Learner Field Advisory

From: Angelica Infante-Green, Associate Commissioner
Office of Bilingual Education and World Languages

Subject: Regulations Related to Additional Graduation Option for English Language Learners

The purpose of this memorandum is to provide information relating to recent amendments to Section 100.5(d)(7) of the Regulations of the Commissioner of Education related to the Regents Exam appeals process for English Language Learners (ELLs). The regulation, as amended effective February 10, 2015, allows an additional graduation option for a local diploma via appeal of a score of 55-61 on the Regents Exam in English for ELLs otherwise eligible to graduate in January 2015 and thereafter who:

- have received academic intervention services in English language arts,
- have an attendance rate of at least 95 percent for the school year during which the student last took the Regents examination in English,
- have attained a course average in English Language Arts 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*
- are recommended for an exemption to the passing score on the Regents examination by his or her teacher or department chairperson in English Language Arts.

These amendments will allow ELLs who meet the above requirements, and who score between 55-61¹ on the Regents Exam in English after two attempts at attaining a score of 65 or above, to receive a local diploma via appeal if they

- successfully appeal the Regents examination in English *and* score at least 65 on each of the four remaining required Regents examinations (or satisfy the corresponding graduation requirement via an available alternative pathway), *or*
- successfully appeal the Regents examination in English *and* score at least 65 on three other required Regents examinations (or satisfy the corresponding graduation requirement via an

¹ Students who score between 62-64 on up to two Regents exams are already eligible under current regulations to appeal those results.

available alternative pathway) *and* score between 62 to 64 on one other required Regents examination and successfully appeal that exam.

These amendments will help reduce the gap in graduation rates between ELLs and non-ELLs. In June 2013, only 31.4% of ELLs graduated, compared to 74.9% of non-ELLs. With the availability of this graduation option, late-arriving ELLs who are able to pass other required Regents examinations with a score of 65 and who obtain a score of at least 55 on the Regents examination in English can benefit from the opportunity to obtain postsecondary education or enter a career in the same manner as other students who may earn a diploma through the appeal process. ELLs will also remain eligible for the current appeals process, and the committee that reviews other Regents appeals will also review appeals under these amendments.

The text of the regulations, as amended effective February 10, 2015, is available at:
<http://www.regents.nysed.gov/meetings/2015Meetings/February/215p12a1.pdf>