

Frequently Asked Questions Related to Flexibility in the Use of 2021-22 and 2022-23 Regents Examination Scores to Satisfy Diploma Requirements

This resource addresses frequently asked questions related to the [“Flexibility in the Use of 2021-22 and 2022-23 Regents Examination Scores to Satisfy Diploma Requirements” memo](#).

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Inclusion of Regents Exam Scores in Final Course Grades

1. If a district includes Regents Examination scores in the calculation of the final course grade, can the district substitute a score of 65 when a special appeal is granted?

The NYSED discourages the use of Regents Examination grades in final course grades as Regents Examination scores are scaled scores and not percentage scores typically used for course averages. Please reference the [District Grading Policy memo](#). Grading policies are determined by each local Board of Education. This includes any decisions to use Regents Examination scores in final course grade calculations. Districts may need to amend local grading policies if they use Regents Examination grades in the calculation of students’ final course grades.

Eligibility and the Special Appeal Process

2. Are all students eligible for the special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

Any student who meets the following eligibility conditions may appeal to earn a diploma with a lower score on a Regents Examination.

- The student must have taken the Regents Examination during the June 2022, August 2022, January 2023, June 2023, or August 2023 test administration periods.
- The student must have a score of 50-64 on the Regents Examination that is the subject of the appeal and was taken during one of the above administrations.
- The student must 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.

2a. If the official transcript does not evidence grades for each marking period, does a school or district need to modify their transcripts?

No. The phrase “as evidenced in the official transcript that records grades achieved by the student in each quarter of the school year” intends to ensure the Regents

Examination score is excluded from the calculation of the course average when determining a student's eligibility for the Special Appeal. The format of transcripts is locally determined.

2b. Could a student fail one marking period and still be eligible for a Special Appeal?

Yes, if the combined average of course grades earned throughout the school year results in a passing average and the student earned a score in the 50-64 range on a Regents Examination taken during one of the five administration periods (June 2022, August 2022, January 2023, June 2023, or August 2023), the student would be eligible for a Special Appeal.

For example, a student earned a 54 on the Algebra I Regents Examination in June 2022. The student's course grades in Algebra I were: Q1 – 60, Q2 – 65, Q3 – 70, Q4 – 75. The average of the student's Algebra I course grades equals 67.5. The school's passing grade is a 65. Since the student took the Regents Examination in June 2022, earned a score of 50-64, and earned a final course average that meets or exceeds the required passing grade by the school, the student is eligible for the Special Appeal.

Note: If this school's local grading policy included the Regents Examination score as 20% of the final course average, while the student would not yet earn credit for the Algebra I course (based on the local grading policy), the student remains eligible for the Special Appeal.

3. In order to calculate the student's final average in the course to determine eligibility, does the student's grade on the Regent Examination get included in the calculation?

No. The calculation of a passing average only includes the student average of course grades earned throughout the school year during the course. Final course grades and grading policies are determined at the local level however, in making a determination as to whether a student is eligible to apply for a Special Appeal, the grade earned on the Regents Examination is not included in the calculation of the final course average described in question 2.

4. Does a student have to take a Regents Examination twice to be eligible for the special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

No. Under this limited rule, a student need only take the Regents Examination under appeal **one time** during the specific administrations (June 2022, August 2022, January 2023, June 2023, or August 2023) to be eligible to appeal.

4a. If a student earns a 50-64 on a Regents Examination taken during one of the specific administrations (June 2022, August 2022, January 2023, June 2023, or August 2023), fails the course, but then remediates that coursework successfully through a make-up program, are they then eligible for the Special Appeal?

Yes. Since the student took the Regents Examination during one of the 5 administration periods (June 2022, August 2022, January 2023, June 2023, or August 2023) and earned a score in the appropriate range (50-64), as long as the student passes the course prior to graduation, they would satisfy the eligibility conditions for the Special Appeal.

5. Do the special appeals only apply to students who are graduating in the 2021-22 or 2022-23 school year?

No. The special appeals may be granted to any student who takes a Regents Examination during the June 2022, August 2022, January 2023, June 2023, or August 2023 test administration periods who also meets the eligibility conditions listed above. Questions 8-13 provide additional information on the appeals process.

6. Are the special appeals to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year subject to New York State Education Department approval?

No. The school superintendent or, in the City School District of the City of New York, the chancellor of the city school district or his/her designee, or the equivalent administrator of a charter school or registered nonpublic school, shall make a final determination to accept or deny the appeal.

7. Do the special appeals to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year apply to students earning diploma credit through accelerated coursework in grade 8?

Yes. If a grade 8 student enrolled in accelerated coursework is granted a special appeal, they may earn diploma credit in the course and may use the appeal to satisfy the assessment requirements for any diploma type (local, Regents, Regents with Advanced Designation).

8. What is the appeals process?

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. The appeal committee may, in its discretion, interview the student or the teacher or department chairperson recommending the appeal. The appeal committee shall review an appeal within ten school days of its receipt and make a recommendation to the school superintendent, or in the case of New York City, the Chancellor or his/her designee, to accept or deny the appeal. The superintendent or in the case of New York City, the Chancellor or his/her designee, may also interview the student and will sign off on all appeals.

9. Who can bring forth an appeal?

An appeal may be initiated by the student, the student's parent or guardian, the student's teacher including the school counselor, or the department chairperson, and shall be submitted in a form prescribed by the commissioner to the student's school principal.

10. Can the superintendent determine that all students meeting the appeal criteria outlined in Commissioner's Regulations be given an appeal automatically?

Yes. While the committee must review each case to ensure eligibility, the superintendent may either set a predetermined standard by which s/he would be willing to grant any appeal, or he or she may choose to review each appeal case separately.

11. Can a parent or person in parental relation refuse the appeal on behalf of a student if they wish the student to remain in school and receive additional instruction?

Yes. If a parent wishes their child to remain in school for additional instruction and the granting of such an appeal would complete the student's diploma requirements, the parent may refuse an appeal sought by the school on behalf of the student.

12. If a parent or person in parental relation refused an appeal so their child could remain in school, can the student be considered for an appeal in the future?

Yes. An eligible student may file an appeal at any time before they meet the diploma requirements and graduate.

13. Does the appeals process need to be completed immediately after a score is earned on a June 2022, August 2022, January 2023, June 2023, or August 2023 Regents Examination?

No. The appeals process may be completed any time prior to a student's graduation. However, once an appeal is requested, the school should respond within 10 **school** days.

14. If a student received remote instruction for the 2021-2022 school year, is the student exempt from the Regents Examinations?

No. If a student is receiving remote instruction due to a documented medical condition that prevents them from being in person, the district can send a district representative to the student's home or hospital and administer the test at the same date and time the other students are taking the test to ensure it is administered fairly. Otherwise, schools must arrange for students to report to the building for the administration of the Regents Examinations.

Diploma Types and Endorsements

15. Can students earn a Regents Diploma with Advanced Designation using a special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

Yes. Unlike the ordinary appeal provision, these special appeals may be applied to any diploma type (local, Regents, or Regents with Advanced Designation).

16. Is there a maximum number of special appeals that can be applied to a specific diploma type?

No. Appeals granted under this temporary rule for lower scores earned during these specific administration dates (June 2022, August 2022, January 2023, June 2023, or August 2023), do not count towards the maximum number of appeals that can be applied to specific diploma types.

In addition to any special appeals, students may continue to meet the assessment requirements for the Regents Diploma using one traditional appeal. In addition to any special appeals, students may continue to meet the assessment requirements for the NYS Local Diploma using two traditional appeals. Traditional appeals may not be used towards the Regents Diploma with Advanced Designation. Additional information on the traditional appeal process may be referenced in the [Appeal to Graduate with a Lower Score on a Regents Examination memo](#) (April 2017).

17. If a student was eligible for an exemption due to COVID-19, do those exemptions still apply?

Yes. Students granted an exemption from any examination are not required to take or pass such specific examination to meet the assessment requirements for any diploma type (local, Regents, or Regents with Advanced Designation). Exemptions remain with students through graduation.

Information related to exemptions due to COVID-19 may be referenced in the following resources:

- [January 2022 FAQ](#)
- [June and August 2021 FAQ](#)
- [January 2021 FAQ](#)
- [June and August 2020 FAQ](#)

18. Can a student earn the mastery endorsement(s) in mathematics and/or science if the student is granted a special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

Granting a special appeal does not eliminate a student's ability to earn the mastery endorsement. As long as exemptions continue to influence students' ability to graduate students may earn the Mastery in Mathematics and/or Science endorsement(s) if they meet the requirements for a Regents Diploma with Advanced Designation and:

- pass 3 math and/or 3 science Regents Examinations with a score of 85 or higher; or
- pass 2 math and/or 2 science Regents Examinations with a score of 85 or higher and are granted an exemption on a third math and/or science Regents Examination; or
- pass 1 math and/or 1 science Regents Examination with an 85 or higher and earn a final course grade of 85 or higher in 2 additional math and/or science courses culminating in a Regents Examination for which they are granted an exemption.

19. Can a student earn the honors endorsement if the student is granted a special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

Granting a special appeal does not eliminate a student's ability to earn the honors endorsement. If the Regents Examination under special appeal was required for the diploma type, the actual score earned must be included in the calculation. An appeal does not change the score on the examination but rather allows the student to apply it as if it were a passing score to any diploma type.

As long as exemptions continue to influence students' ability to graduate, the calculation for the honors endorsement will be dependent upon the number of scored Regents Examinations the student has completed. In instances where students have more earned scores and/or exemptions than required for the diploma type, schools may use the combination most beneficial to the student.

Students with a minimum of three scored Regents Examinations applicable to the diploma

In instances where students have at least three scored Regents Examinations to be included in the assessments required for the diploma type, exemptions due to COVID-19 would be removed from the calculation. If the computed average of the Regents

Examination scores required for the diploma (not including exemptions) equals 90 or above, the student earned the honors endorsement.

Students with fewer than three scored Regents Examinations applicable to the diploma

The student's final course grade for each exempted Regents Examination will be substituted in the calculation for honors. If the computed average of the scored Regents Examinations and the final course grades for courses for which exemptions were granted equals 90 or above, the student earned the honors endorsement.

20. If a student is granted an appeal to earn a diploma with a lower score on a Regents Examination, may the student substitute the final course average in the calculation for the honors or mastery endorsement?

No. The only instance when a student may be able to substitute the final course average is when the student received an exemption due to COVID-19. If a student is granted an appeal to earn a diploma with a lower score on a Regents Examination and the assessment is required for the diploma type, the actual score earned shall be included in the calculation for the honors or mastery endorsement.

Students with Disabilities

21. If a student with a disability has access to safety net options leading to a local diploma, should schools consider the special appeal?

Yes. Since these special appeals may be applied to any diploma type, schools should consider a student's eligibility for a special appeal prior to applying the existing safety net options.

22. Can a student who uses the special appeals also use the superintendent determination option?

Yes. An eligible student with a disability who does not meet all the assessment requirements for graduation through appeals, including special appeals, and the existing safety net options (i.e., the compensatory safety net option, the 55-64 low pass safety net option, the 55-64 low pass safety net option with appeal and superintendent determination option) but is otherwise eligible to graduate in June 2016 and thereafter, must be considered for a local diploma through the superintendent determination option. The superintendent would only need to conduct a review of the subject area(s) where the student was unable to meet the assessment requirements for graduation through appeals and/or the safety net options.

23. Is a student eligible for the superintendent determination option if they did not meet the English language arts (ELA) and/or Mathematics Regents Examination eligibility condition(s) for the superintendent determination option (i.e., did not receive a minimum score of 55 on both the ELA and Mathematics Regents Examinations required for graduation or successfully appeal a score between 52 and 54) or complete the requirements for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential but received a score of 50 or 51, and was granted a special appeal on the ELA and/or Mathematics Regents Examinations?

No. To be eligible for the superintendent determination option, a student must have taken the ELA and Mathematics Regents Examinations required for graduation and received a minimum score of 55 on both examinations **or** successfully appealed a score between 52 and 54 **or** completed the requirements for the CDOS Commencement Credential.

Note: If a student was granted an exemption from the Regents Examination(s) in ELA and/or Mathematics, they may use such exemption(s) to meet the ELA and/or Mathematics Regents Examination eligibility condition(s) to be considered for the superintendent determination option.

English Language Learners (ELLs) and other Multilingual Learners

24. If an English Language Learner has access to safety net options leading to a local diploma, should schools consider the special appeal?

Yes. Since these special appeals may be applied to any diploma type, schools should consider a student's eligibility for a special appeal prior to exercising additional safety nets.

25. Does the special appeal to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year apply to World Language checkpoint exams?

No, since the World Language exams are not Regents Examinations, the special appeal does not apply.

26. Can a student earn associated points towards the New York State Seal of Biliteracy (NYSSB) if the student is granted a special appeal from a Regents Examination in English Language Arts?

Yes. A student who is granted a special appeal from a Regents Examination in English Language Arts taken in the 2021-22 or 2022-23 school year may earn a point for criterion 1A of the NYSSB's "Criteria for Demonstrating Proficiency in English".

27. Can an ELL earn associated points towards the NYSSB if the student is granted a special appeal from two Regents Examinations to fulfill the requirements for criterion 1A of the NYSSB of earning a score of 75 or higher on two Regents Examinations other than English without translation?

Yes. An ELL who is granted a special appeal from two Regents Examinations taken in the 2021-22 and/or 2022-23 school years may earn a point for criterion 1A of the NYSSB's "Criteria for Demonstrating Proficiency in English".

Recording/Reporting Appeals

28. How should schools record special appeals to earn a diploma with a lower score on a Regents Examination taken in the 2021-22 or 2022-23 school year?

Schools and districts must record the score of any Regents Examination on a student's permanent record. The student may select whether to record the actual score earned on the transcript or may elect instead to have an "SA" recorded to indicate special appeal.

29. How are special appeals to earn a diploma with a lower score on a Regents Examination reported to the NYS Education Department?

The district must report the actual score earned, through the Student Information Repository System (SIRS). Schools must maintain a copy of the [Special Appeal to Earn Diplomas with a Lower Score on a Regents Examination Taken in the 2021-22 or 2022-23 School Year Summary Form](#). In the fall, the district will also need to report the information from this appeal on the district's Basic Educational Data System (BEDS) form. Additional information can be referenced in the Department's [SIRS Manual](#).

The Department is grateful to the dedicated educators, school staff, community members, and parents who are working so diligently to ensure that students are safe and well. Any questions about the special appeal or the effect of such appeals on student qualification for a diploma should be directed to emscgradreq@nysed.gov.

Revision Log

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