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

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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 five points of the 65 passing score (60-64) 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 59. Such students may also appeal a score within 5 points of passing (60-64) 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 (52-54) 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 60 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 60 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 59 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 59 on the required Regents examination in English language arts and an appeal with a score between 60 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.

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 60 and 64 and students with disabilities seeking a local diploma using the low pass safety net, 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 the score band stated above;
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; and
4. Have 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).

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 59 on the required Regents examination 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 59;
4. Present evidence that the student has taken advantage of academic help provided by the school in English language arts; and
5. Have a course average in English language arts (as evidenced in the official transcript that records grades achieved by the student) that meets or exceeds the required passing grade by the school.

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. 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 their designee, to accept or deny the appeal. The superintendent, or in the case of New York City, the Chancellor or their 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. In the fall, the district will also need to report the information on the district's Basic Educational Data System (BEDS) form. Additional information can be referenced in the Student Information Repository System (SIRS) Manual. The Summary Form no longer needs to be mailed to the SED.

Questions related to the appeals process should be directed to the New York State Education Department's Office of Standards and Instruction by e-mail at emscgradreq@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. Course average in the subject under appeal (as evidenced in the student's official transcript that records grades achieved by the student):

Course average: _____

Required passing grade by the school: _____

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

____ YES ____ NO

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 60 and 64 on the examination; or
- the student is identified as an eligible English language learner and has received a score between 55 and 59 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 required Regents examination.

☐ If the appeal is for a score between 55 and 59 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.

☐ 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 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 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

(This form no longer needs to be mailed to the State Education Department; it should be maintained by the school and be available for inspection by the State Education Department, if requested.)

School Name:_____

School BEDS Code:_____

Person Completing This Form (Contact Person): _____

Telephone: ( ) _____

Date Form Completed:_____

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
Most Common:		
English Language Arts – score between 60 and 64		
English Language Arts – score between 55 and 59 for eligible English language learners only		
English Language Arts – score between 52 and 54 for students with disabilities only		
Algebra I – score between 60 and 64		
Algebra I – score between 52 and 54 for students with disabilities only		
Global History and Geography – score between 60 and 64		
Global History and Geography – score between 52 and 54 for students with disabilities only		
U.S. History and Government – score between 60 and 64		
U.S. History and Government – score between 52 and 54 for students with disabilities only		
Physical Setting/Earth Science – score between 60 and 64		
Physical Setting/Earth Science – score between 52 and 54 for students with disabilities only		
Living Environment – score between 60 and 64		
Living Environment – score between 52 and 54 for students with disabilities only		

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
Also possible:		
Geometry – score between 60 and 64		
Geometry – score between 52 and 54 for students with disabilities only		
Algebra 2 – score between 60 and 64		
Algebra 2 – score between 52 and 54 for students with disabilities only		
Physical Setting/Chemistry – score between 60 and 64		
Physical Setting/Chemistry – score between 52 and 54 for students with disabilities only		
Physical Setting/Physics – score between 60 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 Superintendent **Signature of School Superintendent**

_____

Date