



Office of Instructional Support  
Deputy Commissioner

April 2017

TO: District Superintendents  
Superintendents of Schools  
Public School Administrators  
Nonpublic School Administrators  
Charter School Administrators

From: Angélica Infante-Green *A. Infante - Green*

Subject: Appeal to Graduate with a Lower Score on a Regents Examination

As the end of the school year approaches and districts are preparing for graduation, the New York State Education Department (NYSED) wants to remind districts of the provisions surrounding the appeal to graduate with a lower score on a Regents examination. Comprehensive information on student eligibility and the procedures for an appeal can be found in the guidance, [Information on an Appeal to Graduate with a Lower Score on a Regents Examination](#).

Students may appeal up to two examinations in the following appealable score ranges if they meet the eligibility requirements found at the link above.

- All students may appeal scores on Regents examinations between 60 and 64.
- Students with disabilities may appeal scores of 52-54 in order to meet the local diploma requirements. Nothing in this provision prevents a student with a disability from appealing a score of 60-64 in order to earn a Regents diploma.
- English language learners may appeal scores of 55-59 on the English Language Arts Regents examination.

Students may not use the appeal process in order to earn a Regents diploma with advanced designation.

The appeal may be initiated by a student, by the student's parent or guardian, or by a teacher and must be submitted to the student's school principal. A separate appeal must be made for each examination appealed by the student.

An appeal can be brought forward at any time during a student's high school career. Appeals do not have to wait until the student has met all other graduation requirements, nor does a student have to continue to attempt Regents examinations once they are eligible for an appeal unless they choose to do so.

When an appeal is submitted, an appeal committee comprised of the school principal as chairperson, 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 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 (NYC), the Chancellor or his/her designee, to accept or deny the appeal. The superintendent or in the case of NYC, the Chancellor or his/her 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 NYSED approval.

All appeal documentation must be maintained with the student's records and the school shall submit one Appeal Summary Form (found at the link above) to NYSED at the end of the school year with a record of all appeals granted by the school. Individual student information should not be submitted with the Appeal Summary Form.

Additional information may be found at the link above or by contacting the graduation requirement information e-mail box at [emscgradreq@nysed.gov](mailto:emscgradreq@nysed.gov)