



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

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**TO:** District Superintendents  
Superintendents of Schools  
Principals of Public, Religious, and Independent Schools  
Leaders of Charter Schools

**FROM:** Betty A. Rosa, Commissioner

**DATE:** May 16, 2022

**SUBJECT:** Flexibility in the Use of 2021-22 and 2022-23 Regents Examination Scores to Satisfy Diploma Requirements

This memorandum is to inform districts and schools that, in response to widely varied teaching and learning conditions caused by the continued impact of the COVID-19 pandemic, the Board of Regents approved for Emergency Action at its May meeting a temporary expansion of the existing process to appeal to graduate with a lower score on a Regents Examination. The purpose of this expansion is to provide flexibility to students taking Regents Examinations in the 2021-22 and 2022-23 school years in meeting assessment requirements for a diploma. This flexibility will be known as [the special appeal](#). In addition, the Department reminds districts and schools that while grading policies are locally determined, the inclusion of Regents Examination scores in the calculation of final course grades is neither required nor recommended.

**Eligibility Conditions for the Special Appeal**

Any student who meets the following eligibility conditions may utilize the special appeal to earn a diploma with a lower score on a Regents Exam. These conditions are specific to the special appeal.

- ✓ The student must have taken the Regents exam 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 has attained a course average in the course 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.

This will be a limited rule in effect for exams taken during these specific administration periods only (June 2022, August 2022, January 2023, June 2023 and August 2023). Under this limited rule, a student need only take the examination under appeal one time during the specific administrations listed above to be eligible to appeal. Unlike the ordinary appeal provision, the student does not need to have taken the examination under special appeal twice, nor participated in academic assistance provided by the school in the subject tested by the Regents Examination under special appeal. In addition, special appeals may be applied towards any diploma type (local, Regents, and Regents with Advanced Designation). Special appeals granted under this limited rule for lower scores earned during these specific administrations do not count towards the maximum number of appeals that can be applied to specific diploma types.

A frequently asked question document providing additional guidance along with the forms necessary for granting the appeal are attached and will be available on the [Standards and Instruction appeals website](#)

### **Appeal Approval Process and Reporting Appeals**

The appeal approval process for special appeals will be the same as the current appeal process. The appeal process may be completed any time prior to a student's graduation. 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 decision to grant or deny an appeal is made by the school superintendent or the equivalent administrator of a charter school or registered nonpublic school or, in the City School District of the City of New York, the chancellor of the city school district or his/her designee and is not subject to the Department's approval. Superintendents may consider the recommendations of the committee, a recommendation from the student's teacher or any other evidence presented or collected related to the student's attainment of the learning standards for the course.

A student's parent or person in parental relation may refuse an appeal granted to the student if the parent wishes the student to remain in school and receive additional educational programming. An appeal of the score may be considered again at any time before the student graduates.

All records relating to appeals must be maintained by the school and be available for inspection by the Department. Approval of this appeal will not change the student's score on the Regents Examination under appeal. The district must report to the Department the actual score earned through the Student Information Repository System (SIRS). Students may choose to have their score on the exam or an indication of "SA" for special appeal recorded on their transcript. 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](#).

## **Inclusion of Regents Examination Scores in Final Course Grades**

The Department does not require or recommend that schools use Regents Examination grades as part of the calculation of a student's final average. It is up to local districts to decide whether to use Regents Examination grades in this manner. Please reference the [District Grading Policy memo](#). Districts should review grading policies to ensure fair and equitable practices that do not have unintended consequences for students. This includes any decisions to use Regents Examination scores in final course grade calculations. While grading policies are the decision of local districts, only the average of a student's quarterly grades in the course may be used in the determination of appeal eligibility.

We are grateful to the dedicated educators, school staff, community members, and parents who are working so diligently to support New York's students. The Department will continue working directly with schools every day to ensure that we are providing responsive support related to diploma requirements.

Additional questions about diploma requirements or the appeals process should be directed to the Office of Standards and Instruction via email to [emscgradreq@nysed.gov](mailto:emscgradreq@nysed.gov) or by calling (518) 474-5922.