

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: PATHWAYS TO GRADUATION

DATE: March 19, 2018

REASON FOR BOARD CONSIDERATION:

To keep the Commissioners informed of the graduation requirements for all students and the multiple pathways to achieving a diploma.

FACTS AND ANALYSIS:

Mrs. Cynthia Tuttle, Grades 9-12 Principal, Mr. Richard Christy, School Counselor, and Mrs. Lynnette VanTassel, School Counselor, will be updating Commissioners in regards to the Pathways to Graduation:

RECOMMENDED ACTION:

No action necessary, information only.

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

Students in the Ogdensburg City School District must earn 24 units of credit to meet the Graduation requirements. The credits are earned in the following areas.

4 ELA, 4 Social Studies, 3 in Math, 3 in Science, .5 in Health, 1 Arts, 1 language other than English (LOTE), 2 Physical Education and 5.5 in Electives

Diploma Types and Endorsements

- Regents
- Regents (Via Appeal)
- Regents w Honors
- Regents w Advanced Designation
- Regents w Advanced Designation with Mastery in Math and/or Science Endorsement
- Regents w Advanced Designation w Honors
- Local (via Appeal) (all students)
- Local (Students w a disability only)
- Local Diploma, Regents Diploma, Regents Diploma with Advanced Designation (with or without Honors), with a Career and Technical Education Endorsement

Requirements leading to the Career and Technical Endorsement via BOCES include:

- *successful completion of a 3-part technical assessment (written, demonstration, project components) [C.R. 100.5 (d)(6)(f)(6)].*
- *completion of work-based learning experiences as provided by the approved program*
- *completion of a work-skills employability profile [C.R. 100.5 (d)(6)(iv)(a)(2)(v)].*

Diploma Criteria

- **Regents – 5 required Regents Exams** with a score of **65 or better**: 1 Math, 1 ELA, 1 Science, 1 Social Studies and 1 ***Pathway Assessment**; or **4 required Regents** with a score of **65 or better**: 1 Math, 1 ELA, 1 Science, 1 Social Studies, and meet the **CDOS Commencement Credential requirements**.
- **Regents (Via Appeal) – 4 required Regents** exams with a score of **65 or better** and **1 Regents** exam with a score of **60-64** for which an appeal is granted by the local district as follows 1 Math, 1 ELA, 1 Science, 1 Social Studies and 1 ***Pathway Assessment**; or **3 required Regents** exams with a score of **65 or better** **1 Regents Exam** with a score of **60-64** for which an appeal is granted by the local district 1 Math, 1 ELA, 1 Science, 1 Social Studies and meet the **CDOS Commencement Credential requirements**.
- **Regents w Honors – 5 required Regents** exams with a computed average of **90 or better**.
- **Regents w Advanced Designation – 8 Assessments** which include 1 ELA, 2 Social Studies, 3 Math, and 2 Science.
- **Regents w Advanced Designation with Mastery in Math and/or Science Endorsement – Meet all 8 Assessment** requirements and in addition score **85 or better** on each of the **3 Regents** exams in *Mathematics* and/or the **3 Regents** exams in *science*.
- **Regents w Advance Designation with Honors – 8 Assessments** with a computed average of **90 or better**

* Pathways: A student must either:

-Complete all the requirements for the CDOS Commencement Credential found at <http://www.p12.nysed.gov/cia/multiplepathways/memos/cdos-graduation-pathway-option.html>; or -Pass an additional math Regents examination in a different course or Department Approved Alternative; or -Pass an additional science Regents examination in a different course or Department Approved Alternative; or -Pass an additional social studies Regents examination in a different course or Department Approved Alternative; or -Pass an additional English assessment in a different course selected from the Department Approved Alternative list; or -Pass a Department approved CTE pathway assessment, following successful completion of an approved CTE program; or -Pass a Department approved pathway assessment in the Arts; or -Pass a Department approved pathway assessment in a Language other than English (LOTE)

- **Local Diploma – (through Appeal)** All Student Populations
 - 3 required Regents** exams with a score of **65 or better** and **2 Regents** Exams with a score of **60-64** for which an appeal is granted.
 - 2 required Regents** exams with a score of **65 or better** and **2 Regents** exams with a score of **60-64** for which an appeal is granted and meet all requirements for the **CDOS Commencement Credential**
- **Local –** Students classified with a disability (IEP or 504 plan)
 - a. Low Pass Safety Net Option:** **5** required **Regents** exams with a score of **55 or better** and either **1 Pathway Assessment** or meet the requirements of the **CDOS** Commencement Credential
 - b. Low Pass Safety Net and Appeal:**
 - I.** **3** required **Regents** exams with a score of **55 or better** and **2 Regents** exams with a score of **52-54** for which an appeal is granted
 - II.** **2** required **Regents** exams with a score of **55 or better** and **2 Regents** exams with a score of **52-54** for which an appeal is granted and meet all the requirements for the **CDOS Commencement Credential**
- **c. Compensatory Safety Net Option:** Scores between **45-54** on one or more of the **5** required Regents Exams, other than ELA or mathematics, but compensates the low score with a score of **65 or higher** on another require Regents exam. Note: a score of at least a **55 (or approved appeal of 52-54)** must be earned on both the ELA and 1 mathematics exam. A score of **65 or higher** on a single examination **may not be used to compensate more than one examination** for which a score of **45-54** is earned.
- Please see attached document for the Superintendent’s Determination of Graduation with a **Local Diploma criteria**

Non-Diploma and High School Exiting Credentials

- **Career Development and Occupational Studies Commencement Credential (CDOS)** (Students w disabilities only who are not assessed with the New York State Alternate Assessment). Can be a stand-alone credential or attached to a Local or Regents Diploma.
- **Skills and Achievement Commencement Credential (SACC)** (Students w disabilities only who are assessed using the New York State Alternate Assessment)

**Criteria for Superintendent Determination of Graduation with a Local Diploma
(Students with disabilities who have an IEP only)**

Attachments

- A. NYSED Form for Eligibility and
Parent Request for Superintendent Determination Form**
- B. Adopted Regulation to Expand Safety Net Option for Students with
Disabilities to be Eligible for the Superintendent Determination
Effective March 28, 2018.**



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
 FORM PRESCRIBED BY THE COMMISSIONER (Updated January 2018)

SUPERINTENDENT DETERMINATION OF GRADUATION WITH A LOCAL DIPLOMA

Return this form¹ no later than **August 31st** following the Superintendent's Determination to:²
 New York State Education Department
 Office of Special Education
 89 Washington Avenue, Room 309 EB
 Albany, NY 12234
 OR
 Fax to: 518-473-5387

Student Information	
Directions: All "Student Information" fields must be completed except for "Submission Date."	
Student Name:	NYSSIS (NYS Student Identification System) #:
School District/Charter School/Registered Nonpublic High School:	BEDS Code:
Contact Person:	Telephone Number:
Email Address:	Graduation: <input type="checkbox"/> January <input type="checkbox"/> June <input type="checkbox"/> August Year:
Date Form Completed:	For SED Use Only Submission Date:

STEP 1- ELIGIBILITY CONDITIONS

I hereby certify that:	
A. <input type="checkbox"/>	the parent/guardian submitted a written request that their child be considered for a Superintendent Determination;
B. <input type="checkbox"/>	the student has a current individualized education program (IEP) and is receiving special education services;
C. <input type="checkbox"/>	the student did not meet the graduation requirements through the low pass (55-64) safety net option or the compensatory option;
D. <input type="checkbox"/>	the student has earned the required course credits and has passed, in accordance with district policy, all courses required for graduation, including the Regents courses to prepare for the corresponding required Regents examination areas (English language arts (ELA), mathematics, social studies and science);
E. <input type="checkbox"/>	The student: <ul style="list-style-type: none"> • earned a minimum score of 55 on the ELA and Mathematics Regents examinations; and/or • successfully appealed a score between 52 and 54 on ELA and Mathematics Regents examinations; and/or • was unable to achieve a minimum score of 55 or did not initiate an appeal of a score of between 52 and 54 on the ELA and/or Mathematics Regents examinations, but he/she completed the requirements for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential.
F. <input type="checkbox"/>	the student has participated in all Regents examinations required for graduation, but has not passed one or more of these examinations; and
G. <input type="checkbox"/>	the student has otherwise demonstrated competency in the subject area where the student was not able to demonstrate his/her proficiency of the State's learning standards through the Regents examination.

¹ A copy of the form must be placed in the student's record.

² Forms should not be submitted by email.

Student Name: _____

NYSIS #: _____

COMPLETE STEP 2 "SUPERINTENDENT DETERMINATION REVIEW" ONLY IF ALL THE ABOVE ELIGIBILITY CONDITIONS A-G ARE MET. OTHERWISE, PROCEED TO STEP 3 AND CHECK ASSURANCE THAT THE STUDENT SHOULD NOT BE AWARDED A LOCAL DIPLOMA.

STEP 2 - SUPERINTENDENT DETERMINATION REVIEW

Documentation of subject area(s) reviewed: In conducting a review to ensure the student has met the academic standards, the school superintendent, or, as applicable, the principal, head of school, or their equivalent of the charter school or non-public school has considered evidence that demonstrates that the student:

1. Passed the course(s) in the subject area(s) where the student was not able to demonstrate his/her proficiency of the State's learning standards through the corresponding Regents examination required for graduation. The evidence reviewed may include the student's final course grade as well as student work completed throughout the school year and/or interim grades on homework, projects, class work, quizzes, tests, or other documentation that demonstrates that the student has met the learning standards for the course; and
2. Actively participated in the Regents examination(s).

SUBJECT AREA(S) REVIEWED

Superintendent Determination subject area(s)	Regents examination(s)	Regents examination score(s)	Course Grade(s)	Evidence reviewed to document subject proficiency (specify)	Subject area proficiency		
					Yes	No	NA ³
<i>Example:</i> Social Studies	U.S. History	44	69	- 69 final course grade - quarterly grades - mid-term and final examination grades	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELA ⁴					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mathematics ⁴					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Science					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Studies					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pathway ⁵					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STEP 3 - DETERMINATION: Check one

- I hereby certify that it is my determination as the Superintendent of Schools (or, as applicable, the principal, head of school, or their equivalent of the charter school or non-public school) that this student **SHOULD NOT** be awarded a local high school diploma at this time.
- I hereby certify that it is my determination as the Superintendent of Schools (or, as applicable, the principal or head of school, or their equivalent of the charter school or non-public school) that this student **SHOULD** be awarded a local high school diploma.

Signature of School Superintendent⁶

Date

The student and the parent of the student must receive a copy of this documentation and written notification of the superintendent's determination

- Where the superintendent determined that the student has not met requirements for graduation, the notice must inform the student that he/she has the right to attend school until receipt of a local or Regents diploma or until the end of the school year in which the student turns age 21, whichever shall occur first.
- Where the superintendent determined that the student has met the requirements for graduation, prior written notice must be provided that the student is not eligible to receive a free appropriate public education after graduation with a local diploma through the Superintendent Determination option.

³ Check NA if a superintendent review was not needed in the subject area.

⁴ If CDOS is used to meet ELA and/or mathematics eligibility condition the superintendent must conduct a review of the subject area(s).

⁵ A student who is awarded the CDOS Commencement Credential through the exception to Option 1 for purposes of the Superintendent Determination option, such credential may not be used to meet the requirements for the CDOS pathway to a local or Regents diploma.

⁶ A student who is awarded the CDOS Commencement Credential through the exception to Option 1 for purposes of the Superintendent Determination option, such credential may not be used to meet the requirements for the CDOS pathway to a local or Regents diploma.

**PARENT REQUEST FOR SUPERINTENDENT DETERMINATION OF
GRADUATION WITH A LOCAL DIPLOMA
MODEL FORM¹**

Student's name:	School District/Charter School/Registered Nonpublic High School:
Student's Date of Birth:	Name of High School Student Attends:
Name of Parent or Legal Guardian:	Address:
Daytime Telephone Number:	Email Address:

Dear _____:
Principal, Committee on Special Education Chairperson or Superintendent

This letter is to formally request that my child _____ (student's name) be considered for the superintendent determination option and that his/her academic records be reviewed to determine if he/she meets the conditions for the superintendent determination and has otherwise met the standards for graduation with a local diploma.

Sincerely,

Parent Signature

Date

Parent's Name (print)

¹This is a model form that can be used for the purpose of requesting the Superintendent Determination; however, a written request in any form is acceptable for the purpose of submitting such request.

Attachment B.

Board of Regents Expands Safety Net Option for Students with Disabilities to Earn a CDOS Commencement Credential via a Superintendent Determination. If adopted during the March 2018 meeting, the proposed amendment will be effective as a permanent rule on March 28, 2018

To be eligible for the superintendent determination option, a student with a disability must meet certain conditions that are defined in State regulations. Prior to the adoption of today's amendments, the regulations required students to earn a minimum score of 55 on both the English language arts (ELA) and mathematics Regents examinations (or successfully appeal a score between 52 and 54) to be considered for a superintendent determination.

The amended regulations now permit students who have passed their ELA and mathematics Regents-level courses, but are unable to earn a minimum score of 55 on the ELA and mathematics Regents examinations (or successfully appeal a score between 52 and 54) to seek a superintendent determination by completing the requirements of the NYS Career Development and Occupational Studies (CDOS) Commencement Credential.

For students with disabilities who use the CDOS Commencement Credential to meet this eligibility condition, the superintendent must conduct a review to determine whether the student has otherwise demonstrated proficiency in the knowledge, skills and abilities in ELA and mathematics, as well as any other subject areas in which the student was not able to demonstrate his or her proficiency of the State's learning standards as measured by the corresponding Regents examination required for graduation.

Some students may not have had the opportunity to work toward earning the CDOS Commencement Credential and would be unable to use the credential to meet this eligibility condition for the superintendent determination option. Therefore, the new rule provides discretion to school principals, in consultation with relevant faculty, to award a CDOS Commencement Credential to certain students with disabilities who are otherwise eligible to graduate in either the 2017-2018 or 2018-2019 school year, if such students have otherwise demonstrated the knowledge and skills related to the CDOS learning standards sufficient for entry-level employment.

The principal must have evidence that the student has successfully completed relevant instructional and work-based learning activities during the student's secondary school years that demonstrates the student has readiness skills for entry-level employment. Students who are awarded the CDOS Commencement Credential for purposes of eligibility for the superintendent determination option **may not use** such credential to meet the requirements for the career development and occupational studies graduation pathway to a **Local or Regents diploma**.

The Board adopted the regulation change as an emergency measure at the December meeting of the Board of Regents and it is effective on Dec. 12. A Notice of Proposed Rule Making will be published in the State Register on Dec. 27. Public comments on the proposed changes will be accepted through Feb. 12, 2018 and can be submitted by email to REGCOMMENTS@nysed.gov (link sends e-mail).

Following the 45-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at the March 2018 meeting. If adopted during the March 2018 meeting, the proposed amendment will be effective as a permanent rule on March 28, 2018

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

5. Teacher or Department chairperson in the subject of the Regents examination under appeal who recommended the appeal for the student:

Name

Title/Position

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 was recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination under appeal.

_____ 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

Only this two page form should be returned to the State Education Department
at the end of the school year in which one or more appeals are granted.

Return to:
New York State Education Department
Office of Information and Reporting Services
865 EBA
89 Washington Avenue
Albany, NY 12234

School Name: _____

School BEDS Code: _____

Person Completing This Form (Contact Person): _____

Telephone: () _____
 (Area Code) (Phone Number)

Date Form Completed: _____

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
<i>Most common:</i>		
Comprehensive English - score between 60 and 64		
Comprehensive English - score between 55 and 59 for eligible English language learners only		
Comprehensive English - score between 52 and 54 for students with disabilities only		
English Language Arts (Common Core) - score between 60 and 64		
English Language Arts (Common Core) - score between 55 and 59 for Eligible English language learners only		
English Language Arts (Common Core) - score between 52 and 54 for students with disabilities only		
Integrated Algebra - score between 60 and 64		
Integrated Algebra - score between 52 and 54 for students with disabilities only		
Algebra I (Common Core) - score between 60 and 64		
Algebra I (Common Core) - 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		

Title of Regents Examination	Number of Appeals Sought	Number of Appeals Granted
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		
<i>Also possible:</i>		
Geometry - score between 60 and 64		
Geometry - score between 52 and 54 for students with disabilities only		
Geometry (Common Core) - score between 60 and 64		
Geometry (Common Core) - score between 52 and 54 for students with disabilities only		
Algebra 2/Trigonometry - score between 60 and 64		
Algebra 2/Trigonometry - score between 52 and 54 for students with disabilities only		
Algebra II (Common Core) - score between 60 and 64		
Algebra II (Common Core) - 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 School Superintendent (print)

Signature

Date: _____



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

Updated February 2017

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;
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); and
5. Be recommended for an exemption to the graduation requirement by the student's teacher or Department chairperson in the subject of the Regents examination under appeal.

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 exam 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;
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;
6. Be recommended for an exemption to the graduation requirement by the student's teacher or department chairperson in English language arts.

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 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. **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. Appeals must also be reported to SED using the attached *Appeal to Graduate with a Lower Score on a Regents Examination Summary Form*.

At the conclusion of each school year, please forward the attached **Summary Form only** to the following:

New York State Education Department
Office of Information and Reporting Services
865 EBA
89 Washington Avenue
Albany, NY 12234

(Do **NOT** forward any confidential student information with the submission.)

Questions related to the appeals process should be directed to the New York State Education Department's Office of Curriculum and Instruction by e-mail at: emscurric@nysed.gov or phone at 518-474-5922.