



POUGHKEEPSIE CITY SCHOOL DISTRICT

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TO: Todd Aldinger, Esq., Special Counsel

FROM: Tracy Farrell 
Assistant Superintendent for Curriculum, Instruction, and Grants Management

DATE: November 28, 2017

SUBJECT: Procedure followed for filing an appeal to graduation with a lower score on a Regents Examination

Please see the attached documentation as to the protocol NYS Education Department has in place, updated as of April 2017, providing provisions to allow for an appeal to graduating with a lower score on a Regents Examination.

Per our discussion, I noted that upon entering the district in 2015 it was presented to me by the clerical staff, per the superintendent, that I was to sign off on the appeals submitted by the high school. I was presented with multiple appeals and each time asked to sign off when the appeals were verified. To my knowledge, and in accordance with the documentation attached by NYSED, I was to verify each appeal and sign off that they were approvable. It was my expectation, according to the attached by NYSED, the Superintendent would then review and sign off on each appeal as required. As the Superintendent requires that multiple signatures on documents submitted to the NYSED are collected, this was not surprising to me.

The process that was followed in approving the appeals in question, to my knowledge, was: the committee formed at the high school would review the documentation of the appeal, the principal would verify, and send to the district office. My office would then review the appeal application and request additional information when necessary. In most cases, additional information was required and requested by the high school to provide. Once that information was submitted and reviewed, I signed verifying that the appeal was in order and ready for the Superintendent to review and sign. If the process were successful, my staff would scan in the documents and send to the Superintendent for review. Being that I thought my work was completed, I did not follow up with the Superintendent to verify if she received and/or finalized the review of said appeals. Per our discussion, it should be noted that the high school submitted appeals up through a few hours before graduation imposing the need to collect supporting documentation within a few hours before graduation.

It should be noted that NYSED indicates on the attached that "all appeal documentation must be maintain 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." This information is not submitted by my office to the NYSED. I am not aware of, nor copied on, any correspondence to NYSED that any appeal summary form was submitted at any time to NYSED.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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 at: <http://www.p12.nysed.gov/ciai/gradreq/CurrentAppealForm.pdf>

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



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.

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: _____
