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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.

- 9 The student must have taken the Regents Exam during the June 2022, August 2022, January 2023, June 2023 or August 2023 test administration periods.
- 9 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.
- 9 The student has attained a course average in the course that meets or exceeds the UHTXLUHG SDVVLQJ JUDGHL VJH WRUHG M GK R ROWDQIG V W X G 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 theor m na

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

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