

SAFETY NET OPTIONS AVAILABLE TO STUDENTS WITH DISABILITIES TO GRADUATE WITH A LOCAL DIPLOMA (FEBRUARY 2024)

Safety Net Option	Available to	Requirements	Diploma Type
55-64 Low Pass Safety Net Option	<ul style="list-style-type: none"> • Students with disabilities with a current individualized education program (IEP) • Students with a Section 504 accommodation plan, if documented on the plan • Students declassified from special education while in grades 8-12, if recommended and documented by the committee on special education (CSE) 	<p>The Low Pass Safety Net Option allows a student with a disability to meet the testing requirements for a local diploma by achieving a score between 55 and 64 on one or more of the required Regents examinations (i.e., English language arts (ELA), mathematics, science, social studies (i.e., United States history and government and/or global history and geography)).</p> <ul style="list-style-type: none"> • Non-Regents examinations (e.g., State Education Department (NYSED)-approved alternative assessments) are not subject to the Low Pass Rate Safety Net Option. • A student with a disability who makes use of the Low Pass Safety Net Option may also use the Compensatory Safety Net Option to meet graduation requirements for a local diploma. 	Local Diploma
55-64 Low Pass Safety Net Option with Appeal	<ul style="list-style-type: none"> • Students with disabilities with a current IEP • Students with a Section 504 accommodation plan, if documented on the plan • Students declassified while in grades 8-12, if recommended and documented by the CSE 	<p>The Low Pass Safety Net Option with Appeal allows a student with a disability who has taken and passed a course in preparation to take a Regents examination, has a 65-course average, and scores between 52-54 on up to two Regents examinations¹, to appeal to graduate with a local diploma using this lower score. An 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. Through this appeal, the student seeks a waiver of the graduation assessment requirement in the subject area under appeal. Approval of the appeal will not change the student’s score on the Regents examination under appeal.</p> <ul style="list-style-type: none"> • To be eligible to appeal a score of 52-54, a student with a disability must meet all other conditions of appeal as follows: <ol style="list-style-type: none"> 1. Have taken the Regents examination under appeal at least two times; 	Local Diploma

¹ All students, including students with disabilities, who score between 60-64 on up to two Regents examinations may appeal to graduate with a local or Regents diploma using this lower score. Students who are granted one appeal of a score between 60-64 from their local school district earn a Regents diploma. Students who are granted two appeals of a score between 60-64 earn a local diploma. For additional information about the appeal process, visit the [Appeals, Safety Nets, and Superintendent Determination](#) web page.

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Safety Net Option	Available to	Requirements	Diploma Type
55-64 Low Pass Safety Net Option with Appeal (cont.)	<ul style="list-style-type: none"> • Students with disabilities with a current IEP • Students with a Section 504 accommodation plan, if documented on the plan • Students declassified while in grades 8-12, if recommended and documented by the CSE 	<ol style="list-style-type: none"> 2. Have at least one score on the Regents examination under appeal within the 52-54 score band; 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 that meets or exceeds the required passing grade by the school (as evidenced in the official transcript that records grades achieved by the student); 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. <ul style="list-style-type: none"> • The decision to grant or deny an appeal is made at the district level and is <u>not</u> subject to State Education Department approval. • Non-Regents examinations are not subject to the appeals process. • A student with a disability who makes use of the Low Pass Safety Net Option with Appeal may also use the Compensatory Safety Net Option to meet graduation requirements for a local diploma. <p>Resources:</p> <p>Additional information on the appeal process, including the low pass safety net option with appeal for students with disabilities may be found on the Appeals, Safety Nets, and Superintendent Determination web page. Questions related to the appeals process should be directed to the New York State Education Department’s Office of Standards and Instruction by e-mail at: emscgradreq@nysed.gov or phone at 518-474-5922.</p>	Local Diploma

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Safety Net Option	Available to	Requirements	Diploma Type
<p>Compensatory Safety Net Option</p>	<ul style="list-style-type: none"> • Students with disabilities with a current IEP • Students with a Section 504 accommodation plan, if documented on the plan • Students declassified while in grades 8-12, if recommended and documented by the CSE 	<p>The Compensatory Safety Net Option allows a student with a disability who scores between 45-54 on one or more of the required Regents examinations (except for ELA or mathematics) to compensate the low score with a score of 65 or higher on another required Regents examination to graduate with a local diploma.</p> <ul style="list-style-type: none"> • To be eligible for the Compensatory Safety Net Option, a student with a disability must meet all conditions as follows: <ol style="list-style-type: none"> 1. Obtain a score of at least 55 (or an approved appeal of 52-54) on both the ELA and Mathematics Regents examinations.² 2. Obtain a passing grade that meets or exceeds the required passing grade by the school for the course in the subject area of the Regents examination in which they received a score of 45-54. 3. Have a satisfactory attendance rate, in accordance with the district’s or school’s attendance policy, for the school year during which the student took the examination in which they received a score of 45-54, exclusive of excused absences. • A score of 65 or higher on a single examination may not be used to compensate for more than one examination for which a score of 45-54 is earned. • A student with a disability who makes use of the Compensatory Safety Net Option may also use the Low Pass Appeal Option (i.e., appeal scores of 52-54) to meet graduation requirements for a local diploma. <p>Resources:</p> <p>Additional information on the Compensatory Safety Net Option is available on the Appeals, Safety Nets, and Superintendent Determination web page and in the Grad Requirements FAQ.</p>	<p>Local Diploma</p>

² Flexibilities due to COVID ([exemptions](#) and/or [special appeals](#)) also satisfy this condition.

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Safety Net Option	Available to	Requirements	Diploma Type
Superintendent Determination Option	Students with disabilities with a current IEP (Does NOT INCLUDE students with a Section 504 accommodation plan or declassified students)	<p>The Superintendent Determination Option allows a superintendent (or the principal/head of school of a registered nonpublic school or charter school, as applicable) to make a local determination that a student with a disability has otherwise met the standards for graduation with a local high school diploma when such student has not been successful, because of their disability, at demonstrating their proficiency on one or more of the Regents examinations required for graduation. The superintendent may <u>only</u> consider an eligible student for a local diploma through the Superintendent Determination Option upon receipt of a written request from the student's parent or guardian to the student's school principal or CSE chairperson.</p> <ul style="list-style-type: none"> • To be eligible for the Superintendent Determination Option, a student with a disability must meet all conditions as follows: <ol style="list-style-type: none"> 1. The parent/guardian submitted a written request that their child be considered for a superintendent determination; 2. The student has a current IEP and is receiving special education programs and/or related services; 3. The student did not meet the graduation requirements through the existing appeal options, the low pass (55-64) safety net option and/or the compensatory option; 4. 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 (ELA, mathematics, social studies, and science); 5. The student: <ul style="list-style-type: none"> ○ earned a minimum score of 55 on the ELA and Mathematics Regents examinations³; 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 has completed the 	Local Diploma

³ [Exemptions](#) from the ELA and/or Mathematics Regents examinations also satisfy this condition.

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Safety Net Option	Available to	Requirements	Diploma Type
Superintendent Determination Option (cont.)	Students with disabilities with a current IEP (Does NOT INCLUDE students with a Section 504 accommodation plan or declassified students)	<p style="text-align: center;">requirements for the New York State Career Development and Occupational Studies Commencement Credential.</p> <ol style="list-style-type: none"> 6. The student has participated in all Regents examinations required for graduation but has not passed one or more of these examinations; and 7. The student has otherwise demonstrate competency in the subject area(s) where the student was not able to demonstrate their proficiency of the State’s learning standards through the Regents examination. <ul style="list-style-type: none"> • In making the determination, the superintendent, in consultation with the principal, must review, document, and provide a written certification/assurance that there is evidence that the student has otherwise met the standards for graduation with a local high school diploma. • The student and the parent of the student must receive written notice of the determination with a copy of the completed Superintendent Determination of Graduation with a Local Diploma (Updated June 2023) form: <ul style="list-style-type: none"> ➤ Where the superintendent determines that the student has met the requirements for graduation, the district must provide prior written notice that the student is not eligible to receive a free appropriate public education after graduation with a local diploma. ➤ Where the superintendent determines that the student has not met the requirements for graduation, the written notice shall inform the student and their parent that the student 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. <p>Resources:</p> <p>Additional information regarding the superintendent determination option, including a sample parent request and the superintendent determination form, are available on the Appeals, Safety Nets, and Superintendent Determination web page. Also reference the “Superintendent Determination for Eligible Students with Disabilities” section of the Grad Requirements FAQ.</p>	Local Diploma