

English Language Learner Safety Net for Regents ELA Exam



Fact Sheet No: 17-06 (Replaces Fact Sheet No. 15-03)

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The Board of Regents has established a Safety Net for English language learners (ELLs) who are unable to attain a passing score of 65 on the Regents examination in English Language Arts (ELA). Section 100.5(d)(7)(i)(b) of the Regulations of the Commissioner of Education was amended to provide an appeal process for ELLs who enter the United States in 9th grade or above on or after September 2010. If they score between 55-59 on the ELA Regents examination (after two attempts at attaining a passing score of 65), they may appeal their score, according to the procedures established in regulation. An ELL who successfully appeals the ELA Regents examination score will be eligible for a local diploma. This specific ELL Safety Net is in addition to the established Regents examination appeal process that is available to all students in New York State. The intent of this amendment is to create another pathway to graduation for qualified ELL students whose only roadblock to graduation is their score on the ELA Regents examination.

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Background

Many English language learners who first enter school in the United States in high school are not graduating in four years. The Safety Net for the ELA Regents examination will enable eligible ELLs who begin their formal schooling in grade 9, 10, 11 or 12 to earn a local diploma through the appeal process.

Eligibility

In order to access the Safety Net, a student must:

- Be a first entrant in United States (or District of Columbia) schools in grade 9, 10, 11 or 12; AND
- Be identified as an English language learner; AND
- Be unable to attain a score of 65 or above on the Regents ELA examination after at least two attempts; AND
- Score between 55-59 on the Regents ELA examination; AND
- Provide evidence that s/he received academic intervention services by the school in ELA; AND
- Attain a course average in English language arts 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; AND
- Be recommended for an exemption to the passing score on the ELA Regents examination by his/her teacher or department chairperson in English language arts.

In addition to the ELA Regents examination Safety Net, ELLs can also access the established appeal process available to all students scoring 60-64 on required Regents examinations for graduation.

This process allows students to appeal no more than two of the five required Regents examinations for graduation, however an ELL who uses the ELA Safety Net can only appeal one additional Regents examination score.

Appeal Procedure

Appeals by ELLs under the Safety Net will be reviewed by the district's standing committee that reviews all other Regents examination score appeals. The decision to grant or deny an appeal is made at the district level and is not subject to New York State Education Department (NYSED) approval. An appeal may be initiated by the student, the student's parent or guardian, or by the student's teacher and must be submitted to the student's school principal.

The standing committee will be comprised of the school principal as chair, three teachers (not including the teacher of the student making the appeal), and one additional administrator. The committee will review an appeal within ten school days of its receipt and make a recommendation to the school superintendent, or Chancellor of the City School District of the City of New York (or his/her designee), to accept or deny the appeal. The standing committee may interview the teacher or department chairperson who recommended the appeal as well as the student making the appeal to determine if the student has demonstrated the knowledge and skills required under the state learning standards in the subject area in question.

The school superintendent, or Chancellor of the City School District of the City of New York (or his/her designee), shall make a final determination to accept or deny the appeal. The school superintendent or Chancellor (or his/her designee) may interview the teacher or department chairperson who recommended the appeal as well as the student making the appeal to determine if the student has demonstrated the knowledge and skills required under the state learning standards in the subject area in question.

All records relating to appeals must be maintained by the school and available for inspection by NYSED. Appeals must also be reported to NYSED at the conclusion of each school year.

Resources

The Regional Bilingual Education-Resource Networks (RBE-RN) provide professional development and technical assistance to educators in New York State and are funded through grants from NYSED's Office of Bilingual Education and World Languages (OBEWL). RBE-RNs provide regionally-based resources to districts/school to improve instructional practices and educational outcomes for ELLs. More information about RBE-RNs and a current directory is on the NYSED website: <http://www.nysed.gov/bilingual-ed/schools/regional-supportrbns>

❑ **Bilingual Special Education Specialists at the Regional Special Education Technical Assistance Support Centers (RSE-TASC)** provide professional development and technical assistance to all school districts serving ELLs with disabilities and/or suspected of having a disability. <http://www.p12.nysed.gov/specialed/techassist/rsetasc/home.html>