




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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November 5, 2020

**TO:** District Superintendents  
Superintendents of Schools  
Principals of Public, Religious, and Independent Schools  
Leaders of Charter Schools

**FROM:** Betty A. Rosa, Interim Commissioner 

**SUBJECT:** Cancellation of the January 2021 Administration of the New York State (NYS) High School Regents Examination Program in Response to the Ongoing Impact of the COVID-19 Pandemic

The purpose of this memorandum is to inform you that the New York State Education Department (NYSED or "the Department") is cancelling the January 2021 administration of the NYS High School Regents Examination Program in response to the ongoing impact of the COVID-19 pandemic. This cancellation applies to all Regents Examinations that had been scheduled for the January 2021 Regents Examination period. This memorandum also provides information on the adjustments that I will ask the Board of Regents to adopt as emergency regulations with respect to the assessment requirements that students must ordinarily meet in order to earn diplomas, credentials, and endorsements so that the cancellation of these exams will not adversely impact students.

In a September 30, 2020 letter, Vice Chancellor Brown wrote:

"The members of the Board of Regents acknowledge the uncertainty that abounds this school year. I can assure you that the Interim Commissioner and the Department are closely monitoring the situation throughout the State."

As this school year has progressed and the dates for the administration of the January 2021 Regents Examinations have grown nearer, there remains much uncertainty as to when all secondary-level students in schools all across the State will return to fully in-person instruction. Consequently, we are cancelling the January 2021 Regents Examinations administration as we cannot be certain that these examinations can be administered in a fair, equitable and safe manner for all secondary-level students and teachers across the State at that time.

The Department has not yet made decisions about the June and August 2021 administrations of Regents Examinations or any of the other State assessment programs. The Board of Regents and the State Education Department will continue to monitor data related to modes of instruction amid the ongoing pandemic. When it is time to decide about these Regents Examination and other State examination administration periods, those decisions will be fully informed by all available and relevant public health and educational data. And as always, we will put the health and safety of students and teachers first.

## **Modifications to Diploma Requirements for Students Impacted by the Cancellation of January 2021 Regents Examinations**

Because of the cancellation of the January 2021 Regents Examinations, the Department is making modifications to the assessment requirements that students must meet in order to earn high school diplomas, credentials, and endorsements. These modifications apply to all students who are completing a secondary-level course of study or make-up program in January and are scheduled to participate in one or more of the January 2021 Regents Examinations.

### **Regents Examination Exemptions**

Subject to adoption of emergency regulations by the Board of Regents, students who are planning to take one or more Regents Examinations during the January 2021 examination period at the conclusion of a course of study or make up program shall be exempted from the requirements pertaining to passing such Regents Examination in order to be issued a diploma. To qualify for the exemption, the student must meet one of the following requirements:

- Be currently enrolled in a course of study that would ordinarily culminate in the taking of a January 2021 Regents Examination and earn credit for such course of study by the end of the first semester of the 2020-21 school year; or
- Between September 1, 2020 and the end of the first semester of the 2020-21 school year, successfully complete a make-up program for the purpose of earning course credit; or
- Be preparing to take a required Regents Examination in order to graduate at the end of the first semester of the 2020-21 school year.

### **Use of Safety Nets**

All current safety net options remain in effect for all students and must be considered in the determination of which diploma type can be awarded. To determine whether general education students, English language learners, and students with disabilities are eligible to earn either a Regents or local diploma, districts and charter schools should consider an exempted examination to be a score of 65. However, students with a disability eligible for the compensatory safety net may not use exemptions on tests to compensate for lower test scores.

Any student including a student with a disability who does not earn a Regents or local diploma continues to be eligible for a free appropriate public education until the end of the school year in which the student turns age 21, or until the receipt of a Regents or local high school diploma.

### **Mastery, Honors, Technical Endorsements**

Examinations from which students have been given an exemption as a result of the COVID-19 related cancellation of the January 2021 Regents Examinations shall be excluded from any calculation used for determining eligibility for an Honors or Mastery endorsement on a diploma. In the case of Honors endorsements to either a Regents Diploma or a Regents with Advanced Designation Diploma, if a student achieves a calculated average of 90 or above (without rounding) of all examinations taken applicable to their diploma type, they will attain the honors endorsement on such diploma. Any examination exempted as a result of COVID-19 related cancellation of the January 2021 examinations shall not be included in such calculation.

In the case of a mastery in mathematics and/or science endorsement, the student must achieve an 85 or above on at least two Regents Examinations in mathematics and/or science, in addition to being granted a Regents Examination exemption for a third Regents Examination in math and/or science.

### **Recording Student Scores for the January 2021 COVID-19 Exemptions**

Student transcripts should reflect the examination name and a score of "E" for exempt for those students meeting the eligibility requirements for such exemption outlined above. Schools must report a Standard Achieved Code of "86" with the course of study in which the student earned credit. No other Standard Achieved Code may be used to report these exemptions.

Any questions about the exemptions from examination requirements or the effect of such exemptions on student qualification for a diploma should be directed to [emscgradreq@nysed.gov](mailto:emscgradreq@nysed.gov).

The Department is grateful to the dedicated educators, school staff, community members, and parents who are working so diligently to ensure that students are safe and well. Please continue to monitor NYSED's [COVID-19 Information site](#) for additional guidance as it becomes available.

## Frequently Asked Questions Related to the Cancellation of the January 2021 New York State (NYS) High School Regents Examinations

- Eligibility
- Students with Disabilities / Multilingual (English Language) Learners
- Endorsements
- Recording / Reporting Exemptions

### *Eligibility*

#### **1. Are all students intending to take a January 2021 Regents Examination exempted from the associated diploma requirement?**

In order to qualify for an exemption from a January 2021 Regents Examination, a student must meet one of the three following requirements:

- Be currently enrolled in a course of study that would ordinarily culminate in the taking of a January 2021 Regents Examination and earn credit for such course of study by the end of the first semester of the 2020-21 school year; or
- Between September 1, 2020 and the end of the first semester of the 2020-21 school year, successfully complete a make-up program for the purpose of earning course credit; or
- Be preparing to take a required Regents Examination in order to graduate at the end of the first semester of the 2020-21 school year.

Students granted an exemption from any examination are not required to pass such specific Regents Examination to meet the assessment requirements for any diploma type (local, Regents, or Regents diploma with advanced designation).

#### **2. What must a student do to earn a credit in a course of study that typically culminates in a Regents Examination?**

In order to earn a unit of credit, a student must master the learning outcomes of the locally developed course of study. The learning outcomes must be aligned to the full complement of NYS Learning standards for the course.

#### **3. In order for a student to be exempted from a January 2021 Regents Examination, must the student have earned credit in the course?**

Yes. In order to qualify for an exemption from a January 2021 Regents Examination, students must have earned credit in the associated course by the end of the first semester of the 2020-21 school year.

Note: If credit was awarded prior to the first semester of the 2020-21 school year, only students preparing to take a Regents Examination **in order to graduate at the end of the first semester of the 2020-21 school year** qualify for an exemption from a January 2021 Regents Examination.

4. **Typically, our Grade 11 students take the Regents Examination in English Language Arts in January. If this is our standard practice, would our students qualify for an exemption from the January 2021 Regents Examination in English Language Arts?**

In order to qualify for an exemption from the January 2021 Regents Examination in English Language Arts, the student must earn credit for the course of study by the end of the first semester of the 2020-21 school year. If the course of study, typically the third full NYS or sixth NYC credit in English Language Arts, continues through the end of the second semester of the 2020-21 school year, students would not qualify for an exemption from the Regents Examination requirement for English Language Arts.

5. **If a student did not qualify for a Regents Examination exemption in June or August 2020 because they were unable to earn credit in the course, are they now eligible for an exemption from the January 2021 Regents Examination?**

As long as the student completes a make-up program to earn course credit by the end of the first semester of the 2020-21 school year, the student would qualify for a January 2021 Regents Examination exemption.

6. **Is a transfer student who earned transfer credit for a course that would typically culminate in a Regents Examination and intended to take the associated Regents Examination in January eligible for the exemption?**

Such student would be eligible only if the student is preparing to take the associated Regents Examination in order to graduate at the end of the first semester of the 2020-21 school year.

7. **Is a student who passed a Regents Examination with a score of 65 or higher prior to January 2021 and intended to retake the Regents in January 2021 to earn a higher score to qualify for an endorsement, eligible for a Regents Examination exemption?**

No. Any student who passed a Regents Examination with a score of 65 or higher prior to January 2021 is not eligible for the exemption.

8. **Can a student earn credit by examination if the student intended to take the associated Regents Examination in January 2021 and the student successfully completes an oral examination or special project?**

No. Students cannot earn credit by examination when Regents Examinations are cancelled due to the COVID-19 Pandemic.

*Students with Disabilities / Multilingual (English Language) Learners*

9. **If a student with a disability or a Multilingual (English Language) Learner has access to safety nets or appeals leading to a local diploma, should schools consider exempted exams to represent a score of 55 or 65?**

All waived exams for all students should be considered scores of 65 for the purposes of making diploma type determinations, except for purposes of the compensatory safety net. No numeric score shall be reported on the student's transcript. Reference question 10 for additional information on the compensatory safety net and question 14 for information on reporting exemptions.

- 10. Students with a disability have access to the compensatory safety net option where a score of 65 or above on one Regents Examination can compensate for a score of 45-54 on another Regents Examination (science, social studies, or pathway only). Can an exempted Regents Examination be used to compensate a Regents Examination score of 45-54?**

No, students with a disability eligible for the compensatory safety net may not use Regents Examination exemptions to compensate for scores of 45-54.

### *Endorsements*

- 11. Can a student earn the mastery endorsement(s) in mathematics and/or science if the student is granted an exemption from a Regents Examination in mathematics and/or science?**

Yes. A student can earn the mastery endorsement(s) in mathematics and/or science if the student achieves an 85 or above on at least two Regents Examinations in mathematics and/or science, in addition to being granted a Regents Examination exemption for a third Regents Examination in math and/or science.

- 12. Can a student earn the honors endorsement if the student is granted a Regents Examination exemption?**

Yes. So long as a student achieves a calculated average of 90 or above (without rounding) on all Regents Examinations taken applicable to their diploma type, the student will attain the honors endorsement on such diploma. Any examination exempted as a result of COVID-19 related cancellation of the Regents Examinations shall not be included in such calculation.

- 13. Students cannot earn the honors endorsement if they use more than two Department-approved alternatives. Are exempted exams included in the number of “Department-approved alternatives”?**

No. Exempted exams are simply removed from the calculation for the honors endorsement. Students may still use a maximum of two Department-approved alternatives to qualify for the honors endorsement.

### *Recording / Reporting Exemptions*

- 14. How should schools record exemptions from Regents Examinations?**

Student transcripts should reflect the examination name and a score of “E” for exempt for those students meeting the eligibility requirements for such exemption outlined above. Schools must report a Standard Achieved Code of “86” with the course of study in which the student earned credit. No other Standard Achieved Code may be used to report these exemptions.

Any questions about the exemptions from examination requirements or the effect of such exemptions on student qualification for a diploma should be directed to [emscgradreq@nysed.gov](mailto:emscgradreq@nysed.gov).

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