



Beyond COVID-19 School Closures: Questions for Families

Is the school mask mandate still in effect?

No. NY Governor Hochul recently announced that as of March 2, 2022, individual school districts can decide whether to lift the mask requirement. Individual students and staff members still have the option to wear masks. School districts and private schools can still require face coverings if they want to do so. The governor made the announcement after the CDC declared that, under its new guidelines, Long Island is now a “green zone” where mandatory masking is no longer needed in schools or indoor public places.

Schools that require people to wear a mask should consider the possibility of reasonable accommodation* for individuals who are not fully vaccinated and/or who are unable to wear or have difficulty wearing certain types of masks because of a disability. (*According to the U.S. Dept. of Education, reasonable accommodations in the education system may refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context.)

What about remote learning?

So long as allowed by public health officials, schools should be open for in-person teaching and learning, and students should be in school.

- In case of school closures due to a declared public health emergency, schools must be prepared to provide remote instruction.
- While the Department of Education will not require schools that are open for full-time, in-person instruction to provide online or remote instruction, districts may work with students and families to offer remote options if it is deemed to be responsive to a student’s needs.
- Where a student has a documented medical condition and is prohibited from in-person learning, remote instruction may be sought.

What if my family doesn’t have access to the technology we need for remote learning?

School districts must determine home access to an appropriate device and reliable high-speed internet. They should work with families to provide devices and internet access as needed and provide students with multiple ways to participate in learning.

Have the Regents and other examinations changed? Recent Cancellation of Regents

In addition to the Regents exams that were canceled early on in the pandemic, the January 2022 administration of the High School Regents Examination Program was canceled, due to the ongoing COVID-19 concerns. This cancellation applied to all Regents Examinations that had been scheduled for the January 2022 Regents examination period. (continued on next page...)

NYSED - New York State Education Department
CDOS - Committee on Special Education
GED - Individualized Education Program
HSE - Due Process Complaint



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Have the Regents and other examinations changed? Recent Cancellation of Regents (cont...)

In addition to the Regents exams that were canceled early on in the pandemic, the January 2022 administration of the High School Regents Examination Program was canceled, due to the ongoing COVID-19 concerns. This cancellation applied to all Regents Examinations that had been scheduled for the January 2022 Regents examination period.

The June 2022 History Regents was also canceled, for reasons unrelated to COVID-19, as announced in a letter by the Commissioner of Education¹. It was determined that the exam had the potential to compound student trauma caused by the mass shooting in Buffalo.

¹ <http://www.nysed.gov/common/nysed/files/programs/state-assessment/cancellation-us-framework-regents-june-2022.pdf>

Students were qualified for an exemption from Regents given during the January 2022 examination period if the student:

- Had been enrolled in a course of study that would ordinarily culminate in the taking of a January 2022 Regents Examination and earned credit for such course of study by the end of the first semester of the 2021-22 school year; or
- Between September 1, 2021 and the end of the first semester of the 2021-22 school year, had successfully completed a make-up program for the purpose of earning course credit; or
- Had been preparing to take a required Regents Examination in order to graduate at the end of the first semester of the 2021-22 school year.

As an example, some students did not qualify for a Regents Examination exemption in June or August 2021 because they were unable to earn credit in the course. These students were eligible for an exemption from the January 2022 Regents Examination as long as the student completed a make-up program to earn course credit by the end of the first semester of the 2021-2022 school year.

Typically, Grade 11 students take the Regents Examination in English Language Arts in January. In order to qualify for an exemption from the January 2022 Regents Examination in English Language Arts, the student must have earned credit for the course of study by the end of the first semester of the 2021-22 school year. If the course of study continued through the end of the second semester of the 2021-22 school year, students would not qualify for an exemption from the Regents Examination requirement for English Language Arts.

Graduation

On January 10, 2022, the Board of Regents approved emergency regulations allowing qualified students to graduate in January 2022 without the Regents exams that were scheduled to take place that month.

NYSED developed additional guidance in the form of an FAQ to address topics such as **safety net options, mastery, honors, and technical endorsements** (see below for more information) so that schools were able to determine which diplomas to grant to their graduates. **[Frequently Asked Questions Related to the Cancellation of the January 2022 Regents Examinations \(nysed.gov\)](#)**²

Technical Endorsements may be awarded to students who complete the requirements for any diploma type (local, Regents, or Regents with advanced designation) and complete a NYSED-Approved Career and Technical Education (CTE) program the associated technical assessments. (continued on next page...)



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Graduation (cont...)

A school district may award an Advanced Regents diploma with **honors** to a student who achieves an average score of 90 on all Regents Examinations required for advanced designation. A student may earn the **Mastery** in Mathematics and/or Science endorsements based off of their Regents exam scores.

Students with disabilities have three **safety net** options available to support acquisition of the local diploma. These options include: Compensatory Safety Net, Low Pass Safety Net, and Low Pass Safety Net with Appeal.

For more information, please visit the NYSED website: <http://www.nysed.gov/>

² <http://www.nysed.gov/common/nysed/files/programs/coronavirus/faq:january-2022-exemptions.pdf>

Declination: Can the parent/guardian of students who were eligible to graduate in the 2021-22 school year and beyond as a result of having met an assessment requirement through an exemption, at any time, decline such exemption?

Yes. Parents could have declined the Regents exemption so that their child was not awarded a diploma in January, 2022³. In addition, the exemption declination was extended to permit parents and persons in parental relation to decline the exemption to the graduation assessment requirement(s) for **any year** that their child has been exempted prior to such child's graduation. "Schools must notify parents . . . of the option to decline such exemption . . . prior to the conclusion of the semester in which students are due to receive their high school diploma (10 days prior for those graduating after the first semester of the 2021-2022 school year and 30 days prior to the second semester of the 2021-2022 school year and thereafter)."

If the parent or guardian explicitly declines the exemption of a Regents Examination, a January 2022 NYSED Approved Alternative examination, a Pathway examination or an exemption to the unfinished Career Development and Occupational Studies ("CDOS") Commencement Credential requirements applied to his/her child as a result of COVID, a diploma/credential will not be conferred on such student until such student meets the applicable requirements. A Pathway refers to the numerous ways in which a student may be eligible to receive their diploma, including through a Career Development or Occupational Studies Pathway.

³ For more information, please visit NYSED's Frequently Asked Questions Related to the Cancellation of the January 2022 Regents Examinations (nysed.gov): <http://www.nysed.gov/common/nysed/files/programs/coronavirus/faq:january-2022-exemptions.pdf> and/or the text of the emergency regulation: <https://www.regents.nysed.gov/common/regents/files/122p12a2.pdf>

Is a student who passed a Regents Examination with a score of 65 or higher prior to January 2022 and intended to retake the Regents in January 2022 to earn a higher score eligible for a Regents Examination exemption?

No. Any student who passed a Regents Examination with a score of 65 or higher prior to January 2022 is not eligible for the exemption.



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Can a student make a “special appeal” to graduate with a lower score on a Regents Examination?

At its May, 2022 meeting, the Board of Regents approved a temporary expansion of the existing process to appeal to graduate with a lower score on a Regents Examination. This temporary expansion was allowed, due to the widely varied teaching and learning conditions caused by the continued impact of the pandemic, and allows **any student** to utilize this “special appeal” to earn a diploma with a lower score on a Regents Exam, under the following conditions: 1) The student must have taken the Regents Exam during the June 2022, August 2022, January 2023, June 2023 or August 2023 administration periods; 2) 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; and 3) The student has attained a course average in the course 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. Under this special appeal, a student need only take the examination under appeal one time and “the appeal may be completed any time prior to a student’s graduation”. For more details about the special appeal process, [see guidance](#)⁴, issued by Betty A. Rosa, Commissioner of Education of Education dated May 16, 2022.

⁴ <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/nysedmemospecialappeallowerscore22-23.pdf>

Do students need to complete 1,200 minutes of satisfactory laboratory experiences in order to be eligible for an exemption to a Regents Examination in Science?

No waiver for laboratory minutes exists for the 2021-2022 school year. Additional information may be found in the Virtual Laboratory Experiences and [the 1,200 Minute Science Laboratory Requirement for the 2021-2022 School Year memo](#)⁵.

Have high school equivalency diplomas changed?

Yes. The GED® Test is the new High School Equivalency (HSE) Exam in New York State. The TASC Test™ was discontinued on December 31, 2021. Scores from passing TASC subtests (2014-2021) and passing GED subject tests (2002-2013) can be used toward meeting the requirements for an HSE diploma. GED had previously served as the NYS HSE exam from the 1940’s through 2013.

⁵ <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/science-laboratory-requirement-2021-22.pdf>

For more information about special education issues, please call the Education and Disability Rights Project (EDRP) at (516) 292-8100.

www.nslawservices.org
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