

**ADMINISTRATIVE REGULATION
PROMOTION / ACCELERATION/RETENTION**

5123

STUDENTS

Acceleration from Kindergarten to First Grade

A student enrolled in Kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the child is ready for first grade work. (Ed. Code 48011)

Admission shall be subject to the following minimum criteria: (5CCR 200)

1. The student is at least 5 years of age.
2. The student has attended a public kindergarten for a sufficient amount of time to enable school personnel to evaluate his/her ability.
3. The student is in the upper 5 percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agrees that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)

Retention at Grades 1-8

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels:

1. Between grades 1 and 2
2. Between grades 2 and 3
3. Between grades 3 and 4
4. Between grades 4 and 5
5. Between grades 5 and 6
6. Between grades 6 and 7
7. Between grades 7 and 8
8. Between grades 8 and 9

Proficiency in reading, English language arts and mathematics shall be the basis for identifying students at risk of being retained. Proficiency at each grade level shall be based on district-wide criteria.

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parents/guardians as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with appropriate school personnel regarding the decision to promote or retain the student.

English Language Learner should only be considered for retention if they do not meet the following two criteria:

1. Regular attendance at school
2. English Language Development
 - After one year of ELD instruction student will be at Early Intermediate Level
 - After two years of ELD instruction student will be at Intermediate Level
 - After three years of ELD instruction student will be at Early Advanced Level
 - After four years of ELD instruction student will be at Advanced Level

Special education students: The criteria and procedures for retention do not necessarily apply to children identified for special education programs. Students who are making progress towards their goals and objectives identified on their Individualized Education Plan (IEP) shall be promoted.

Teacher Responsible for Decision

At the beginning of every school year, the principal shall identify which teacher or teachers will be responsible for making the retention decision for each individual student in the school, including the assessment of whether each student is a retention candidate.

For students in kindergarten through fifth grade who have a single classroom teacher, the principal shall identify the regular classroom teacher as the teacher responsible for making retention decisions.

For students in kindergarten through fifth grade who do not have a single, regular classroom teacher, the principal shall identify the reading/ language arts teacher as the teacher responsible for making the retention decision. The identified teacher must seek the input of the student's other teachers for reading/language arts before making the retention decision.

For students in sixth through eighth grade the Core Subject teachers and counselor will be responsible for making retention decisions.

Intervention

With the parent/guardian's consent, the Superintendent's designee may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs may be offered before school, after school, on Saturdays and/or during intersession. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum. This supplemental instruction program shall be developed in accordance with the requirements of Education Code 37252.5.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention.

Appeal Process

The decision to promote or retain a student may be appealed consistent with Board of Trustees policy, administrative regulation and law. The burden shall be on the appealing party to show why the decision should be overruled

To appeal a decision, the appealing party shall submit a written request to the Superintendent's designee specifying the reasons why the decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher(s) shall be provided an opportunity to state in writing the criteria on which the decision was based.

Within 10 days of receiving the request, the Superintendent's designee shall determine whether or not to overrule the decision. Prior to making this determination, the Superintendent's designee may meet with the appealing party and appropriate school personnel. If the Superintendent's designee determines that the appealing party has overwhelmingly proven that the decision should be overruled, he/she shall overrule the decision to retain.

The decision may be appealed by submitting a written appeal to the Board of Trustees within fifteen (15) school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board of Trustees' decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board of Trustees; the Board of Trustees may also meet with the appealing party, the teacher(s) and the Superintendent's designee to decide the appeal. The decision of the Board of Trustees shall be final.

If the decision of the Board of Trustees is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

Monitoring

The Superintendent or designee shall provide for the periodic screening of retention records in each school for racial, cultural, gender, or disability bias.

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