

Regulation 5123: Promotion/Acceleration/Retention

Acceleration from Kindergarten to First Grade

~~A student enrolled in kindergarten may be admitted to the~~ Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the ~~child~~ student is ready for first-grade work. ~~(Education Code 48011)~~ Admission shall be, subject to the following minimum criteria: (Education Code 48011; (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five 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.

Criteria for Acceleration from First Grade through Eighth Grade (Grade or Course Skipping)

Pending funding for advanced classes, the following criteria will be considered for students who show high academic performance and are considering a higher grade or course placement.

1. State test data: must score Advanced on English Language Arts and Writing for ELA Advancement consideration two years in a row.
2. State test data: must score Advanced on Math for Math Advancement consideration two years in a row.
3. Other Subject Matters will be reviewed on a case by case basis.

4. Parent request form completed with teacher approval signature. Areas of maturity, task commitment, independent work and advocacy will be reviewed. Final approval from the Superintendent or designee.

Accelerated programs are optional and are based on availability of funds and staffing.

Other programs of grade-level enrichment may be offered as a means to meet the needs of high-achieving students pending availability of funds and staffing.

Continuation in Kindergarten-Retention

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

Retention at Other Grade Levels

~~The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)~~

- ~~1. Between grades 2 and 3~~
- ~~2. Between grades 3 and 4~~
- ~~3. Between grades 4 and 5~~
- ~~4. Between the end of the intermediate grades and the beginning of the middle school grades~~
- ~~5. Between the end of the middle school grades and the beginning of the high school grades~~

~~Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)~~

~~Students shall be identified on the basis of either statewide assessment results or grades and other indicators of academic achievement, as established by Board policy.¶~~

~~If a student is identified as performing below the minimum standard for promotion~~

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

Retention at Other Grade Levels

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, 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 that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion (Education Code 48070.5).¶

~~If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student.~~

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

~~The teacher's decision to promote or retain a student may be appealed consistent with Board of Education policy, administrative regulation and law.¶~~

The Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the ~~appealing party~~parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the ~~appealing party~~parents/guardiansparent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the ~~appealing party~~parent/guardian and the teacher. If the Superintendent or designee determines that the ~~appealing party~~parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the **Governing** Board within 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's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the ~~appealing party~~parent/guardian, the teacher, and the Superintendent/ or designee to decide the appeal. The decision of the Board shall be final.

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