

Administrative Regulation

Students

AR 5123 (a)

Promotion/Acceleration/Retention

Acceleration from Kindergarten to First Grade

***Note: Pursuant to Education Code 48011, if a student enrolled in kindergarten demonstrates the ability to handle first grade, he/she may be admitted to the first grade at the discretion of the administration of the school district and with the consent of the parents/guardians. If this is done, 5 CCR 200 mandates the Board to adopt regulations ensuring that the student also meets the minimum criteria outlined below. The district may specify additional criteria if desired. ***

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

Admission shall be subject to the following minimum criteria: (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.

Continuation in Kindergarten

***Note: Education Code 46300 specifies that when a student has completed one year of kindergarten, his/her further attendance in kindergarten may be included in the ADA computation only if the district has on file for the student an agreement signed by the parent/guardian stating that the student shall continue in kindergarten for not more than one additional school year. CDE Management Advisory 90-10 clarifies that this agreement is required for any student who continues in kindergarten after one year, even if he/she was admitted early pursuant to Education Code 48000. ***

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent agree 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 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 Other Grade Levels

***Note: The following mandated section reflects the requirements of Education Code 48070.5, which pertains to promotion and retention at the grade levels listed below. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly. ***

The Superintendent 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 grades 5 and 6.
5. Between grades 6 and 7, 7 and 8 and 8 and 9.

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)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)

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.
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)

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 that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

AR 5123(c)

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)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

***Note: Pursuant to Education Code 48070.5, the district's policy or regulation should specify the teacher or teachers responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. ***

If the student does not have a single regular classroom teacher, the Language Arts and Math, teachers shall be responsible as a team for the decision to promote or retain the student. (Education Code 48070.5)

When a student is identified as being at risk of retention, the Superintendent 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)
(cf. 5145.6 - Parental Notifications)

***Note: The following sentence is optional. ***

The Superintendent 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.

***Note: Pursuant to Education Code 48070.5, the district's policy must include a process for appealing the teacher's decision to promote or retain a student. The appealing party has the burden to prove why the teacher's decision should be overruled. ***

The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law.
The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent 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 shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent may meet with the appealing party and the teacher. If the Superintendent determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent's determination may be appealed by submitting a written appeal to the 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, the teacher and the Superintendent to decide the appeal. The decision of the Board shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

If the decision of the Board 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.

(cf. 1312 - Complaints against the Schools)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)