

5000 STUDENTS

5300 PROGRESS

5323 **STUDENT PROMOTION AND RETENTION**

The Marin County Board of Education recognizes that pupils served in county community school programs generally have been previously enrolled in and will return to their district of residence. The community school placement is a short-term intervention. Pupils who 1) are enrolled less than one academic year, 2) enter after the academic year has already begun, and 3) are returned to their district of residence for the next school year shall be subject to their respective district's board policy on Social Promotion and Retention. The Marin County Board of Education recognizes that students served in special education programs are referred by the district of residence and grade level placements will be determined by the district of residence through the IEP process.

Pupils shall progress through the grade levels by demonstrating growth in learning and meeting grade level standards of expected student achievement, and other indicators of academic achievement established by the Marin County Board of Education.

Progress toward high school graduation shall be based on the pupil's ability to pass the subjects and electives necessary to earn the required number of credits. The pupil's social and emotional growth shall be taken into consideration in making a determination to accelerate or retain a pupil.

As early as practical in the school year or pupil's school career, the Superintendent or designee shall identify pupils who should be retained and who are at risk of being retained in accordance with law, policy, procedures, and administrative regulations. Promotion/retention decisions shall be based upon multiple criteria as established by procedures, which includes but are not limited to, grades and other indicators of academic achievement.

Pupils shall be considered for promotion or retention in specific subject areas and between certain grade levels:

1. Second grade and third grade in reading.
2. Third grade and fourth grade in reading.
3. Fourth grade and fifth grade in reading, English/language arts and math.
4. The end of the intermediate grades and the beginning of middle school grades in reading, English/language arts and math.
5. The end of the middle school grades and the beginning of high school in reading, English/language arts and math.

(continued)

The Superintendent or designee shall provide or arrange for opportunities for intervention instruction. Intervention instruction shall assist the pupil in overcoming academic deficiencies and be designed in collaboration with the district of residence. Parent(s)/guardian(s) shall be provided an option to exclude their child from this mandatory instruction. The recommendation regarding retention shall be discussed with parent(s)/guardian(s) prior to any final determination regarding promotion or retention.

Exceptions

In accordance with Education Code 48070.5(f), a process to appeal a decision to retain a pupil is in place (see Administrative Regulations and Procedures).

Pupils performing below minimum standard for promotion shall be retained unless the pupil's designated classroom teacher specifies in writing that retention is not the appropriate intervention. The teacher's evaluation shall be provided and discussed with the student assistance team, which includes the pupil's parent(s) or guardian(s) and the school principal before any final determination of pupil retention or promotion.

References: Education Code: §48070.5, §37252.5, §42239

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education 5/9/2000

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

STUDENT PROMOTION & RETENTION
(Board Policy 5323)

Student Identification to be Considered for Retention by Grade Level

As prescribed by law, 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 Section 48070.5):

Proficiency in reading, English/language arts, and mathematics for students between:

- a. second grade and third grade in reading
- b. third grade and fourth grade in reading
- c. fourth grade and fifth grade in reading, English/language arts and math
- d. the end of the intermediate grades and the beginning of middle school grades
- e. grades seven and eight
- f. the end of middle school grades and the beginning of high school grades (grade 9)

Students shall be identified on the basis of teacher assessment of student progress, including grades and other indicators of academic achievement such as:

- a. STAR tests
- b. Individual Learning Plan (ILP)
- c. student portfolio
- d. criterion-referenced tests and informal inventories of mathematics, reading and written expression skills
- e. locally designed assessment aligned with defined learner outcomes
- f. assessment of English language development proficiency

Teachers and others playing a role in decisions related to promotion and retention are encouraged to consider other factors when making recommendations. Those factors include:

- a. judgment of the teacher and other staff
- b. social, emotional, and physical development
- c. record of academic achievement and levels of proficiency attained prior to enrollment
- d. factors contributing to academic failure
- e. length of stay in county office program and academic progress during that period
- f. attendance history
- g. for an expelled student, progress toward meeting requirements of his/her rehabilitation plan
- h. chronological age
- i. effectiveness of past instruction and remediation attempts
- j. previous retentions

- k. additional information provided by parent/guardian and student
- l. consultation with district of residence, if appropriate
- m. knowledge of English language

With respect to students who have been identified as individuals with exceptional needs who are eligible for special education instruction and services, and other students with a disability that affects a major life activity, decisions regarding assessment, instruction, and promotion or retention of these students will be made in accordance with the recommendation of the student's IEP Team or 504 Team, as appropriate.

Special Populations

With regard to special education students, the determination as to the appropriate standards for promotion or retention shall be made part of the IEP process.

Students whose eligible physical and/or mental disabilities create educational needs which require special education (specially designed instruction) and related services (services which enable them to benefit from their special education program) are provided protections under the Individuals with Disabilities Education Act (IDEA). Their educational opportunities will be governed by the development of Individualized Education Plan (IEP) intended to mitigate the effects of the disability on educational performance and assure a beneficial access to a free appropriate education.

Students who are provided protections under IDEA will, in most cases, be placed in the respective grades pursuant to the general requirements of this policy unless the IEP Team develops an IEP which creates an exception to those requirements in response to the effects of the presenting disability. In cases where retention would otherwise be considered, these students may be promoted pursuant to IEP's which provide for appropriate interventions and services to assure that meaningful progress will be made in the higher grade level. If the student is to be retained, the IEP must specify services and interventions intended to assure the effectiveness of the retention.

In some cases, students who are provided protections under IDEA will not be placed in the respective grades but will, instead, be placed in ungraded educational levels such as primary, intermediate, and upper elementary levels. In such cases, movement from one level to the next will be determined by the IEP Team. In very few cases, students who are provided protections under IDEA will not be placed in the respective grades but will, instead, be placed in an ungraded educational pathway and will progress along that pathway as determined by the IEP Team.

Should students who are provided protections under IDEA need them due to needs stemming from their disability, IEP's must reflect any necessary differential standards for promotion and graduation, and necessary modifications to the course of study, any necessary modifications to the administration of tests, and any necessary modifications to the curricula.

Decisions regarding the promotion or retention of English Learners require special considerations. It is inappropriate to retain English Learners who have failed to meet academic standards in areas in which they have only been provided limited instruction. English Learners can be identified at risk of retention based on challenges they face in acquiring proficiency and mastering subject-area content in English. English Learners determined to be at risk will be provided with supplemental instruction designed to meet their needs.

Students with physical and/or mental disabilities which interfere with the major life activity of learning are provided protections under Section 504 of the Rehabilitation Act of the Americans with Disabilities Act (ADA). Their educational opportunities will be affected by the development of accommodation plans intended to mitigate the effects of the disability on educational performance.

Students who are provided protections under Section 504 of the Rehabilitation Act of ADA will be placed in the respective grades pursuant to the general requirements of this policy unless the student study team or pupil study team develops an accommodation plan which creates an exception to those requirements in response to the effects of the presenting disability. If the student is to be retained, the accommodation plan must specify services and interventions intended to assure the effectiveness of the retention.

Designation of Teacher

1. The *teacher* making the recommendation for promotion/retention shall be the teacher who:
 - a. serves as the full-time credentialed teacher for the student during the entire instructional day; or
 - b. provides more than 50% of the student's instruction for any school day.
2. The *Student Study Team or IEP Team* makes the recommendation for promotion/retention for those students enrolled in a departmentalized instructional program.

The recommendation to promote or retain shall be discussed with the *Student Study Team or IEP Team* prior to final decision.

Provision of Remedial Instruction

To the extent to which county offices of education are funded to provide systematic and intensive supplemental instruction to students retained pursuant to Education Code Section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention, or identified as being at-risk of retention, to participate in a supplemental instructional program.

The aforementioned services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at-risk of retention pursuant to E.C.48070.5.
2. Students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the county office or under the STAR program.

With parent/guardian consent, the County Superintendent or designee may require students who have been retained to participate in a supplemental instructional program. If the parent/guardian does not consent to the proposed remedial instruction, a memorandum of record shall be placed in the student's cumulative record.

Final Teacher Recommendation for Retention/Promotion

If the teacher's recommendation to promote is contingent on the student's participation in an extended year program and/or remediation program, the student's academic performance shall be reassessed at the end of the 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 parent/guardian and the Student Study Team or IEP Team before any final determination of retention or promotion.

Appeal of Teacher's Decision to Retain or Promote Student

The teacher's decision to retain or promote a student may be appealed by the student's parent or guardian; the student, if 18 years or older who does not have a guardian; or the site administrator. The burden shall be on the appealing party to show why the teacher's decision should be overruled.

1. The decision to promote or retain a student may be appealed consistent with Board Policy, administrative regulations, and the law.
2. The burden shall be on the appealing party to show why the teacher's decision should be overruled.
3. To appeal the teacher's decision, the parent/guardian and the student/or site administrator, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within ten (10) school days of the determination of retention or promotion. The teacher, IEP Team, or Student Study Team shall be provided an opportunity to state orally and/or in writing the criteria on which the decision was based.

4. If the Superintendent or designee determines that the appealing party has overwhelmingly demonstrated that the decision should be overruled, then the Superintendent or designee shall overrule the decision.
5. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement, which shall become part of the student's record.

5/9/00