

**RETENTION AND PROMOTION**

**Student Progress on Grade Level Standards**

The Governing Board expects that each student will progress systematically through the grade levels and will meet grade-level standards of academic achievement established by the district before being promoted to the next grade level of work.

The Board recognizes that a student who fails to meet the grade-level achievement standards at the end of the academic year may nonetheless be able to catch up and meet the grade level standards by the end of the next academic year with appropriate supplemental instruction. Grade-level achievement standards and minimum standards required for promotion shall reflect this fact.

The district will clearly identify those students who have failed to meet expected minimum grade level standards or who are at risk of failing to meet those standards, and will develop supplemental instructional programs to address the academic deficiencies pursuant to the Education Code's requirements.

The Superintendent shall establish and administer procedures and regulations for:

1. Identifying those students who are to be retained or who are at risk of being retained as early in the school year and as early in their school careers, as practicable;
2. Reviewing each student, at least once annually to determine whether or not each student is working at established grade-level standards; and
3. Providing written notice, as early in the school year as is practicable, to the parents/guardian of those students who are at risk of being retained at grade level.

**District Standards for Promotion and Retention**

The standards used in determining whether or not a student should be retained or is at risk of being retained shall consist of multiple measures, including the individual student's grades and other measures of student success in meeting state and district achievement standards.

**Retention of Students**

Mandatory Retention

A student in any of the grade levels listed in #1 and #2 below will be retained at the student's current grade level if the student is performing below the minimum standards required for promotion, unless the regular classroom teacher determines in writing that retention is not the appropriate intervention for the student's academic deficiencies.

## **RETENTION AND PROMOTION (continued)**

1. For students in the second and third grades, the retention decision will be based primarily on the level of proficiency in reading.
2. For students in grades four, five, and eight, the retention decision will be based primarily on levels of proficiency in reading, English language arts, and mathematics.

A teacher's written determination that retention is not the appropriate intervention for the student's academic deficiencies shall specify the reasons that retention is not appropriate and shall include recommendations for other interventions necessary to assist the student to attain acceptable levels of academic achievement.

### Discretionary Retention

At grades K, 1, 6, and 7, a student may be retained at the current grade level by the regular classroom teacher if that student fails to meet the established minimum academic standards at that grade level.

### **Definition of Retention and Promotion**

"Promotion" for purposes of this policy, shall mean that the student, by the end of the school year, has achieved the minimum level of competency on those standards for the student's current grade level. "Retention" for purposes of this policy, shall mean that the student has not met the minimum standard required for promotion, and that the student will continue to receive systematic, direct, and intensive instruction directed at removing the academic deficiencies. The student will not be considered promoted to the next grade level until the student meets minimum standards required for promotion.

Retention of any student does not necessarily require the placement in a particular student grouping based on age or academic achievement. Retention involved an official academic deficiency designation coupled with specific interventions prescribed for removing that designation.

### **Implementation**

The Superintendent will establish and administer procedures and regulations for implementing the promotion and retention policy, including:

1. Specific minimum expected achievement level required for promotion for each grade level in each core learning area;
2. A format for notifying the parent/guardian that the district is retaining the student or has identified the student as at risk of retention, and for offering the parent/guardian the opportunity to consult with the teachers making the retention decision;

**RETENTION AND PROMOTION** (continued)

3. A system for identifying, at the beginning of the school year which teacher or teachers will be responsible for the decision to retain a student. The system shall ensure that:
  - a. For students who have a single regular classroom teacher, the regular classroom teacher shall be responsible for promotion and retention decisions.
  - b. For students at any grade for which the student does not have a single, regular classroom teacher, a team including the reading/language arts and math teachers shall be responsible for the promotion/retention decisions.
4. A procedure for assuring that if the teacher's recommendation to promote is contingent upon the student's participation in a summer school or interim session remediation program:
  - a. The student's academic performance will be reassessed at the end of the remediation program, and the decision to retain shall be reevaluated at that time; and
  - b. The reevaluation shall be provided and discussed with the principal and the parent/guardian before any final determination to promote or retain; and
5. A system for obtaining the appropriate reimbursement for the mandated costs attached to establishing and administering this policy.

**Supplemental Instruction for Students Identified for Retention or as At Risk of Retention**

Mandatory Supplemental Instruction

The district will offer programs of direct, systematic, and intensive supplemental instruction to students enrolled in grades 2 through 8 who have been retained under the mandatory retention provision.

The district may require participation in the supplemental instruction as a condition of removing for academic deficiency and promoting the student; however, attendance shall not be compulsory as defined by the Education Code, and the district will provide a mechanism for a parent/guardian to decline enrollment in the supplemental program.

## **RETENTION AND PROMOTION (continued)**

### Discretionary Supplemental Instruction

To the extent funding is available, the district will offer the opportunity for supplemental instruction for all those students who have been identified as at risk of retention and for those students who are at risk of failing to meet the state adopted standards. In grades 2 through 6, the priority of providing these services shall be first, those students who have been recommended for retention or who have been identified as at risk of retention; and second, those students who have been identified as having academic deficiencies.

### Implementation

The Superintendent will establish and administer procedures and regulations to provide supplementary instruction, which will include:

1. The active involvement of parents/guardians and classroom teachers in the development and implementation of the supplemental instruction programs;
2. Ensuring that the supplemental services are offered during the summer, after school, on Saturdays, or during intersession, or in any combination; except that the supplemental services will not be provided during the student's regular instructional day, if it would result in the student being removed from the classroom instruction in the core curriculum; and
3. Ensuring that any supplemental program in reading or written expression meets the standards of the Education Code.

### **Appeal Procedure**

A student's parent/guardian may appeal the teacher's decision to promote or retain the student pursuant to this policy.

The procedures set forth in the district's Complaint Policy shall apply to appeals of retention decisions.

The teacher must be afforded an opportunity to respond to the arguments made in the appeal either in writing or orally.

The appealing parent/guardian has the burden of showing why the teacher's decision to promote or retain should be overruled. This showing must be made by clear and convincing evidence that other interventions will more appropriately correct the student's academic deficiencies.

## **RETENTION AND PROMOTION (continued)**

Appeals of promotion/retention decisions for students who have Individualized Education Plans shall be made and addressed in accordance with the applicable federal and state laws and regulations.

### **Special Education**

Nothing in this policy supersedes state or federal law governing special education students. (Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.; Rehabilitation Act of 1973, 29 U.S.C. 794, title 34 C.F.R. Part 300, 34 C.F.R. Section 104.1, et seq.)

As required by state and federal law, the individualized education plan shall govern the standards required for promotion and the placement determinations for special education students.

#### *Legal Reference:*

##### EDUCATION CODE

37252.5 Supplemental instruction

46300 Method of computing ADA

48011 Admission on completing kindergarten; grade placement of pupils coming from other districts

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60856 Exit examination

##### CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

#### *Management Resources:*

##### CDE MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

##### LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

##### CSBA POLICY ADVISORIES

0901.99 Social Promotion/Retention Policy Briefing: Considerations for English Language Learners

1112.98 Student Promotion/Retention Advisory

##### WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

**RETENTION AND PROMOTION**

1. Student Achievement Standards

1.1 The Superintendent will, by July 1 each year, review the grade-level content and performance standards that the District established to ensure that they are at least as rigorous as the minimum proficiency level that the State recommends or requires. To the extent necessary, the Superintendent shall bring proposed new standards to the Board for review and adoption.

2. Student Progress On Grade Level Standards

The District shall establish performance standards to determine whether students are meeting the content standards adopted by the Board for each grade level.

3. Standards for Promotion and Retention

3.1 Minimum performance standards for promotion in grades two, three, four, five, and eight shall be established.

3.2 The Individualized Education Plan (IEP) for each special education student shall specify the performance standards required for promotion of that student.

3.3 If a student meets the promotion standard on anyone of the measures established, he or she will be promoted as long as the teacher determines that within the next academic year with the use of designated supplemental instructional programs or other interventions, the student will be able to make significant progress toward the next grade level standards.

3.4 If a student in grades four, five, or eight meets the promotion standards in one or more of the three subject areas listed in section 3.1, but fails to meet the promotion standards in one or more of the other listed subject areas, the teacher must consider whether the student can, with appropriate available supplemental instructional programs make reasonable progress toward the next grade-level standards in all subject areas. If the teacher determines that the student can make that progress, the teacher will promote the student if the student and the student's parent or guardian agree to undertake the recommended or required supplemental instruction. If the student or student's parent or guardian refuse to undertake the supplemental instruction, the teacher may retain the student.

**RETENTION AND PROMOTION** (continued)4. Definition of Retention

Under Board Policy 5123, Section 4, a decision to retain a student does not necessarily require the placement of the student in a particular student grouping based on age or academic achievement. The school principal and teacher responsible for the decision to retain a student shall consider whether a student who is retained should nonetheless be placed in a class that maintains the student's grouping with his or her peers (based on age groupings or other factors) while the student receives appropriate systematic, direct, and intensive supplemental instruction to address his or her academic deficiencies.

5. Mandatory Retention

5.1 Students in grades two, three, four, -five, or eight who do not meet the promotion standards will be retained at current grade level unless the regular classroom teacher, or other teacher identified pursuant to Section 7 of these regulations, determines in writing that retention is not the appropriate intervention for the student's academic deficiency.

5.2 Teacher Notification of Principal

As soon as a teacher is reasonably aware that a student will be retained or is at risk of retention, the teacher must notify the school principal in writing of that fact.

5.3 Notice of Retention

The Notice of Retention shall be provided to parents or guardians on the attached Form C, and shall specify the grounds on which the retention decision was made.

The Notice of Retention shall include a copy of the District Policy governing retention, a copy of the Promotion/Retention appeal to Principal (Form D), and a description of the supplemental instruction to be provided. The principal shall clearly state, in the Notice of Retention (Form C), the date by which an appeal of the retention decision must be received, and shall write that date on the top of the appeal Form D.

**RETENTION AND PROMOTION** (continued)

The Notice of Retention shall include a description of the programs of direct, systematic and intensive supplemental instruction recommended for the student, and indicate whether the retained student must participate in the supplemental instruction program. Parents or guardians who do not want their children to participate in the supplemental instruction may provide a written statement to that effect to the school principal.

**5.4** Decision Not To Retain Despite Failure To Meet Standards

A teacher's written determination that retention is not the appropriate intervention for the student's academic deficiencies, as allowed by Board Policy 5123 and Regulation

Section 5.1, shall be made on Form B, specify the reason retention is not appropriate, and include recommendations for other interventions necessary to assist the student to attain acceptable levels of academic achievement.

**5.5** Conditional Promotion

If a teacher's recommendation to promote a student who fails to meet the performance standards identified in Section 3.1 of these regulations is contingent upon the student's participation in a summer school or intersession remediation program, the teacher must notify the parent or guardian of the promotion conditions. The notice must clearly state the objectives of the remediation program and the means for assessing whether the student meets those objectives.

At the end of the remediation program, the teacher shall reassess the student's academic performance and determine whether the student met the stated objectives. This reevaluation must be provided to, and discussed with the principal and the student's parent or guardian before the teacher makes any final determination to promote or retain the student.

The teacher and principal shall use the Teacher's Determination form (Form B) in implementing this regulation.

**6.** Discretionary Retention

In addition to the grounds for retention required in Section 5.1 of these regulations, a student may be retained if the student fails to meet the established minimum academic standards for the grade level in each core subject as long as the teacher follows the district's procedure.

**RETENTION AND PROMOTION** (continued)7. Teacher Responsible for Decision

- 7.1 At the beginning of every school year, the school principal shall identify which teacher or teachers will be responsible for making the promotion and retention decision for each individual student in the school, including the assessment of whether each student is at risk of retention.
- 7.2 For students who have a single regular classroom teacher, the principal shall identify the regular classroom teacher as the teacher responsible for making promotion and retention decisions.
- 7.3 For students who do not have a single regular classroom teacher, the principal shall identify one of the students' teachers as the teacher responsible for making the promotion/retention decision. For students in grades two and three who do not have a single regular classroom teacher, the principal shall identify the students' reading teachers as the teachers responsible for making the promotion/retention decision.
- 7.4 For students in grades four, five and eight who do not have a single regular classroom teacher, the principal shall identify a team, including the reading/language arts and math teachers, as the teachers responsible for making the promotion/retention decision.
- 7.5 For students with Individualized Education Plans, the identified teacher shall inform the IEP team of his or her promotion/retention determination, and the IEP team shall make the promotion/retention decision.

8. Student Assessment and Identification of Students At Risk of Retention

- 8.1 Teachers shall identify students at risk of retention as early as practicable in the school year and as early as possible in the students' school careers.

The teacher shall identify a student as at risk of retention if the student falls below the minimum performance levels on any of the subject areas or measures established by the district, or if the teacher otherwise determines, based on any available information, that the student is in danger of falling below the minimum performance levels required for promotion.

- 8.2 The teacher responsible for the decision to retain each student shall at least once annually, review the student's progress toward the performance standards set forth by the district to determine whether the student is working at or above those standards, and to assess whether the student may be at risk of retention. Teachers shall complete these reviews for every student no later than the end of the first semester, or by the end of January if the student is not on a designated term.

**RETENTION AND PROMOTION** (continued)

8.3 Every core subject teacher shall, as part of the official reporting process each term, specifically identify whether each student is, or is not, at risk of retention in the subject area or areas for which the teacher assigns a grade.

9. Notice To Parents Of Students Identified As At Risk of Retention

The principal shall mail a notice to the parent or guardian of each student identified as at risk of retention upon receiving the teacher's at-risk designation. This Notice of Student At Risk of Retention (Form A), must identify the recommended supplemental instructional programs or other interventions that will assist the student to meet the standards required for promotion. The notice shall inform the parent or guardian how they can consult with the teacher or teachers responsible for the decision to promote or retain the student.

10. Mandatory Supplemental Instruction

10.1 The District will offer programs of direct, systematic, and intensive supplemental instruction to students in grades 2 through 8 who have been retained under the mandatory retention provisions.

10.2 The teacher(s) and principal can require the retained student to participate in the supplemental instruction as a condition of removing the academic deficiency and promoting the student. Parents or guardians may, however, decline to enroll their child in the supplemental program by providing a signed written request that the student not participate.

11. Discretionary Supplemental Instruction

To the extent funding is available, the District will offer the opportunity for supplemental instruction to all those students who have been identified as at risk of retention and to those students who are at risk of failing to meet the state-adopted standards. In grades 2 through 5, students recommended for retention or identified as at risk of retention receive first priority for these services; those students identified as having deficiencies under the state administered Standardized Testing in reading, mathematics, or written expression receive second priority.

12. Implementation of Supplemental Instructional Programs

12.1 The supplemental services shall be offered during the summer, after school, on Saturdays, during intercession, or in a combination of these or other methods that will ensure that students will not be removed from classroom instruction in the core curriculum.

**RETENTION AND PROMOTION** (continued)

- 12.2 For the purposes of this regulation, the "core curriculum" includes all subjects offered during the regular instructional day.
  - 12.3 The intensive remedial program in reading or written expression shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word-attack skills, spelling and vocabulary, explicit instruction of reading comprehension, writing, and study skills as required by Education Code Section 37252.5(f).
  - 12.4 School staff shall meet with parents or guardians of students retained or identified as at risk of retention to develop and implement effective supplemental instruction programs for their children.
13. Appeal Procedure
- 13.1 The appeal procedures are set forth in Board Policy 1312. The school principal shall provide parents or guardians the appeal forms (Forms D and E).

**RETENTION AND PROMOTION**

**Menlo Park City School District  
NOTICE OF STUDENT AT RISK OF RETENTION**

\_\_\_\_\_ is at risk of retention at his/her current grade level.  
Student's Name

This student is at risk of failing to meet grade level performance standards based on the following: *(Describe student's performance that resulted in at-risk designation.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We recommend the following program of supplemental instruction and other interventions to help the student meet the promotion standards:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The teacher(s) responsible for promoting or retaining this student is/are:

\_\_\_\_\_

The student's parent or guardian has the right to consult with the teacher(s) responsible for making the promotion/retention decision before they make that decision. We encourage you to consult with the teacher( s) to discuss how to effectively help the student meet the promotion standards.

\_\_\_\_\_  
Principal's Signature Date

FORM A

**RETENTION AND PROMOTION**

**TEACHER'S DETERMINATION:  
RETENTION NOT THE APPROPRIATE INTERVENTION**

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Student's Name

This student failed to meet the following minimum standards required for promotion:

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Despite the student's failure to meet these minimum standards required for promotion, I have determined that retention is not the appropriate intervention for the student's academic deficiencies because of the because of the following reasons:

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Instead of retention, I recommend the following alternative interventions to help the student attain acceptable academic achievement levels:

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My recommendation to promote the student:

is contingent upon the student's participation in the following summer school or interim session remediation program:

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is not contingent upon participation in any summer school or interim session remediation program.

If the promotion is contingent upon participation in a remediation program, I will reassess the student's performance at the end of the remediation program, and re-evaluate the decision to promote or retain the student then. I will discuss the re-evaluation with the student's parent or guardian and the school principal before determining whether to retain or promote the student.

I will recommend promotion after the student completes the required remediation program if the student meets the following goals (describe specific expectations):

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Teacher's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RETENTION AND PROMOTION**

**Menlo Park City School District**  
(TO BE TYPED ON DISTRICT LETTERHEAD)

**NOTICE OF RETENTION**

(Date)

(Parent or Guardian Name)

(Address)

Dear \_\_\_\_\_:

In accordance with Education Code Section 48070.5(d) and Board Policy 5123, the District will retain your child \_\_\_\_\_, in grade \_\_\_\_\_, because he/she has failed to meet the District's minimum standards required for promotion.

Your child has failed to meet the minimum standards in the following areas (*describe standards student failed to meet*):

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If you would like to appeal the teacher's decision to retain your child, you must submit an appeal to the school Principal on or before \_\_\_\_\_. A copy of the appeal procedures and forms are enclosed.

Described below is a program of direct, systematic, and intensive supplemental instruction designee to enable your child to make up the educational deficiencies that have made retention appropriate. (*Describe the supplemental instructional program. Attach additional sheets if necessary.*)

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Your child is required to participate in the supplemental instructional program described here unless you provide a signed statement requesting that your child not be enrolled in the program.

We would like to work with you in implementing this program. A meeting to discuss the supplemental instructional program will be held as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

Please use the form below to confirm your participation at this meeting.

Feel free to contact me to discuss the retention decision, appeal procedures, or supplemental instructional program. We hope to work with you to bring your child up to grade-level standards as quickly as possible.

Very truly yours,

\_\_\_\_\_  
(Name of School) School Principal

.....

**Please return this portion to the principal's office.**

\_\_\_\_\_  
Student's Name

\_\_\_\_\_  
Parent/Guardian's Name

- I will attend the meeting as scheduled above.
- I am unable to attend the meeting and will call to schedule an alternative date.
- I am only available by phone.

\_\_\_\_\_  
Parent/Guardian's Signature

Daytime phone: \_\_\_\_\_

Evening phone: \_\_\_\_\_

FORM C

**RETENTION AND PROMOTION**

**Menlo Park City School District  
PROMOTION/RETENTION APPEAL TO PRINCIPAL**

<p><b>TO BE COMPLETED BY SCHOOL OFFICIALS</b></p> <p>Date of Retention Notice: _____</p> <p>Due date for this appeal: _____</p> <p>Date Principal's office received appeal: _____</p>
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Student's Name: \_\_\_\_\_

Appealing Parent's or Guardian's Name: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

I am the parent or guardian of this student. I hereby appeal the decision to:

- retain my child
  promote my child

I understand that I have the burden to show, with clear and convincing evidence, why the Principal should overrule the teacher's decision.

The Principal should overrule the teacher's decision for the following reasons: *(Include how other interventions are more appropriate to correct student's academic deficiencies. Attach extra pages if necessary.)*

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- I understand that the teacher who made the promotion/retention decision will have an opportunity to respond to this appeal orally or in writing.
- I understand that either the teacher or I may appeal the Principal's decision to the District Superintendent, and that the Superintendent's decision will be final.

Parent/Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**RETENTION AND PROMOTION**

**Menlo Park City School District  
PROMOTION/RETENTION APPEAL TO SUPERINTENDENT**

<p>TO BE COMPLETED BY SCHOOL OFFICIALS</p> <p>Date Principal's decision mailed: _____</p> <p>Due date for this appeal: _____</p> <p>Date Superintendent's office received this appeal: _____</p>
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Student's Name: \_\_\_\_\_

This appeal is submitted by: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

I am the:      student's parent or guardian      teacher who made the initial promotion/retention decision

I hereby appeal the Principal's decision regarding the  promotion  retention of this student.

In addition to the information provided to the Principal, the Superintendent should consider the following evidence and arguments: *(Providing additional information is optional; you may choose to rely on the information provided in the appeal to the Principal. Attach extra pages if necessary.)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- I understand that the Superintendent will reconsider the Principal's decision to determine whether the teacher's promotion/retention decision should have been overruled.
- I understand that the Principal and other parties involved in the appeal to the Principal will have an opportunity to respond to this appeal orally or in writing.
- I understand that the Superintendent's decision will be final.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FORM E