

The Board of Trustees expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

Students who should be retained or who are at risk of being retained at their current grade level shall be identified as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified between grades 8 and 9. (Education Code 48070.5)

Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between middle school grades and high school grades. (Education Code 48070.5) With regard to students with special needs, the determination as to the appropriate standards for promotion or retention should be made as part of the individualized education program process; see BP/AR 7702 (6159) - Individualized Education Program.

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student through the Educational Monitoring Team (EMT) process. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Retention.

When any student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

#### Legal Reference:

##### EDUCATION CODE

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education program

60640-60649 California Assessment of Student Performance and Progress

##### CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
FAQs Promotion, Retention, and Grading (students with disabilities)  
FAQs Pupil Promotion and Retention  
Kindergarten Continuance Form

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Board of Trustees

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Revised: June 1993

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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 it is determined by the Educational Monitoring Team (EMT) as identified by the Superintendent or designee, 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 EMT'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)

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)

#### Appeal Process

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

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

The EMT 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 EMT's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the EMT's decision should be overruled, he/she shall overrule the EMT's decision.

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