

# **MODESTO CITY SCHOOLS**

## **Board Policy**

**BP 5123**

### **STUDENTS**

#### **Promotion/Acceleration/Retention**

The Governing Board 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.

The Governing Board recognizes that many factors must be considered when determining whether a student will profit from promotion, retention or acceleration.

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

*(cf. 6011 – Academic Standards) (N/A)*

*(cf. 6146.1 – High School Graduation Requirements)*

*(cf. 6146.5 – Elementary/Middle School Graduation Requirements)*

*(cf. 6170.1 – Transitional Kindergarten) (N/A)*

When high academic achievement is evident, the teacher may recommend a student for acceleration to a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

#### **Kindergarten to First Grade**

Children five (5) years old or older who have completed one year of kindergarten shall be admitted to first grade regardless of age unless the parent/guardian and the District agree that the child be retained in kindergarten for not more than one additional year. (Education Code 48011)

A child who has been lawfully admitted to a public school kindergarten in California may be placed in the first grade at the discretion of the administration of a school district if it determines that the child is ready for first grade work. A kindergarten pupil placed in the first grade must meet the following minimum criteria:  
(Education Code 48011; 5 CCR 200)

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1. The child is at least five years of age.
2. The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The child is in the upper five percent of his age group in terms of mental ability.
4. The physical development and social maturity of the child are consistent with his/her advanced mental ability.
5. The parent/guardian of the child has filed with the school district a written statement approving placement in first grade.

### **Proficiency Expectations (Grades 1-8)**

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified 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. After grade 6
5. After grade 8

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

#### **Grade 1**

Students in grade 1 must demonstrate growth in learning to read or proficiency in reading.

The principal may assign a student in grade 1 to the next grade level if, after considering all factors (academic competency, social functioning, emotional development, and physical maturity), it is in the best interest of the student's continued progress.

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#### **Students Between Grades 2-4**

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. (Education Code 48070.5)

#### **Students Between Grades 4-8**

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. 5121 – Grades/Evaluation of Student Achievement)*

*(cf. 6162.5 – Student Assessment) (N/A)*

*(cf. 6162.51 – State Academic Achievement Tests) (N/A)*

*(cf. 6142.91 – Reading/Language Arts Instruction) (N/A)*

*(cf. 6142.92 – Mathematics Instruction) (N/A)*

#### **Subject Failure**

Students in grades 7-8 may be retained if they receive three or more “F”s” on any semester grade in the following subjects: math, language arts, social science or science. All courses are one semester.

#### **Parental consent is not required for retention based on proficiency expectations or subject failure.**

Prior to retention of any student who does not demonstrate growth in learning, meet proficiency expectations or who fails academic subjects, the following conditions shall be met:

- Students at risk of retention shall be identified as early in the school year as practical.
- The parent/guardian shall be requested in writing to attend a conference.
- Results of the student’s assessment/grades shall be discussed, and the parent/guardian will be provided reasons for the retention.

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- When any student in grades 2-9 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. The district also may offer supplemental instruction to a student in grades 1-6 who is identified as being at risk for retention. (Education Code 37252.2, 37252.8, 48070.5)
- The student's progress shall be provided to and discussed with the pupil's parent or guardian and the school principal before any final determination of pupil retention or promotion.

*(cf. 6179 – Supplemental Instruction)*

*(cf. 6176 – Weekend/Saturday Classes) (N/A)*

*(cf. 6177 – Summer Learning Programs) (N/A)*

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.

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

### **K-8**

- The District may require a student to attend and complete summer school or intervention program with successful remediation.
- The pupil's academic performance shall be reassessed at the end of the intervention program, and the decision to retain or promote the pupil shall be reevaluated based on assessment results.

The parent or guardian may decline to enroll his or her child in an intervention program and the student shall be retained.

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#### **Exception to Retention Criteria**

If a pupil is performing below the standard for promotion, the pupil shall be retained unless:

1. The teacher/principal determines retention is not the appropriate intervention for the student's academic deficiencies.
2. Modification has been approved for special education students by an Individualized Education Program Team.

#### **Retention When Proficiency Expectations and Subjects Are Met (Grades 1-6)**

Meeting all proficiency expectations and passing all subjects does not preclude retention, if, in the judgment of the principal and the student's teacher(s), there are other factors such as physical, social or emotional development which affect satisfactory progress at the next grade level. Parental consent is required.

#### **English Learner**

No English Learner (EL) student shall be retained:

- Solely due to a lack of English proficiency as measured by a State-approved language assessment instrument. English Learners could be considered "at-risk" based on the challenges they face in acquiring English proficiency while at the same time mastering subject area content in English.
- Solely as a result of Modesto City Schools' Testing Program.

An English Learner (EL) retention may be appropriate if the EL is failing for reasons other than their progress toward English language proficiency, and in the judgment of the principal and the student's teacher(s), there are other factors such

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#### **Acceleration**

Acceleration due to high academic achievement is permissible upon the recommendation of the principal. The student's social, physical, and emotional growth shall be taken into consideration before placing him or her in a higher grade. Parental consent is required.

#### **Special Program Exemptions**

The Superintendent may waive provisions of this policy for approved programs.

#### **Appeal of Retention**

The pupil's parents or guardians may appeal the decision to retain or promote a pupil to the Superintendent/designee. If an appeal is made, the burden shall be on the appealing party to show why the decision should be overturned. The decision of the Superintendent/designee will be final.

#### *Legal Reference:*

##### *EDUCATION CODE*

*37252-37254.1 Supplemental instruction*

*41505-41508 Pupil Retention Block Grant*

*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*

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*Management Resources (cont.):*

**WEB SITES**

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

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

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