

# MODESTO CITY SCHOOLS

## Administrative Regulation

AR 5123

### STUDENTS

#### Promotion, Acceleration, Retention

##### **Acceleration from Kindergarten to First Grade**

##### Kindergarten

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (EC 48010, 48011)

*(cf. 5111 - Admission)*

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian upon determination that the student is ready for first-grade work, subject to the following minimum criteria: (EC 48011; 5 CCR200)

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 file with the school district a written statement approving placement in first grade.

## **STUDENTS**

### **Promotion, Acceleration, Retention**

#### **Continuation in Kindergarten**

Whenever the Superintendent or designee and the parents/ guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee 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. (EC 46300, 48011)

#### **Retention at Other Grade Levels**

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 may be retained in his/her current grade level unless the student's regular classroom teacher/principal 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. (EC 48070.5)

*(cf. 5121 - Grades/Evaluation of Student Achievement)(n/a)*

*(cf. 6162.5 - Student Assessment)(n/a)*

*(cf. 6162.51 - State Academic Achievement Tests)(n/a)*

*(cf. 6179 - Supplemental Instruction)*

*(cf. 6177 - Summer Learning Programs)(n/a)*

*(cf. 6179 - Supplemental Instruction)(n/a)*

#### **Retention Due to Factors Other Than Academic Competency**

Factors for consideration prior to retention due to non-academic reasons should include:

1. Source of referral--teacher/principal/parent/student.
2. Level of academic growth, achievement and grade level.
3. Possible learning disabilities.
4. Language proficiency.

## **STUDENTS**

### **Promotion, Acceleration, Retention**

5. Social and emotional maturity: Ability to communicate, social adaptability, emotional difficulties, motivation to learn, interest in school.
6. Attendance history.
7. Out-of-school environment: Ages and grade placements of siblings, family transiency, family situation.
8. Previous retention.
9. Student's and parent/guardians' attitude toward school and toward retention.
10. Special or unique circumstances.

#### **By the First Semester or Trimester**

The teacher shall:

1. Review the academic, social and emotional performance of students with parent/guardian.
2. Provide supplemental instruction to students whose work indicates they may be considered for possible retention.

#### **By the Third Quarter or Second Trimester**

If the principal deems that retention may be possible, the principal or designee shall notify the parent/guardian of this possibility and explain why the student is at risk of being retained.

#### **Prior to the Last Day of School**

1. Maintain communication with parent/guardian regarding student progress. 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. (EC 48070.5)

## **STUDENTS**

### **Promotion, Acceleration, Retention**

2. The principal or designee shall inform the parent/guardian in writing of the final recommendation.
3. MCS Form, “Agreement to Retain Student in Kindergarten,” must be agreed to and signed by the parent/guardian prior to the opening of the school year. This form shall be placed in the student’s cum folder for audit.

### **Students Who Did Not Demonstrate Growth in Learning, Meet Proficiency Expectations or Failed Core Subjects**

1. The principal or designee shall notify the parent/guardian that their child failed to master the District’s proficiency expectations (grades 1-6 and 8) or failed too many subjects (grade 8) and arrange for a conference with the parent/guardian.

(cf. 5145.6 - Parental Notifications) (n/a)

2. The principal or designee shall explain the options available to the parent/guardian and student.
3. The student may be retained unless:
  - The teacher/principal has determined retention is not an appropriate intervention due to:
    - English Language Learner Status
    - Previous Retention
    - Body of work demonstrates proficiency
    - Assignment to next grade is in the best interest of the student for physical/social/emotional reasons
  - The placement form shall include recommendations for interventions other than retention that, in the opinion of the school are necessary to assist the student in attaining acceptable levels of academic achievement. (EC 48070.5)

## STUDENTS

### Promotion, Acceleration, Retention

- A student in grade 8 subject to retention due to failure of academic subjects achieves passing grades after attending summer school.
- A special education student has differential standards designated in the Individualized Education Program (IEP).
- The school has an approved special program exemption.

4. A Transitional Kindergarten student may not be retained.

When retentions are due to failure to demonstrate growth in learning, of proficiency expectations or core subjects, **parental consent is not required.**

### Appeal Process

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

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

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the 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 decision should be overruled, he/she shall overrule the 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.

**STUDENTS**

**Promotion, Acceleration, Retention**

*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9321.1 - Closed Session Actions and Reports)(n/a)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.3 - Challenging Student Records)(n/a)*

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