

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 6010: PUPIL PROMOTION, RETENTION AND ACCELERATION  
INCLUDING PUPIL PROMOTION AND RETENTION UNDER EDUCATION CODE  
SECTION 48070.5**

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A. INTRODUCTION

1. On September 22, 1998, the Governor signed AB 1626 (Wayne), Chapter 742, Statutes of 1998 entitled "Pupil Promotion and Retention." This legislation added section 48070.5 to the Education Code which became operative on January 1, 1999.
2. Education Code section 48070.5(a) requires the Governing Board of the District to adopt a policy regarding the promotion and retention of pupils between the following grades:
  - (1) Between second grade and third grade [2 to 3].
  - (2) Between third grade and fourth grade [3 to 4].
  - (3) Between fourth and fifth grade [4 to 5].
  - (4) Between the end of the intermediate grades and the beginning of middle school grade [6 to 7].
  - (5) Between the end of the middle school grades and the beginning of high school [8 to high school].
3. Education Code section 48070.5(b) requires the Governing Board of the District to include in its adopted policy a provision(s) for the identification of pupils who should be retained and who are at risk of being retained in their current grade level on the basis of either the California Assessment of Student Performance and Progress (CAASPP) testing in Education Code sections 60640 - 60648, or the pupil's grades and other indicators of academic achievement designated by each local school district.
4. The Governing Board of the District in this Policy hereby determines to utilize the pupil's grades and other indicators of academic achievement instead of solely relying on CAASPP testing.
5. Education Code section 48070.5(c) requires the Governing Board of the District in an adopted policy to base the identification of pupils who should be retained and who are risk of being retained in their current grade level between second grade and third grade [2 to 3], and between third grade and fourth grade [3 to 4] primarily on the basis of the pupil's level of proficiency in reading.
6. Education Code section 48070.5(c) requires the Governing Board of the District in an adopted policy to base the identification of pupils who should be retained and who are risk of being retained in their current grade level between fourth and fifth grade [4 to 5], between the end of the intermediate grades and the beginning of middle school grade [6 to 7]; and between the end of the middle school grades and the beginning of high school [8 to high school] on the basis of the pupil's level of proficiency in reading, English language arts and mathematics. Education Code section 48070.5(d) requires the Governing Board of the District to include in its policy that if a pupil's grades and other indicators of academic achievement designated by the Governing Board reveal that a pupil is performing below the minimum standard for promotion, then the pupil shall be retained in his or her current grade level. However, Education Code section 48070.5(d) also provides that the pupil who is performing below the minimum standard for promotion may be promoted anyway if the pupil's regular classroom teacher determines in writing that retention is not the appropriate

intervention for the pupil's academic deficiencies. Such a written determination by the pupil's regular classroom teacher shall specify the reasons that retention is not appropriate for the pupil, and shall include recommendations for interventions other than retention that in the opinion of the teacher are necessary to assist the pupil to attain acceptable levels of academic achievement. If the teacher's recommendation to promote is contingent upon the pupil's successful participation in a summer school or any available interim session remediation program, the pupil's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the pupil shall be reevaluated at that time. However, the strong presumption is that if the pupil successfully participates in the summer school or any interim session, the pupil will be promoted; and if the pupil unsuccessfully participates, the strong presumption is that the pupil will be retained. The teacher's evaluation will be provided to and discussed with the pupil's parent or guardian and the Principal before any final determination of pupil retention or promotion.

7. Education Code section 48070.5(e) requires the Governing Board of the District in an adopted policy to provide for parental notification when a pupil is identified as being at risk of retention. Education Code section 48070.5(e) requires that this parental notice shall be provided as early in the school year as practicable.
8. Education Code section 48070.5(e) requires the Governing Board of the District in an adopted policy to provide a parent or guardian of a pupil who has been identified as being at risk of retention the opportunity to consult with the teacher or teachers responsible for the decision to promote or retain the pupil. The Governing Board in this Policy hereby determines that at the middle school level the homeroom teacher for each pupil will make the decision to promote or retain the pupil. This teacher will receive the input of all other current teachers of the pupil before finalizing the decision.
9. Education Code section 48070.5(f) requires the Governing Board of the District in an adopted policy to provide a process whereby the decision of the teacher to retain or promote a pupil, who has been identified as being at risk of retention, may be appealed. If an appeal is made, the burden shall be on the appealing party to show why the decision of the teacher should be overruled.

The Board hereby delegates to the Superintendent the authority to make the final decision on behalf of the District pursuant to Education Code section 35161.

10. Education Code section 48070.5(g) requires the Governing Board in an adopted policy to provide that pupils who are at-risk of being retained in their current grade be identified as early in the school year and in their school careers as practicable.
11. Education Code section 48070.5(h) requires the Governing Board of the District in an adopted policy to indicate the manner in which opportunities for remedial instruction will be provided to pupils who are recommended for retention or who are identified as being at risk for retention.
12. Education Code section 48070.5(j) allows the District to retain pupils not included in the grade levels set forth previously in subparagraph 2, and also allows the District to utilize other reasons for the retention of a pupil if such retention is determined to be appropriate for that pupil. The Governing Board in this policy hereby delegates to the

Superintendent pursuant to Education Code section 35161 the authority to make such decisions after receipt and review of the teacher's written recommendations, and the opportunity for a conference with the parent or guardian.

13. The Governing Board in this Policy also delegates to the Superintendent pursuant to Education Code section 35161 the authority to make decisions to accelerate a pupil to a higher grade than normal for the pupil's age after receipt and review of the teacher's written recommendations, and the opportunity for a conference with the parent or guardian.

## B. GENERAL PHILOSOPHY OF THE GOVERNING BOARD

1. The Governing Board directs that the District shall comply with the requirements of Education Code section 48070.5 as set forth in the law and as implemented in this policy.
2. The Governing Board directs that any decision to retain, promote or accelerate a pupil must be determined on an individual basis with the primary objective being to assist the pupil to be successful. The Governing Board has received and reviewed educational research which supports the strategy that pupils should be promoted with appropriate intervention(s) and instructional support rather than being retained.
3. The Governing Board directs that pupils identified as Limited English Proficient (LEP) shall not be discriminated against under this Policy or its implementation.
4. The Governing Board directs that special education pupils shall not be discriminated against under this Policy or its implementation, and that the decision to retain, promote or accelerate a special education pupil will be made consistent with applicable federal and state laws and through the Individualized Education Plan (IEP) process.

## C. INDICATORS OF ACADEMIC ACHIEVEMENT

1. Education Code section 48070.5(c) requires the Governing Board of the District in an adopted policy to base the identification of pupils who should be retained and who are risk of being retained in their current grade level (1) between second grade and third grade [2 to 3], and between third grade and fourth grade [3 to 4] primarily on the basis of the pupil's level of proficiency in reading, English language arts, and mathematics.

The indicators of Academic Achievement in Kindergarten through third grade shall be the following, as applicable:

- (1) The results of the assessments administered pursuant to Education Code section 60640 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Education Code section 60648.
- (2) Grades and other indicators of academic achievement as determined by the Superintendent or designee.
- (3) Any Remedial Program.

2. Education Code section 48070.5(c) requires the Governing Board of the District in an adopted policy to base the identification of pupils who should be retained and who are at risk of being retained in their current grade level between fourth and fifth grade [4 to 5], between the end of the intermediate grades and the beginning of middle school grade [6 to 7]; and between the end of the middle school grades and the beginning of high school [8 to high school] on the basis of the pupil's level of proficiency in reading, English language arts, and mathematics.

The Indicators of Academic Achievement at fourth through eighth grade shall be the following, as applicable:

- (1) The results of the assessments administered pursuant to Education Code section 60640 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Education Code section 60648.
- (2) Grades and other indicators of academic achievement as determined by the Superintendent or designee.
- (3) Any Remedial Program.

D. RETENTION OF PUPILS

Education Code section 48070.5(d) requires the Governing Board of the District to include in its policy that if a pupil's grades and other indicators of academic achievement designated by the Governing Board identifies that a pupil is performing below the minimum standard for promotion, then the pupil shall be retained in his or her current grade level.

1. A pupil's teacher shall determine whether or not the pupil meets the minimum standard for promotion between second grade and third grade [2 to 3], and between third grade and fourth grade [3 to 4] based on the following Indicators of Academic Achievement, as applicable, and based on the designated relative weight given to each Indicators of Academic Achievement:
  - (1) The results of the assessments administered pursuant to Education Code section 60640 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Education Code section 60648.
  - (2) Grades and other indicators of academic achievement as determined by the Superintendent or designee.
  - (3) Any Remedial Program.
2. A pupil's teacher shall determine whether or not the pupil meets the minimum standard for promotion between fourth and fifth grade [4 to 5], between the end of the intermediate grades and the beginning of middle school grade [6 to 7]; and between the end of the middle school grades and the beginning of high school [8 to high school] based on the following Indicators of Academic Achievement and

based on the designated relative weight given to each of the Indicators of Academic Achievement:

- (1) The results of the assessments administered pursuant to Education Code section 60640 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Education Code section 60648.
  - (2) Grades and other indicators of academic achievement as determined by the Superintendent or designee.
  - (3) Any Remedial Program.
3. A pupil's teacher normally shall make the decision to promote or retain at the end of the school year when final grades have been determined, This policy requires that a decision to retain a pupil, absent unusual circumstances, shall be made only after a parent or guardian has received prior notice(s) during the school year that the pupil was at risk of being retained at the end of the school year, and opportunities for remedial instruction were made available to the pupil during the school year.
4. A pupil's teacher shall make the decision to retain a pupil and shall provide the reasons for retention to the parent or guardian. The parent or guardian will be given an opportunity to consult with the teacher both before and after the decision to retain the pupil. These opportunities may occur at the same conference.

E. PROMOTION OF PUPIL BY TEACHERS WHEN PUPIL DOES NOT MEET MINIMUM STANDARDS FOR PROMOTION

1. Education Code section 48070.5(d) provides that the pupil who is performing below the minimum standard for promotion may be promoted anyway if the pupil's regular classroom teacher determines in writing that retention is not the appropriate intervention for the pupil's academic deficiencies. Such a written determination by the pupil's regular classroom teacher shall specify the reasons that retention is not appropriate for the pupil, and shall include recommendations for interventions other than retention that in the opinion of the teacher are necessary to assist the pupil to attain acceptable levels of academic achievement. The parent or guardian will be given an opportunity to consult with the teacher both before and after the decision to promote the pupil. These opportunities may occur at the same conference. Any decision to promote a pupil who is performing below the minimum standard for promotion should include consideration of the following factors from the Light's Retention Scale:
  - (1) Pupil's age.
  - (2) Pupil's present grade placement.
  - (3) Grade placement(s) of pupil's brother(s) and/or sister(s).
  - (4) Number of family moves (number of different schools attended) within the past three years.
  - (5) Pupil's pattern(s) of regular school attendance/absence.

- (6) Pupil's history of behavior problems.
  - (7) Pupil's sex.
  - (8) Pupil's knowledge of the English language.
  - (9) Pupil's physical size.
  - (10) Any previous retention of the pupil.
  - (11) Participation by the pupil's parents or guardians at the school.
  - (12) Level of pupil's life experiences.
  - (13) Pupil's level of intelligence.
  - (14) Pupil's history of learning disabilities.
  - (15) Pupil's attitude about retention.
  - (16) Pupil's interest in school work.
  - (17) Pupil's immature behavior.
  - (18) Pupil's emotional problems.
  - (19) Pupil's level of academic achievement.
2. If the teacher's recommendation to promote is contingent upon the pupil's successful participation in a summer school or any available interim session remediation program, the pupil's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the pupil shall be reevaluated at that time. However, the strong presumption is that if the pupil successfully participates in the summer school or any interim session, the pupil will be promoted; and if the pupil unsuccessfully participates, the strong presumption is that the pupil will be retained. Successful participation or unsuccessful participation will be determined by the teacher based on the final grade(s) earned by the pupil and whether there was regular attendance by the pupil. The teacher's evaluation will be provided to and discussed with the pupil's parent or guardian and the Principal before any final determination of pupil retention or promotion.

F. PARENTAL NOTICE THAT A PUPIL MAY BE AT RISK OF RETENTION, AND EARLY IDENTIFICATION OF PUPILS WHO ARE AT RISK OF BEING RETAINED

1. Education Code section 48070.5(g) required the Governing Board of the District in its adopted policy to provide that pupils who are at risk of being retained in their current grade be identified as early in the school year, and as early in their school careers, as practicable.
2. Education Code section 48070.5(e) requires the Governing Board of the District in an adopted policy to provide for parental notification when a pupil is identified as being at risk of retention. Education Code section 48070.5(e) requires that this parental notice shall be provided as early in the school year as practicable.
3. Whenever it becomes evident to a teacher that a pupil is at risk of being retained, the teacher will notify the parent or guardian. In addition, whenever a pupil is given an unsatisfactory or failing grade in any grading period, the teacher shall notify the parent or guardian that the pupil is at risk of being retained. Whenever it becomes evident to a teacher that a pupil is at risk of retention a written referral to the Pupil Study Team (SST) shall be

made as quickly as possible with a copy to the parent or guardian.

G. APPEAL OF DECISION BY TEACHER TO PROMOTE OR RETAIN A PUPIL

1. A pupil's teacher shall make any decision to retain the pupil. Any such decision shall be in writing and shall provide the reasons for the retention. The parent or guardian will be given an opportunity to consult with the teacher both before and after the decision to retain the pupil. These opportunities may occur at the same conference.
2. A pupil's teacher shall make any decision to promote the pupil who is performing below the minimum standard for promotion. Any such decision shall be in writing and shall provide the reasons for the promotion rather than retention. The parent or guardian will be given an opportunity to consult with the teacher both before and after the decision to promote the pupil. These opportunities may occur at the same conference.
3. Any appeal of a retention of a pupil, or a promotion of a pupil who is performing below the minimum standard for promotion, must be in writing providing the reasons for the appeal. Any appeal must be filed with the Superintendent no later than ten (10) calendar days from the date of the written decision by the teacher to retain a pupil or to promote a pupil who is performing below the minimum standard for promotion.
4. If an appeal is made, the burden shall be on the appealing party to show why the decision of the teacher should be overruled.
5. The Governing Board of the District in this Policy hereby determines that any appeal will be directly to the Superintendent who is delegated by the Governing Board pursuant to Education Code section 35161 to make the final decision on behalf of the District.

H. OPPORTUNITIES FOR REMEDIAL INSTRUCTION

Education Code section 48070.5(h) requires the Governing Board of the District in an adopted policy to indicate the manner in which opportunities for remedial instruction will be provided to pupils who are recommended for retention or who are identified as being at risk for retention. The following may be made available to a pupil upon the recommendation of the pupil's teacher and/or with the concurrence of the Principal or the Superintendent dependent upon available funding:

1. Reading Recovery Instruction.
2. Fast ForWord Training.
3. Individual Tutoring by District staff members.

4. Small Group Instruction in Learning Center or other assigned classroom.
5. Assignment to any other available remedial instruction.
6. Assignment to a Summer School or Saturday School Program.

I. RETENTION OF PUPILS IN ADDITION TO THOSE RETAINED UNDER EDUCATION CODE SECTION 48070.5

1. Upon the recommendation of a pupil's teacher and/or within the discretion of the Superintendent, a pupil may be retained at any grade level and may be retained even though the pupil is performing at or above the minimum standard of promotion as determined by the Indicators Of Academic Achievement, if a consideration of the nineteen (19) factors in the Light's Retention Scale supports such a retention.
2. Any such decision to retain a pupil shall be in writing and shall provide the reasons for the retention rather than promotion. The Superintendent shall make such decision after receipt and review of the teacher's written recommendations, and the opportunity for a conference with the parent or guardian.
3. The Superintendent is delegated the authority to make the final decision to retain a pupil on behalf of the District pursuant to Education Code section 35161.

J. ACCELERATION OF PUPILS TO A HIGHER GRADE

1. Upon the recommendation of a pupil's teacher and/or within the discretion of the Superintendent, a pupil may be accelerated to a higher grade level as long as the pupil is performing at or above the minimum standard of promotion as determined by the Indicators Of Academic Achievement. Any decision to accelerate a pupil shall be based upon a consideration of the nineteen (19) factors in the Light's Retention Scale.
2. Any such decision to accelerate a pupil shall be in writing and shall provide the reasons for the acceleration rather than the promotion. The Superintendent shall make such decision after receipt and review of the teacher's written recommendations, and the opportunity for a conference with the parent or guardian.
3. The Superintendent is delegated the authority to make the final decision to accelerate on behalf of the District pursuant to Education Code section 35161.

K. FORMS

The Superintendent and Principal are hereby designated by the Governing Board pursuant to Education Code section 35161 to prepare and promulgate any forms the Superintendent believes are necessary or appropriate to implement this Policy.

Legal Reference:

Education Code section 48070.5

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