

# **Administrative Regulation**

## **Promotion/Acceleration/Retention**

AR 5123  
**Students**

### Retention Process for 2021-2022 School Year<sup>1</sup>

If a student is in grades 9-11, and has received a deficient grade of D, F, No Credit, No Pass or an equivalent grade in at least one-half of their courses for the 2020-2021 school year (“eligible student”), the student’s parent/guardian may make a written request to retain the student in their 2020-2021 grade level for the 2021-2022 school year.

Upon receiving a written request from a parent of an eligible student to retain their child for the 2021–22 school year, the district shall offer the parent a consultation with the parent, the student, an administrator and a teacher. The consultation must occur within 30 calendar days of receiving the written request.

During the consultation, the parties must discuss the topics provided for in Education Code section 48071(c): (i) all learning recovery options available to the student, including specific interventions and supports, access to previous courses in which the student received a grade of D or F during the 2020-2021 school year, another form of credit recovery, or other support; (ii) research regarding the effects of retention and the benefits of certain interventions and supports that help students; (iii) the student’s academic record and any other information that is necessary to determine whether retaining the student is, from both an academic and social standpoint, in their best interests.

After the consultation, the teacher and administrator, along with any other relevant staff, shall determine whether the eligible student should be retained or promoted to the next grade level. The retention decision must be consistent with the eligible student’s individualized educational program (if any).

For eligible students, the school district will communicate a final decision on whether the student will be retained to the parent/guardian within 10 calendar days of the date of the consultation.

Regardless of whether an eligible student is retained, after the consultation, the student must be offered supplemental interventions and support outlined in Education Code sections 43520-43525.

If an eligible student is not retained, in addition to being offered supplemental interventions and supports as noted above, the student must be offered: (i) the opportunity to retake courses they were enrolled in during the 2020-2021 school year in which they received a grade of D or F; (ii)

another means of credit recovery; or (iii) other supports as outlined in Education Code section 51225.

### 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 shall be retained in his/her current grade level unless the student's regular classroom teacher 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. (Education Code 48070.5)

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

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - State Academic Achievement Tests)

If the teacher'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)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent or designee shall 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)

(cf. 5145.6 - Parental Notifications)

### Appeal Process

Whenever a student's parent/guardian appeals the teacher's 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. (Education Code 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 teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher 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 teacher'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 teacher's decision should be overruled, he/she shall overrule the teacher'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.

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)