

**TEMECULA VALLEY CHARTER SCHOOL
Board Policy**

Section 4000 Student Policies

4021 PUPIL PROMOTION AND RETENTION POLICY

Board Action: APPROVED

Effective Date: 10-17-2016

Temecula Valley Charter School ("TVCS") is committed to providing a pupil placement policy based on our philosophy that pupils benefit most from an educational program appropriate their level of achievement, physical maturation and social development. Most pupils will make regular progress through the grades and participate in educational programs designed for their age and maturity; however, individual circumstances may indicate a need for acceleration or retention. Factors to be considered in determining grade placement should include the educational progress of the individual pupil, age, physical and/or social maturation, and mental ability. The decision-making process to establish grade placement should involve the pupil, principal, parent, teacher and other school personnel.

This policy reflects State law requirements that every school have a written Pupil Promotion and Retention Policy ("PPR") policy approved by the school's governing board. Consistent with *Education Code (EC) Section 48070.5(b)*, this PPR policy include students' grades and other indicators of academic achievement. Students' results on the Standardized Testing and Reporting (STAR) Program may be included as one indicator of academic achievement. However, STAR results are not the exclusive criterion for promotion or retention, as they have not yet been certified for that purpose pursuant to *EC Section 60648*.

The identification of students who should be retained or who are at risk of being retained is based primarily on proficiency in reading between the second and third grades and between the third and fourth grades. For the remaining grade levels, identification is based on proficiency in reading, English-language arts, and mathematics (*EC Section 48070.5[c]*).

Promotion/Acceleration/Retention

The TVCS Board of Directors expects students to progress through each grade within one school year. To accomplish this, instruction accommodates the varying interests and growth patterns of individual students and includes strategies for addressing academic deficiencies when needed. Students shall progress through the grade levels by demonstrating growth in learning and meeting grade level standards of expected student achievement set by the Board of Education. (cf. 6011--Academic Standards) (cf. 6146.1--High School Graduation Requirements/Standards of Proficiency) (cf. Elementary School Promotion/Standards of Proficiency). Pupils who are not accelerated or retained usually enter the sixth grade between the ages of 10-9 and 11-8. Pupils who are not accelerated or retained commonly enter the ninth grade between the ages of 13-9 and 14-8.

Minimum and Maximum Age Norms

Minimum and maximum age norms given are extremes and school personnel should consider all factors carefully before retaining or accelerating pupils whose ages fall near one of these extremes. Adjustments should be made as early as possible to ensure that a pupil will proceed to the next school level within the established minimum and maximum age norm limits.

1. Minimum Age Norms

a. A child will be admitted to kindergarten or transitional kindergarten programs at the beginning of the school year, or at a later time in the same year, if the child will have his /her 5th birthday on or before September 1 of the current school year (Education Code 48000).

- i. If TVCS is maintaining one or more kindergartens, the Board of Directors may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, if:
 - The Board of Directors determines admittance is in the best interest of the child; and
 - The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance
- ii. As a condition of receipt of apportionment for pupils in a transitional kindergarten program, TVCS may at any time during a school year, admit a child to a transitional kindergarten program who will have his/her 5th birthday after December 2 but during that same school year, with the approval of the parent/guardian, if:
 - a. The Board of Directors determines admittance is in the best interest of the child; and
 - b. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance.
- iii. Notwithstanding, a pupil admitted to a transitional kindergarten shall not generate average daily attendance or be included in the enrollment or unduplicated pupil count until the child has attained his/her 5th birthday, regardless of when the child was admitted during the school year.

b. A child will be admitted to first grade during the first month of a school year if the child will have his/her 6th birthday on or before September 1 of the current school year (Education Code 48010). A pupil who has been admitted to kindergarten maintained by a private or public school in California or any other state, and who has completed one school year shall be admitted to the first grade provided the child has reached his/her 5th birthday unless the parent or guardian of the child and TVCS agree that the child may

continue in kindergarten for not more than an additional school year. (Education Code 48011).

4. Foreign Pupils

Age-grade placement policies for immigrant and nonimmigrant foreign pupils are the same as for all other pupils. However, special care must be taken in verifying birth dates of pupils entering from foreign countries since documents presented often contain ages which are computed on a different basis or are otherwise in error. The educational experience of the foreign pupil is of particular importance in determining grade placement and assuring the orderly development of the pupils' educational program. When grade placement is contingent upon verification of age and/or prior school work in a foreign country, the pupil and his/her parents are informed that grade placement is tentative until appropriate records can be obtained and evaluated.

PROMOTION

Kindergarten Students:

Kindergarten students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the school agree that the student shall continue in kindergarten for not more than one additional school year. (Ed Code 48011)

First through Ninth Grades:

TVCS shall establish criteria for students who should be retained or who are at risk of being retained at the following grade levels: (Ed Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
5. Between grades 5 and 6
6. Between grades 6 and 7
7. Between grades 7 and 8

Special consideration will be given to students with limited English proficiency and those with a special education IEP. Students between grades 1 and 3 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between grades 6 and 7, and between grades 8 and 9. (Ed Code 48070.5)

Benchmark Grades:

TVCS staff will pay special attention to students performing below the minimum standards. Students can also be retained in grade K based upon current law. Students may be retained only once in their K-8 school career.

ACCELERATION

Acceleration to Elementary School Level

Acceleration of Kindergarten Pupils to First Grade (California Administrative Code, Title 5, Section 200; Board Rule 2005).

1. Because promotion is on an annual basis, acceleration moves a pupil ahead a full year. Accordingly, parents and school staff should carefully review all factors in making this decision. If there is uncertainty, consideration for acceleration should be deferred to a later grade level. Generally, acceleration should take place by December 1 in order to provide sufficient first grade experience.

2. Criteria for acceleration of kindergarten pupils to first grade are as follows:

a. The pupil is at least five years of age at the time of acceleration.

b. The pupil has attended a public school kindergarten for a long enough time to enable school personnel to make an evaluation of the pupil's ability.

c. The pupil is in the upper five percent of his/her age group in terms of general ability. (To determine whether a pupil meets this criterion, an individual or group test may be administered by qualified school personnel, although the group test score is not recorded on the cumulative record).

d. The physical development and social maturity of the pupil are consistent with the pupils advanced mental ability.

e. The parent or guardian of the pupil has filed with the school a written statement approving placement in the first grade.

3. A record that all criteria have been met and the written statement of the parent or guardian approving placement in the first grade is filed in the pupils' cumulative record.

Acceleration of Pupils Grade 1 through Grade 5

In order that essential blocks of learning will not be omitted, any acceleration should be based on long-term planning and be determined primarily by the needs of the individual and not by age alone. Special attention may be focused on acceleration of the intellectually gifted pupil.

Acceleration at the Middle School Level

Under exceptional circumstances, acceleration may be permitted by the principal at the middle school level when there has been careful preplanning. To permit sufficient time for making long-range plans, the pupil considering acceleration should discuss the possibilities with his/her parents, counselor, and principal as early as possible. Tentative planning will take into consideration the pupil's level of achievement, age, previous school records, general maturity, and proposed future goals. Policies relating to minimum age norms should be considered.

The criteria for consideration of acceleration at the middle school level are as follows:

1. The pupil is achieving markedly above his/her grade level and is in the upper levels of the population intellectually as determined by an individual psychological evaluation or by group testing results. Extra academic classes within the regular school are suggested as part of the pupil's acceleration program (e.g. Algebra). Participation in the TVCS GATE program or development of an Individualized Learning Program developed by staff in collaboration with parents and the student are also options to consider.
2. The pupil is of average ability but is slightly over-age because of childhood illness or other cause of retention. A program of acceleration similar to that suggested in 1. above may be planned for this pupil if achievement is satisfactory and the pupil demonstrates a desire to earn the acceleration.
3. There should be filed with the cumulative record a memorandum indicating requirements to be met and the terms agreed upon by the pupil, parent, and counselor.

Procedures for Acceleration

Identification/Data Gathering Phase:

1. Once a student has been identified by the teacher, counselor, or the parent/guardian as a potential candidate for acceleration, the special learning needs shall be discussed with the principal. Alternative programs or options shall be attempted within the school first.
2. Information/data will be gathered and referred to the Student Study Team or like committee meeting for analysis.
3. When sufficient information has been collected regarding a student's performance, a conference will be scheduled with the pupil's parent/guardian to inform him/her of his/her child's progress, using the objective data collected.

School Intervention Phase:

1. Resource personnel designated by the principal shall provide assistance to the classroom teacher and will recommend additional actions to meet the enrichment needs of the student.
2. Classroom modification and/or accommodations will be made based upon the pupil's learning needs, strengths, and interests.

School Decision Phase:

1. When information has been collected for assessing the effectiveness of the intervention phase, the teacher, principal, and resource personnel through the SST or like committee will review the results and shall determine by consensus a recommendation for the best placement for that student.
2. Parent/guardian shall be invited to the SST or like committee meeting to discuss the school's recommendation.

Acceleration--Final Decision Phase:

1. The recommendation will be shared with the parents/guardians at an SST or like committee meeting.
2. The pupil's progress will be monitored by the teacher. A plan shall be developed through the SST to provide special assistance the receiving teacher might need to prepare for accelerated students.
3. A written plan for monitoring the pupil's performance at the next higher grade level shall be developed.
4. A summary of the recommendations and actions taken will be filed in the pupil's cumulative record.
5. The parent/guardian must approve and support the plan of acceleration.

Acceleration/Promotion: Appeal Process:

The principal's final decision to promote a student may be appealed consistent with Board policy, administrative regulations, and law. The burden shall be on the appealing party to show why the principal's decision should be overruled. (Ed. Code 48070.5)

To appeal a promotion/acceleration decision, the appealing party shall submit a written request to TVCS, specifying the reasons why the principal's decision should be overruled. The appeal must be initiated within ten (10) school days after the formal decision is made to promote or accelerate a student. The burden shall be on the appealing party to show why the decision of the principal is overruled. If TVCS determines that the appealing party has overwhelmingly proven that the site decision should be overruled, he/she shall overrule the principal's decision. The decision of TVCS shall be final.

The *Ed Code* provides no further recourse beyond the appeal process in PPR policies, and there is no direct state oversight of PPR policies. If you are still convinced that the school is implementing its PPR policy in a manner that is discriminatory in regard to your child, you may contact the California Department of Education's (CDE) Office of Equal Opportunity. The fax number for the Office of Equal Opportunity is 916-324-9818, and the street address is 1430 N Street, Suite 6019, Sacramento, CA 95814. You may also contact the office by calling 916-445-9174.

RETENTION

Legal Criteria for Retention

As authorized by Ed. Code 48070.5, TVCS will identify students for retention or who are risk for retention on the basis of either:

1. the results of assessments administered pursuant to Ed Code 60640, Art. 4 and the minimum levels of proficiency recommended by the State Board of Education pursuant to Ed Code 60648; OR
2. The pupil's grades and other indicators of academic achievement designated by TVCS.

Second and Third Grade

Identification of students for retention or who are at risk for retention shall be assessed on the basis of the pupil's level of proficiency in reading.

Fourth, Fifth, Sixth, Seventh and Eighth Grade

Identification of students for retention or who are at risk for retention shall be assessed on the basis of the pupil's level of proficiency in reading, English language arts, and mathematics.

Retention is a placement option which is used when there is reasonable expectation that the additional experience in a particular grade level will be in the best interests of the pupil. Any recommendation for retention of a pupil is based on a continuous and thorough analysis of the pupil's personal and educational development and the possible benefits to the pupil which

might be derived from such retention. This policy is implemented on an individual basis by the local school administrative and teaching staffs in close consultation with the pupil's parents.

A. Roles/Responsibilities for Promotion/Retention of Pupils

Promotion or retention of pupils is based on a pupil's reasonable progress in meeting School standards of achievement.

1. The responsibility for the individual pupil's promotion to the next grade level is a shared effort among administrator, teacher, counselor/supportive staff, and parent. However, no decision to retain an elementary school student may be made without the prior written approval or consent of the student's parent or legal guardian.

2. In order to establish a definitive profile of the progress of the pupil, certain records and appropriate documentation must be maintained.

a. Teacher records must substantiate any recommendation.

b. School organization data must substantiate alternatives or repeated opportunities for instruction and intervention.

c. Cumulative files and other documentation indicate such items as performance test scores, progress, effort and attendance.

d. One or more parent conferences must be held.

3. The teacher is responsible for assigning the final mark and for recommending promotion or retention of the individual pupil based upon an assessment of reasonable progress.

4. Parent conferences shall be held as soon as it becomes evident that a pupil is not achieving or maintaining reasonable progress.

Kindergarten Retention Criteria:

Parent/guardian and the school may agree that a student shall continue in kindergarten for an additional school year if she/he performs below grade level standards on TOPA (Test of Phonemic Awareness), Kindergarten Benchmark Assessment, and receives report card grades of N in English Language Art and Math.

Retention at the Elementary Level

A pupil may be retained at any grade level in the elementary school. The decision to retain a pupil is based on an evaluation of the individual pupil's progress and his/her ability to achieve the measures of reasonable progress successfully. Pupil success at Grade K, 1, and 2 is most important before promotion to the upper grades where increasing instructional program requirements and/or length of instructional day occur. No decision to retain an elementary

school student may be made without the prior written approval or consent of the student's parent or legal guardian.

Retention of a pupil at Grade 5 is recommended only after other alternatives have been exhausted.

Repeated opportunities for additional instruction or remediation should be offered pupils to ensure continuous progress in subsequent grades.

Retention at the Middle School Level

The retention policy at the middle school level is developed at each school within the limits established by Board policy. Failure to complete one or more of the requirements below may result in a pupil not being promoted.

- a. Pupil success in the required and elective course content during any semester in Grades 6-8 or its equivalent as measured by teacher evaluation.
- b. Pupil progress in emotional, physical, and intellectual growth; exploration experiences; assimilation and application of skills; and socialization.
- c. Satisfactory completion of a course of study by achieving passing marks in courses representing in the last two semesters. The completion of at least four semesters of attendance in a middle school or its equivalent.
- d. Success with School standards.

The principal of the middle school may advance a failing pupil because of overage.

In order to maintain standards, it is a generally accepted practice to demote the pupil who has a fixed number of failures. This may be two in a semester, three in a semester, two academic subject failures, or an accumulation of a given number of failures. The pupil who is required to repeat classes may be retained by:

- a. Placement in a homeroom one grade level lower than his/her original homeroom.
- b. Placement in an ungraded, an adjustment, or a non-privilege homeroom.

Grades 1-8 Retention Criteria:

If a student is identified as performing below the minimum standard for promotion, 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. Appeals will be heard at the school level by the principal. The burden of proof for the appeal rests with the appealing party. (Ed Code 48070.5) The teacher(s) of record for students in grades 1-8 will recommend retention for any student who meets all criteria listed below, unless the teacher(s) specify in writing that retention is not the appropriate intervention.

- Grades 1 and 2 students performing far below standards on TOPA (if appropriate), below standard on comprehensive reading assessment (e.g. Fountas & Pinnell or DRA), with report card grade of N in Reading or Math.
- Grade 3 students performing at Below Basic or Far Below Basic on STAR English Language Arts/Math, below standard on comprehensive reading assessment (e.g. Fountas & Pinnell or DRA), with report card grade of N in Reading or Math.
- Grades 4-8 students performing at Standards Not Met on STAR English Language Arts and Math, with report card grades of D or lower in English Language Arts and Math.
- Below grade level performance in other applicable multiple measures.

Board Rights:

The policy adopted pursuant to this section shall be adopted at a public meeting of the Governing Board of the School. Nothing in this section shall be construed to prohibit the retention of a pupil not included in grade levels identified in this policy, or for reasons other than those specified for pupils at risk for retention, if such retention is determined to be appropriate for that pupil. Nothing in this section shall be construed to prohibit the Governing Board from adopting promotion and retention policies that exceed the criteria established in the California Ed. Code 48070.5, Promotion or Retention of Pupils.

PROCEDURES FOR RETENTION K-8

Identification Phase:

When a student is identified as being at risk of retention, the teacher shall so notify the student's parents/guardians 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. (Ed Code 48070.5) If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Ed Code 48070.5) The principal shall provide a copy of the school's promotion/retention policy and administrative regulation at the time parents/guardians are notified that their child is at risk of retention. (cf 5145.6--Parent Notifications). Once a pupil has been identified by the teacher or the parent/guardian as a potential candidate for retention, based upon performance against TVCS benchmark measures, the special learning needs of the pupil will be discussed with the principal and the SST. When possible, this discussion with the principal should occur on or before December 1.

Retention Data-Gathering Phase:

The school initiates the data-gathering phase. The student's performance shall be examined based upon the aforementioned benchmark multiple measures for all grade levels, with particular emphasis on performance in reading and math. The Student Needs Assessment Plan (SNAP) shall be developed for students at risk of retention to monitor his/her performance during the year of retention and address specific outcomes of how the student shall receive focused instruction to increase performance in reading and/or mathematics. Classroom interventions shall be put in place for a student in danger of failing, whether he/she is retained.

If the teacher's recommendation to promote is contingent upon the pupil's participation in intervention/ remediation program, the pupil's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote 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. (Ed Code 48070.5)

When sufficient information has been collected in regard to academic achievement and/or other factors, a conference will be scheduled with the pupil's parent/guardian to inform them of their child's progress, using the objective data collected. During the conference, the parent/guardian will be made aware of the intervention phase and any recommendations for remediation for their child through the development of SNAP.

Retention Intervention Phase:

Accommodations to the pupil's instructional program will be made by the SST or like committee (Student Study Team) and based on the pupil's learning needs. Assistance will be made available to identified students K-8. Interventions will be offered to students who have been retained, as well as those in danger of retention.

These interventions may include:

- Before, during, and after-school classes
- Homework Club if available
- Holiday recess tutorials
- Tutorials and programs for skills practice at home
- Elective classes to support core classes if available
- Classroom accommodations

These services shall be provided to students in the following priority order: (Ed Code 37252.5)

1. Students who have been recommended for retention or who have been identified as being at risk or retention, pursuant to Ed. Code 48070.5.
2. Students who have been identified as having a deficiency in, STAR English Language Arts/ Math and student report card grades of N or D or lower. These interventions shall be developed in accordance with the requirements of Ed. Code 37252.5.

Retention: School Decision Phase:

By the end of the 2nd grading period or no later than May 15, the teacher, principal, counselor, and other resource personnel, will review results of the intervention phase through the SST or like committee and arrive at a consensus recommendation for the next placement for the pupil. (This is not meant to preclude retention consideration for later-entering pupils.) If the student's intervention plan dictates, a decision to retain may be postponed until the student has completed the intervention. The final determination rests with principal as advised by the teacher(s) of record.

Retention: Final Decision Phase:

Final decision for placement should be reached by June 1, or when the student has completed remediation/interventions recommended by the teacher(s). The ultimate responsibility for the retention decision rests with the principal as advised by the teacher(s) of record, except in the case of kindergarten students whose parents must mutually agree that the student shall continue in kindergarten. (Ed. Code 48011). The teacher(s) evaluation, including reports of summer school progress, shall be provided to and discussed with the pupil's parent/guardian and the school principal before any final determination of pupil retention. (Ed. Code 48070.5(d)) The final decision shall be made no later than 12 days prior to the start of the school year.

In all cases, a parent/guardian conference will be held and a summary of the recommendations and actions taken will be filed in the pupil's cumulative record.

Retention: Appeal Process:

The principal's final decision to promote or retain a student may be appealed consistent with Board policy, administrative regulations, and law. The burden shall be on the appealing party to show why the principal's decision should be overruled. (Ed. Code 48070.5)

To appeal a retention decision, the appealing party shall submit a written request to TVCS, specifying the reasons why the principal's decision should be overruled. The appeal must be initiated within ten (10) school days after the formal decision is made to retain a student. The burden shall be on the appealing party to show why the decision of the teacher(s) is overruled. If TVCS determines that the appealing party has overwhelmingly proven that the site decision should be overruled, he/she shall overrule the principal's decision. The decision of TVCS shall be final.

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PROMOTION/ACCELERATION/RETENTION OF SPECIAL EDUCATION STUDENTS

1. If a preschool special education student is scheduled to start kindergarten in September (Section 48000 of the Ed Code), the parent or teacher can request that the student remain one more year at the preschool level. The final decision will be made as part of the IEP process. The IEP team needs to consider and address the factors that are involved when retaining a K-6 student, in case the student is brought up for retention in a subsequent grade.
2. All retentions will be initiated in accordance with the notice and implementation requirements listed in these regulations.
3. If a special education student is placed in a special class (including a non-public school), the Special Day Class teacher recommends retention. The final decision will be made as part of the IEP process.
4. If the special education student is enrolled in the regular education program the retention process is initiated by the regular classroom teacher in collaboration with appropriate special education staff. Parents must be notified that they can request an IEP meeting to address promotion/retention. The decision of the IEP team will be the determiner of whether or not the student is retained.
5. Multiple measures must include individually administered achievement tests, as well as other special education measures of student performance levels.

PROMOTION/ACCELERATION/RETENTION OF STUDENTS WITH 504 PLANS

1. All retention will be initiated in accordance with the notice and implementation requirements listed in these regulations.
2. As soon as retention is being considered, and as part of the monitoring required by BP/AR 6170, the SST shall meet to assess the appropriateness of the accommodations, aids, and/or services provided. If the conditions that are causing the potential retention are related to the disability, they shall be addressed in the 504 accommodation plan according to 504 procedures. If the conditions are not related to the 504 disability, then a separate retention intervention plan should be developed.
3. If the SST moves to retain the student, it must provide written documentation that it complied with the requisite procedures and content of the student's 504 plan and that the disability is not the reason for the retention.
4. Determine the appropriateness of a special education evaluation if one has not already been completed.

PROMOTION/ACCELERATION/RETENTION OF ENGLISH LEARNERS (EL) STUDENTS

Students identified as EL cannot be considered for retention due to lack of English proficiency. Factors to consider include:

1. Length of time in the United States.
2. Length of time in an appropriate program.
3. Level of English acquisition.

Students who are LEP or with an IEP may function on a separate set of standards.