

VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 5123**

ADOPTED: 8/23/99

CLASSIFICATION: Students

REVISED:

SUBJECT: Promotion/Retention

Upon the enrollment of a student within any VCOE operated program, a teacher assessment shall be completed, in the areas of:

1. Reading proficiency
2. English, language arts, and writing
3. Mathematics

The exception to this requirement shall be those students who are enrolled in a VCOE operated program for those students who have an active Individualized Education Program plan which includes an assessment of skills completed within 6 months of the date of placement.

STUDENT IDENTIFICATION TO BE CONSIDERED FOR RETENTION BY GRADE LEVEL

As prescribed by law, the Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels (Education Code section 48070.5)

1. Between grades two and three
2. Between grades three and four
3. Between grades four and five
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades (grade 9)

CRITERIA FOR CONSIDERATION OF RETENTION

Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement, as established in VCOE Board Policy 5123.

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. 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 (EC 48070.5).

DESIGNATION OF TEACHER

For those VCOE operated programs, the "teacher" making the recommendation and/or determination for promotion/retention shall be the teacher who:

1. Serves as the designated credentialed teacher for the student during the instructional day for the student.
2. Provides more than 50% of the student's instruction for any school day; or
3. Is designated by the VCOE principal for those students enrolled in a departmentalized instructional program.

TEACHER DETERMINATION FOR STUDENT RETENTION [See Sample Letter, Appendix "A"]

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.

FINAL TEACHER RECOMMENDATION FOR RETENTION/PROMOTION

If the teacher's recommendation to promote is contingent on the student's participation in an extended year program or other 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.

REQUIREMENT FOR PARENT NOTIFICATION OF STUDENT "AT RISK" OF RETENTION

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parents/guardians, in writing, as early in the school year as practicable. The student's parents/guardians shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student.

The letter of notification shall also include a copy of the VCOE Board of Education's Policy on "promotion and retention" and the administrative rules and regulations to those parents/guardians who have been notified that his/her child is at risk of retention.

APPEAL OF TEACHER'S DECISION TO RETAIN OR PROMOTE STUDENT

1. The decision to promote or retain a student may be appealed consistent with Board policy, administrative regulations and the law.
2. The burden shall be on the appealing party to show why the teacher's decision should be overruled.
3. To appeal the teacher's decision, the parents/guardians, and the student, if appropriate, shall submit a written request to the Superintendent or designee specifying the reasons why the teacher's decision should be overruled. The appeal must be initiated within ten (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.
4. If the Superintendent or designee determine that the appealing party has overwhelmingly demonstrated that the teacher's decision should be overruled, then the Superintendent or designee shall overrule the teacher's decision.
5. The Superintendent or designee's determination may be appealed by submitting a written appeal to the VCOE Board of Education within 15 (fifteen) school days. Within 30 (thirty) days or receipt of a written appeal, the VCOE Board shall meet in closed session to decide the appeal. The board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.
6. If the decision is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections, which shall become part of the student's record.

PROVISION OF REMEDIAL INSTRUCTION

To the extent to which county offices of education are funded to provide systematic and intensive supplemental instruction to students retained pursuant to Education Code section 48070.5, with parent/guardian consent, the Superintendent or designee may require a student who has been recommended for retention or identified as being at risk of retention, to participate in a supplemental instructional program.

1. Such programs shall be offered during the summer, on Saturdays, and/or after school. However, a student shall not be removed from instruction of his/her regular day core curriculum.
2. The aforementioned services shall be provided to students in the following priority order:
 - A. Students who have been recommended for retention or who have been identified as being at risk of retention pursuant to EC 48070.5; then,

- B. Students who have been identified as having a deficiency in mathematics, reading, or written expression based upon the results of tests administered by the district or under the Standardized Testing and Reporting (STAR) program.
- 3. The supplemental instruction program shall be developed in accordance with the requirements of Education Code section 37252.5.

APPENDIX "A"

Ventura County Office of Education
5189 Verdugo Way
Camarillo, CA 93012

TO: _____ (Name of Parent/Guardian)

_____ (Mailing Address)

_____ (City and Zip Code)

FROM: _____, Principal
(Name of VCOE Principal)

_____, Teacher
(Name of VCOE Teacher)

DATE: _____

SUBJECT: Formal Notification of Promotion/Retention

Identifying Student Data

Name of Student: _____

VCOE School/Program: _____ Grade: _____

As required by law, this is to provide you with formal written notice of the following (check all that apply):

_____ Your son/daughter has been identified performing below minimum standard for promotion;

_____ Your son/daughter shall be retained in his/her current grade level for the next program year;

_____ Retention of your son/daughter is NOT the appropriate intervention for their academic deficiencies and the following specific recommendations and interventions are necessary to assist your son/daughter in attaining acceptable levels of academic achievement.

RE: _____ (Student Name)

Specific Recommendations and Interventions:

1. _____

2. _____

3. _____

4. _____

We are requesting that you contact us at telephone # _____ to schedule an appointment to review this very important matter. Our mutual goal is to work with you and your son/daughter to improve their skill level to meet the requirements for promotion, academic success and ultimately, successful employment in the future. The skill areas requiring attention are in the following areas (check as appropriate):

- A. _____ Reading proficiency
- B. _____ English, language arts, and writing; and/or
- C. _____ Mathematics.

As required by law, enclosed you will find a copy of Board Policy 5132 and Administrative Rules and Regulations 5123.

Thank you very much for your time and attention in this matter and we look forward to hearing from you within 3 working days.

Distribution: Original copy - Parent/Guardian * Pink copy - Office * Yellow copy - Student File