

## **Regulation 5123: Promotion/Acceleration/Retention**

**Adopted Date: 12/13/2023**

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

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. (Education Code 48010, 48011)

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: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the district approving the placement in first grade.

### **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. (Education Code 46300, 48011)

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.

### **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)

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)

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

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

### **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 calendar 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.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 calendar days of receipt of a written appeal, the 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 parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.

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.

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**  
5 CCR 200-202

**Description**  
Admission and exclusion of students

Ed. Code 37252-37254.1

Ed. Code 41505-41508

Ed. Code 46300

Ed. Code 48010

Ed. Code 48011

Ed. Code 48070-48070.5

Ed. Code 56345

Ed. Code 60640-60649

### **Management Resources**

California Department of Education  
Publication

California Department of Education  
Publication

California Department of Education  
Publication

Website

Website

Website

Supplemental instruction

Pupil Retention Block Grant

[Method of computing average daily attendance](#)

[Admittance to first grade](#)

[Promotion/retention following one year of kindergarten](#)

[Promotion and retention](#)

[Elements of individualized education plan](#)

[California Assessment of Student Performance and Progress](#)

### **Description**

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[CSBA](#)

### **Cross References**

#### **Code**

4231

5020

5020

5111

5111

5121

5121

5125

5125

5125.3

5145.6

5145.6-E(1)

5147

6000

6011

#### **Description**

[Staff Development](#)

[Parent Rights And Responsibilities](#)

[Parent Rights And Responsibilities](#)

[Admission](#)

[Admission](#)

[Grades/Evaluation Of Student Achievement](#)

[Grades/Evaluation Of Student Achievement](#)

[Student Records](#)

[Student Records](#)

[Challenging Student Records](#)

[Parent/Guardian Notifications](#)

[Parent/Guardian Notifications](#)

[Dropout Prevention](#)

[Concepts And Roles](#)

[Academic Standards](#)

6020	<a href="#"><u>Parent Involvement</u></a>
6020	<a href="#"><u>Parent Involvement</u></a>
6120	<a href="#"><u>Response To Instruction And Intervention</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6146.5	<a href="#"><u>Elementary/Middle School Graduation Requirements</u></a>
6162.5	<a href="#"><u>Student Assessment</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6164.5	<a href="#"><u>Student Success Teams</u></a>
6170.1	<a href="#"><u>Transitional Kindergarten</u></a>
6172	<a href="#"><u>Gifted And Talented Student Program</u></a>
6172	<a href="#"><u>Gifted And Talented Student Program</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>
6176	<a href="#"><u>Weekend/Saturday Classes</u></a>
6177	<a href="#"><u>Summer Learning Programs</u></a>
6179	<a href="#"><u>Supplemental Instruction</u></a>