



VIBRANT MINDS CHARTER SCHOOL
TK-6 Grade, Free, Public Education
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BOARD POLICY

SCHOLAR PROMOTION, ACCELERATION, AND RETENTION

Vibrant Minds Charter School (VMCS) is committed to providing a scholar placement policy based on our philosophy that scholars benefit most from an educational program that is appropriate for their level of achievement, physical maturation, and social development. Most scholars 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 scholar, age, physical and/or social maturation, and mental ability. The decision-making process to establish grade placement should involve the scholar, parent, teacher, administration, and other school personnel.

This document adheres to the State law requirement that every school must have a written Pupil Promotion and Retention (PPR) Policy approved by the school's Board. Consistent with Education Code Section 48070.5(b), this PPR policy includes scholars' grades and other indicators of academic achievement as measures for their need or readiness for promotion or retention. Scholars' results on the California Assessment of Student Performance and Progress (CAASSP) may be included as one indicator of academic achievement. However, CAASSP 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 scholars who should be retained or who are at risk of being retained are 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 Philosophy

The VMCS Board of Directors expects scholars to progress through each grade within one school year. To accomplish this, instruction accommodates the varying interests and growth patterns of individual scholars and includes strategies for addressing

academic deficiencies when needed. Scholars shall progress through the grade levels by demonstrating growth in learning and meeting grade level standards of expected scholar achievement set by the California Board of Education. (cf. 6011-- Academic Standards) (cf. Elementary School Promotion/Standards of Proficiency). Scholars who are not accelerated or retained usually enter the sixth grade between the ages of 10-9 and 11-8.

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 scholars whose ages fall near one of these extremes. Adjustments should be made as early as possible to ensure that a scholar will proceed to the next school level within the established minimum and maximum age norm limits.

- Minimum Age Norms
 - A scholar will be admitted to the transitional kindergarten or kindergarten program at the beginning of the school year, or at a later time in the same year if the scholar will have his/her 5th birthday on or before September 1 of the current school year (Education Code 48000).
 - If VMCS is maintaining one or more kindergarten classrooms, the Board of Directors may, on a case-by-case basis, admit to kindergarten a scholar having attained the age of five years at any time during the school year with the approval of the parent or guardian, if:
 1. The Board of Directors determines admittance is in the best interest of the scholar; and
 2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance
 - As a condition of receipt of apportionment for scholars in a transitional kindergarten program, VMCS may at any time during a school year admit a scholar 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:
 1. The Board of Directors determines admittance is in the best interest of the scholar; and
 2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of early admittance.

- Notwithstanding, a scholar admitted to a transitional kindergarten shall not generate average daily attendance or be included in the enrollment or unduplicated pupil count until the scholar has attained his/her 5th birthday, regardless of when the child was admitted during the school year.
- A scholar will be admitted to first grade during the first month of a school year if the scholar will have his/her 6th birthday on or before September 1 of the current school year (Education Code 48010). A scholar 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 scholar has reached his/her 5th birthday unless the parent or guardian of the child and VMCS agree that the scholar may continue in kindergarten for not more than an additional school year. (Education Code 48011).
- Foreign Scholars -- Age-grade placement policies for immigrant and nonimmigrant foreign scholars are the same as for all other scholars. However, special care must be taken in verifying birth dates of scholars 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 scholar is of particular importance in determining grade placement and assuring the orderly development of the scholars' educational program. When grade placement is contingent upon verification of age and/or prior school work in a foreign country, the scholar and his/her parents are informed that grade placement is tentative until appropriate records can be obtained and evaluated.

Promotion

- Kindergarten – A scholar who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the school agree that the scholar shall continue in kindergarten for not more than one additional school year. (Ed Code 48011)
- First through Sixth Grades – VMCS shall establish criteria for a scholar who should be retained or who is at risk of being retained at the following grade levels: (Ed Code 48070.5)
 - Between grades 2 and 3
 - Between grades 3 and 4
 - Between grades 4 and 5
 - Between grades 5 and 6

- Special consideration will be given to scholars with limited English proficiency and/or under a special education IEP. Scholars 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 scholars between grades 4 and 5 and 5 and 6.
- Benchmark Grades – VMCS staff will pay special attention to scholars performing below the minimum standards. Scholars can also be retained in Grade K based upon current law. Scholars may be retained only once in their K-6 school career.

Acceleration

- Acceleration of Kindergarten Scholars to First Grade (California Administrative Code, Title 5, Section 200; Board Rule 2005).
 - Because promotion is on an annual basis, acceleration moves a scholar 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.
 - Criteria for acceleration of kindergarten scholars to first grade are as follows:
 1. The scholar is at least five years of age at the time of acceleration.
 2. The scholar has attended a public school kindergarten for a long enough time to enable school personnel to make an evaluation of the scholar's ability.
 3. The scholar is in the upper five percent of his/her age group in terms of general ability. (To determine whether a scholar 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).
 4. The physical development and social maturity of the scholar are consistent with the scholar's advanced mental ability.
 5. The parent or guardian of the pupil has filed with the school a written statement approving placement in the first grade.
 - 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 scholar's cumulative record.

- Acceleration of Scholars 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 scholar and not by age alone. Special attention may be focused on acceleration of the intellectually gifted scholar.

Procedures for Acceleration Identification/Data Gathering Phase

- Once a scholar has been identified by the teacher, assistant director, executive director, or the parent/guardian as a potential candidate for acceleration, the special learning needs shall be discussed with the assistant director and/or executive director. Alternative programs or options shall be attempted within the school first.
- Information/data will be gathered and analyzed by the Scholar Success Team (SST) or similar committee.
- When sufficient information has been collected regarding a scholar's performance, a conference will be scheduled with the scholar's parent/guardian to inform him/her of his/her scholar's progress, using the objective data collected.
- School Intervention Phase
 - Resource personnel designated by the assistant director and/or executive director shall provide assistance to the classroom teacher and will recommend additional actions to meet the enrichment needs of the scholar.
 - Classroom modifications will be made based upon the scholar's learning needs, strengths, and interests.
- School Decision Phase
 - When information has been collected for assessing the effectiveness of the intervention phase, the teacher, assistant director, executive director, and resource personnel through the SST or similar committee will review the results and shall determine by consensus a recommendation for the best placement for the scholar.
 - Parent/guardian shall be invited to the SST or similar committee meeting to discuss the school's recommendation.
- Acceleration -- Final Decision Phase
 - The recommendation will be shared with the parents/guardians at an SST or similar committee meeting.

- The scholar's progress will be monitored by the current teacher. A plan shall be developed through the SST to provide special assistance to the receiving teacher to prepare for the accelerated scholar.
 - A written plan for monitoring the scholar's performance at the next higher grade level shall be developed.
 - A summary of the recommendations and actions taken will be filed in the scholar's cumulative record.
 - The parent/guardian must approve and support the plan of acceleration.
- Acceleration/Promotion -- Appeal Process
 - The assistant director's and/or executive director's final decision to promote a scholar may be appealed consistent with Board Policy, administrative regulations, and law. The burden shall be on the appealing party to show why the assistant director's and/or executive director's decision should be overruled. (Ed. Code 48070.5)
 - To appeal a promotion/acceleration decision, the appealing party shall submit a written request to the VMCS Board, specifying the reasons why the 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 scholar. The burden shall be on the appealing party to show why the decision of the school's staff is overruled. If the VMCS Board determines that the appealing party has overwhelmingly proven that the site decision should be overruled, the party shall overrule the assistant director's and/or executive director's decision. The decision of the VMCS Board shall be final.
 - The Ed Code provides no further recourse beyond the appeal process in VMCS policies, and there is no direct state oversight of VMCS policies. If a parent/guardian is still convinced that the school is implementing its VMCS Policy in a manner that is discriminatory in regard to a scholar, the parent/guardian 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. The parent/guardian may also contact the office by calling 916-445-9174.

Retention

- Legal Criteria for Retention -- As authorized by Ed. Code 48070.5, VMCS will identify scholars for retention or who are risk for retention on the basis of either:

- 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
 - Scholar's grades and other indicators of academic achievement designated by VMCS.
- Kindergarten, First, Second, and Third Grade -- Identification of a scholar for retention or who is at risk for retention shall be assessed on the basis of the scholar's level of proficiency in reading.
 - Fourth, Fifth, and Sixth Grade -- Identification of a scholar for retention or who are at risk for retention shall be assessed on the basis of the scholar's level of proficiency in reading, English-language arts, and mathematics.
 - A scholar may be retained at any grade level in elementary school. The decision to retain a scholar is based on an evaluation of the individual scholar's progress and his/her ability to successfully achieve the measures of reasonable progress.
 - Scholar success in the primary grades is critical 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 scholar may be made without the prior written approval or consent of the scholar's parent/guardian.
 - Retention of a scholar at Grade 6 is recommended only after other alternatives have been exhausted.
 - Repeated opportunities for additional instruction or remediation should be offered scholars to ensure continuous progress in subsequent grades.
 - 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 scholar. Any recommendation for retention of a scholar is based on a continuous and thorough analysis of the scholar's personal and educational development and the possible benefits to the scholar which might be derived from such retention. This policy is implemented on an individual basis by the VMCS staff, in close consultation with the pupil's parents.

Roles/Responsibilities/Criteria for Promotion/Retention of Scholars

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

- The responsibility for the individual scholar's promotion to the next grade level is a shared effort among the teacher, assistant director, executive director, support staff, and parent/guardian. However, no decision to retain an elementary school scholar may be made without the prior written approval or consent of the scholar's parent/guardian
- In order to establish a definitive profile of the progress of the scholar, certain records and appropriate documentation must be maintained.
 - Teacher records must substantiate any recommendation.
 - School organization data must substantiate alternatives or repeated opportunities for instruction.
 - Cumulative files and other documentation indicate such items as performance test scores, progress, effort and attendance.
 - Parent conferences must be held.
- The teacher is responsible for assigning the final mark and for recommending promotion or retention of the individual scholar based upon an assessment of reasonable progress.
- Parent conferences shall be held as soon as it becomes evident that a scholar is not achieving or maintaining reasonable progress.
- Kindergarten Retention Criteria -- Parent/guardian and the school may agree that a scholar shall continue in kindergarten for an additional school year if s/he performs below grade level standards on Phonemic Awareness, Basic Phonics Skills Test (BPST), High Frequency Words, Kindergarten Benchmark Assessments, and receives report card grades of 1 in English-language arts and mathematics.
- Grades 1-6 Retention Criteria -- If a scholar is identified as performing below the minimum standard for promotion, the scholar shall be retained in his/her current grade level unless the scholar's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the scholar's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the scholar and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the scholar in attaining acceptable levels of academic achievement. Appeals will be heard at the school level by the assistant director and/or director. The burden of proof for the appeal rests with the appealing party. (Ed Code 48070.5) The teacher of record for students in Grades 1-6 will recommend retention for any scholar who meets all criteria listed below, unless the teacher specifies in writing that retention is not the appropriate intervention.

- Grades 1 and 2 scholars performing far below standards on the Basic Phonics Skills Test (BPST), High Frequency Words, and with report card grade of 1 in Reading or Mathematics.
- Grade 3-6 scholars performing at Below Basic or Far Below Basic on CAASSP English Language Arts and Mathematics, with report card grade of 1 in Reading or Mathematics.
- 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 Board of Directors. Nothing in this section shall be construed to prohibit the retention of a scholar not included in grade levels identified in this policy, or for reasons other than those specified for scholars at risk for retention, if such retention is determined to be appropriate for that scholar. Nothing in this section shall be construed to prohibit the Board of Directors 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 Grades K-6

- Identification Phase
 - When a scholar is identified as being at risk of retention, the teacher shall so notify the scholar's parents/guardians as early in the school year as practicable.
 - The scholar's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the scholar. (Ed Code 48070.5)
 - The assistant director and/or executive director shall provide a copy of the school's promotion/retention policy and administrative regulation at the time parent/guardian is notified that the scholar is at risk of retention. (cf 5145.6-- Parent Notifications).
 - Once a scholar has been identified by the teacher and/or the parent/guardian as a potential candidate for retention, based upon performance against VMCS benchmark measures, the special learning needs of the scholar will be discussed with the assistant director, executive director, and the SST. When possible, this discussion with the team should occur on or before December 1.
- Retention Data-Gathering Phase
 - The school initiates the data-gathering phase. The scholar'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 Scholar Needs Assessment Plan (SNAP) shall be developed for each scholar at risk of retention to monitor his/her performance during the year of retention and address specific outcomes of how the scholar shall receive focused instruction to increase performance in reading and/or mathematics. Classroom modification shall be made for a scholar in danger of failing, whether he/she is retained.
 - If the teacher's recommendation to promote is contingent upon the scholar's participation in summer school or interim session remediation program, the scholar'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 scholar's parent/guardian and the assistant director and executive director 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 scholar's parent/guardian to inform him/her of the scholar'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 scholar through the development of SNAP.
- Retention Intervention Phase
 - Modifications to the scholar's instructional program based on the scholar's learning needs will be made by the Scholar Success Team (SST) or similar committee.
 - Assistance will be made available to identified scholars. Interventions will be offered to scholars who have been retained, as well as those in danger of retention. These interventions may include:
 1. Before, during, and after-school classes
 2. Homework Club
 3. VMCS Summer Academy
 4. Saturday School or holiday recess tutorials
 5. Tutorials
 6. Elective classes to support core classes
 7. Classroom modifications

- These services shall be provided to scholars in the following priority order: (Ed Code 37252.5):
 1. Scholars who have been recommended for retention or who have been identified as being at risk or retention, pursuant to Ed. Code 48070.5.
 2. Scholars who have been identified as having a deficiency in CAASSP English Language Arts/ Mathematics and scholar report card grades of 2 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 trimester, or no later than May 15, the teacher, assistant director, executive director, and other resource staff will review results of the intervention phase through the SST or similar committee and arrive at a consensus recommendation for the next placement for the scholar. (This is not meant to preclude retention consideration for later-entering pupils.)
 - If the scholar's intervention involves summer school performance, a decision to retain may be postponed until the scholar has completed the intervention. The final determination rests with assistant director and/or executive director as advised by the teacher of record.
- Retention -- Final Decision Phase
 - Final decision for placement should be reached by May 31, or when the scholar has completed remediation/interventions recommended by the teacher. The ultimate responsibility for the retention decision rests with the assistant director and/or executive director as advised by the teacher of record, except in the case of a kindergarten scholar whose parent/guardian must mutually agree that the scholar shall continue in kindergarten. (Ed. Code 48011).
 - The teacher's evaluation, including reports of VMCS Summer Academy, shall be provided to and discussed with the scholar's parent/guardian and the school assistant director and/or executive director before any final determination of scholar retention. (Ed. Code 48070.5(d)) The final decision shall be made no later than 10 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 scholar's cumulative record. Retained scholars shall not be placed in combination classes or repeat the grade with the same teacher unless there are no other options at the school unless it is determined with the parent/guardian that it is in the best interest of the scholar.

- Retention -- Appeal Process
 - The assistant director's and/or executive director's final decision to retain a scholar may be appealed consistent with Board Policy, administrative regulations, and law. The burden shall be on the appealing party to show why the assistant director's and/or executive director's decision should be overruled. (Ed. Code 48070.5)
 - To appeal a retention decision, the appealing party shall submit a written request to the VMCS Board, specifying the reasons why the decision should be overruled. The appeal must be initiated within ten (10) school days after the formal decision is made to retain a scholar. The burden shall be on the appealing party to show why the decision of the school's staff is overruled. If the VMCS Board determines that the appealing party has overwhelmingly proven that the site decision should be overruled, the party shall overrule the assistant director's and/or executive director's decision. The decision of the VMCS Board shall be final.
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Promotion/Acceleration of Special Education Scholars

- If a preschool special education scholar is scheduled to start kindergarten in September (Section 48000 of the Ed Code), the parent or teacher can request that the scholar 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 scholar, in case the scholar is brought up for retention in a subsequent grade.
- All retentions will be initiated in accordance with the notice and implementation requirements listed in these regulations.
- If a special education scholar 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.

- If the special education scholar is enrolled in the regular education program, the retention process is initiated by the regular classroom teacher in collaboration with appropriate special education staff. The parent/guardian must be notified that s/he can request an IEP meeting to address promotion/retention. The decision of the IEP team, inclusive of the parent/guardian, will be the determiner of whether or not the scholar is retained.
- Multiple measures must include individually administered achievement tests, as well as other special education measures of scholar performance levels.

Promotion/Acceleration/Retention of Scholars with 504 Plans

- All retention will be initiated in accordance with the notice and implementation requirements listed in these regulations.
- 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.
- If the SST moves to retain the scholar, it must provide written documentation that it complied with the requisite procedures and content of the scholar's 504 plan and that the disability is not the reason for the retention.
- Determine the appropriateness of a special education evaluation if one has not already been completed.

Promotion/Acceleration/Retention of English Learners (EL)

- Scholars identified as EL cannot be considered for retention due to lack of English proficiency. Factors to consider include:
 - Length of time in the United States
 - Length of time in an appropriate program
 - Level of English acquisition
- Scholars who are ELs or with an IEP may function on a separate set of standards.

Review of Policy

This policy may be reviewed periodically by the VMCS Board.

Adopted: January 13, 2021

Amended: