



Regulation of the Chancellor

Category: STUDENTS

Number: **A-501**

SUBJECT: PROMOTION STANDARDS

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SUMMARY OF CHANGES

This regulation implements a system-wide promotion policy with clearly defined standards for promotion for each grade from grades three to twelve. It supersedes Regulation A-501 dated April 12, 2005.

Changes:

- A new promotion policy has been implemented for the seventh grade.
- The third and fifth grade promotion policies have been amended to provide, for the 2005-2006 school year, that students must meet or exceed the New York City Promotion Standard in order to advance to the next grade.



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ABSTRACT

This Regulation implements a system-wide promotion policy with clearly defined standards for promotion for each grade from grades three to twelve. It provides the process and procedures for the implementation of the promotion policy in all New York City public schools, and supersedes all other policies, regulations, and circulars governing student promotion. This Regulation is effective as of February 1, 2006. It supersedes Regulation A-501 dated April 12, 2005.

This Regulation is being promulgated in the context of the following goals established by the Chancellor:

- All students in Pre-kindergarten through grade 12 will meet or exceed rigorous academic standards in a performance-based core curriculum. In grades 3 through 12, all students will meet or exceed the promotion standards established in this Regulation in order to be promoted to the next grade and ultimately to be prepared to meet more demanding graduation requirements.
- A comprehensive student assessment system, aligned with established State and City performance standards, will be used on an ongoing basis to measure student progress toward meeting these standards and to improve classroom instruction.
- The resources of the school system will be strategically developed and deployed to enable regions and schools to provide the necessary supports and interventions to ensure that all students achieve the standards in a timely manner.
- The instructional capacity of schools will be expanded and enhanced through effective professional development focused on all students achieving literacy and math standards by the end of grade three and successfully meeting promotion criteria in grades three to twelve.
- The entire school community will be engaged continuously in creating and supporting effective strategies for improved student achievement.



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I. RESPONSIBILITIES OF THE CHANCELLOR, REGIONS, SCHOOLS, PARENTS, AND STUDENTS IN IMPLEMENTING THE PROMOTION POLICY

A. The Chancellor

The Chancellor will:

1. clearly define system-wide performance standards in the academic content areas;
2. establish system-wide assessments to measure student progress toward achievement of the standards;
3. leverage fiscal, community, business, and university resources, and ensure that resources allocated to regions and schools support:
 - balanced literacy instruction with a focus on achieving standard-level reading and writing for all students by the end of grade three;
 - extended-day learning opportunities, such as before-school, after-school, and weekend instructional programs that provide interventions to enable all students to meet the standards;
 - extended-year learning opportunities, such as summer enrichment activities, that provide additional support and time to students at risk of not meeting the standards; and
4. supervise and evaluate the implementation of this policy in all regions and schools.

B. Regions and Schools

1. The District Comprehensive Education Plans (DCEPs) will specifically address the implementation of the promotion standards. DCEPs will provide guidance and timelines consistent with this Regulation to help schools with the development of procedures for parent notification and conferences, the analysis of student assessment and achievement data to inform instruction, and the development of instructional strategies and intervention programs for students who need additional assistance in order to meet the promotion standards. Professional development targeted to these areas must be provided to all school leadership and staff.

The LIS or Community Superintendent-LIS will monitor the implementation of the promotion standards in the schools in their LIS



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network and directly supervise principals to ensure that their schools provide effective instruction to all students.¹

2. Principals, in collaboration with School Leadership Teams, will produce Comprehensive Education Plans (CEPs) that will focus on enabling all students to meet or exceed the established performance standards. The CEP will specify intervention programs and strategies for individual students who are achieving below performance standards, plans to ensure that parents are integral partners in their children's learning, and timelines and benchmarks for determining student progress on an ongoing basis. The CEP will also specify a school attendance plan which defines an effective system of early identification, parent notification, outreach, and support in a consolidated attendance program. Professional development targeted to these areas must be provided to all school staff.

Principals will monitor the implementation of the promotion standards in their schools and directly supervise teachers to ensure that effective instruction is provided to all students.

3. Teachers will provide effective instruction linked explicitly to the performance standards to all students. Teachers, in collaboration with appropriate school-based staff and under the principal's leadership, must ensure that instructional and support interventions are provided to students at risk of not meeting the promotion standards.

Teachers will use all available assessments – standardized tests, performance-based assessments, ongoing assessment of student work, teacher observation and professional judgment, and attendance records – as mechanisms to improve classroom instruction and to provide parents with detailed information about their child's academic progress. Teachers will maintain collections of student work that document student progress toward meeting performance standards.

C. Parents

1. Parents must be active partners in the education of their children. Schools will explicitly communicate to parents what students must know and the level at which students must perform in order to meet the promotion standards. Schools will also communicate the standard of attendance that students must maintain. Parents will be offered opportunities to participate in parent and family learning programs, to

¹ Throughout this regulation, the phrase "LIS or Community Superintendent-LIS" refers to the LIS or Community Superintendent-LIS who oversees the school's LIS network.



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discuss the work and progress of their children, and to play a role in their child's academic success.

2. An ongoing communication process will be utilized so that parents will know if and when specific interventions and/or alternative instruction are needed.
3. To the extent possible, communication with parents should be in the home language. Once the standards, expectations, and opportunities for additional support (if required) are clearly communicated, parents will be expected to support good student attendance and completion of required student work. Parents will also be responsible for helping to maintain ongoing communication with schools and teachers about their child's progress.

D. Students

1. Students will be expected to work toward accomplishing the learning goals set for them and will, when necessary, on the basis of informed feedback from their teachers and through their own efforts and use of available resources, bring their work up to standard.
2. Students will be expected to engage in classwork, homework and all learning activities required to meet academically rigorous and challenging content and performance standards.
3. Students will maintain a standard of 90% attendance.

II. STUDENT SUPPORT SERVICES

The delivery of a comprehensive, coordinated, and expanded program of student support services is vital to the total educational experience of students as they work toward meeting high promotion standards. All superintendents and principals will ensure that personnel are appropriately trained for and comply with existing personnel regulations and requirements.

One particular area of concern for student support services staff is student attendance. Staff will follow up on all absences, as daily attendance is essential to full participation in all learning experiences as well as in establishing a work ethic that will benefit students at higher levels of education and future employment.

Appropriate staff will provide the supports necessary for all students to reach the higher standards, particularly those at risk of retention.



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III. EARLY PREPARATION FOR STUDENT SUCCESS

The early childhood grades -- Pre-kindergarten, Kindergarten, 1, and 2 -- are critical years in preparing students for successful achievement in later grades. Each region will implement a specific program of early identification, enrichment, and support to prepare all students to achieve promotion standards.

A. Assessment of Progress

All aspects of a student's record, including evidence that student work demonstrates progress towards meeting the Primary Literacy Standards and the New York State Learning Standards for Mathematics, will be periodically reviewed to ensure that students are moving toward the attainment of literacy and math skills and that appropriate support and intervention strategies are in place for those students whose progress is of concern. Parents will be informed and involved in the progress of their child's literacy development and be offered opportunities for participation in classroom activities and homework assistance.

B. Instructional Strategies and Intervention

Preparation of students prior to grade 3 will be based on instructional practices, strategies and interventions established to promote attainment of literacy and math standards. These practices will draw from the use of the Primary Literacy Standards, the New York State Learning Standards for Mathematics, the Early Childhood Literacy Assessment System (ECLAS-2), extended day and extended year instruction, tutoring and other activities to ensure that all students become independent readers and writers by grade 3.

C. Attendance

Students will be encouraged to develop good habits of attendance, beginning with their first school experience. Therefore, the attainment of 90% attendance is a goal that should be discussed with parents in order to enlist and maintain their understanding and support of the importance of good attendance.

D. Promotion Decisions

In the early childhood grades, schools will be required to demonstrate that a variety of intensive, appropriate interventions and instructional strategies have been consistently employed in serious efforts to move all students toward promotion. Parents should be actively involved in the event that promotion may be considered not to be in a child's best interest.



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E. Professional Development

In the early grades, as with all grades, ongoing focused professional development for all school-based staff is critical to ensuring that students have every opportunity to excel. Professional development must be focused on effective instruction linked explicitly to the Primary Literacy Standards and the New York State Learning Standards for Mathematics, the use of student assessment data to improve instruction, instructional strategies and support interventions for students at risk, and active parent partnership in student learning.

IV. STUDENTS FOR WHOM THIS REGULATION ESTABLISHES PROMOTION STANDARDS

This Regulation establishes promotion standards for:

- A. English proficient general education students and English Language Learners (ELLs) whose English language skills are sufficient for them to be tested in English.
- B. English Language Learners who are exempt from testing in English.
(See Addendum 1 regarding the criteria for such exemptions.)
- C. Students with disabilities receiving special education services who participate in State and Citywide assessments and whose Individualized Education Programs (IEPs) specifically adopt this Regulation's promotion standards rather than specify a modified promotion standard.

V. EXEMPTED STUDENTS

- A. English Language Learners, including ELLs with disabilities receiving special education services, who have been enrolled in an English Language School System (ELSS) for less than 2 years are not held to promotion standards.
- B. Students with disabilities whose IEPs specify that they will not participate in State and Citywide assessments are not held to the promotion standards established in this Regulation.
- C. Students with disabilities receiving special education services who participate in State and Citywide assessments (with or without modifications) and whose IEPs specify a modified promotion standard due to the nature or severity of the disability, will be promoted based on the IEP standard. In such cases, the procedural components of this Regulation will be applicable.



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VI. PROMOTION STANDARDS FOR ENGLISH PROFICIENT STUDENTS IN GENERAL EDUCATION, SPECIAL EDUCATION, AND ENGLISH LANGUAGE LEARNERS IN GRADES 3 TO 8

The promotion standards for Grades 4, 6, and 8 are also summarized in Addendum 4.

A. Multiple Promotion Criteria

In grades 4, 6, and 8, promotion will be based on the integrated use of multiple criteria: achievement of designated performance standards as evidenced by student work, teacher observation, and assessment/grades; achievement of proficiency levels designated herein on Citywide and State assessments; attaining 90% attendance; and in grade 8, attaining passing grades in academic subject areas designated herein.

Decisions regarding promotion will consider all the stated criteria for each grade. The decision to promote or retain may not be based on consideration of a sole criterion, except that a student must attain a score of at least Performance Level 2 (or, in the 2005-2006 school year, meet or exceed the New York City Promotion Standard) on the ELA and/or Mathematics designated standardized tests, as the case may be, in order to be promoted from Grade 3 to Grade 4 from Grade 5 to Grade 6, and from Grade 7 to Grade 8 (unless otherwise deemed ready for promotion through the process set forth in sections 6 and 9).

B. Promotion from Grade 3 for General Education and Special Education Students² and English Language Learners Tested In English

In the 2005-2006 school year only, promotion from grade 3 to grade 4 will be based on:

1. meeting or exceeding the New York City Promotion Standard on the designated standardized ELA assessment; and
2. meeting or exceeding the New York City Promotion Standard on the designated standardized Mathematics assessment.

Commencing in the 2006-2007 school year, promotion from grade 3 to grade 4 will be based on:

² In the 2004-2005 school year and in subsequent years, grade 3 Special Education students whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in section 6(B) of this regulation.



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1. achieving at or above Proficiency Level 2 on the designated standardized ELA assessment; and
2. achieving at or above Proficiency Level 2 on the designated standardized Mathematics assessment.

Students who are not promoted pursuant to the promotion standards set forth in this subsection B, shall be considered for promotion pursuant to the procedures set forth in subsections C and D below.

C. June Review and Appeal Process for Promotion from Grade 3

1. For each third grade student who scores at Proficiency Level 1 (or, in the 2005-2006 school year, does not meet the New York City Promotion Standard) on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a portfolio containing documentation such as writing samples, classwork, homework, teacher observations, ECLAS-2 performance, level of reading from classroom libraries, and other relevant information about the student's performance. Such portfolios must be submitted by the end of the school year in June.
2. The classroom teacher shall review each student's portfolio to determine whether the assessment score is an accurate reflection of the student's proficiency. The classroom teacher shall indicate whether, in his or her judgment, each student is performing at the equivalent of a Level 1, Level 2, or high Level 2 in meeting the New York State Learning Standards for English Language Arts (as evidenced by student work, teacher observation and assessments/grades) and the New York State Learning Standards for Mathematics (as evidenced by student work, teacher observation and assessments/grades) for third grade.
3. The principal shall review all portfolios in June. If the principal concurs with the teacher's assessment that a student is performing at the equivalent of a high Level 2, the principal shall recommend promotion to Grade 4, and shall forward the recommendation and supporting documentation (including the student's portfolio) to the LIS or Community Superintendent-LIS.
4. In addition, the principal shall review for promotional consideration all third grade students who attain Proficiency Level 1 on either the designated standardized ELA or Mathematics assessment and Proficiency Level 3 or higher on the other assessment. The principal shall review the portfolio prepared by the teacher, and shall make a



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recommendation to the LIS or Community Superintendent-LIS as to whether the student shall be promoted or retained in Grade 3. (This provision shall not apply in the 2005-2006 school year.)

5. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

D. August Review and Appeal Process for Promotion from Grade 3

1. Third grade students who score at Level 1 (or, in the 2005-2006 school year, do not meet the New York City Promotion Standard) on the designated standardized ELA or Mathematics assessment, and who are not promoted in June pursuant to the process set forth in section 6(C), are encouraged to attend Summer Success Academy, and should take the Citywide ELA and/or Citywide Mathematics assessments in August.
2. Students who take the Citywide ELA and/or Citywide Mathematics assessment in August, and achieve Proficiency Level 2 or above on each assessment taken³ will be promoted to grade 4.
3. In August, for each student who has failed to attain Level 2 or above on one or both assessments, the principal shall review the portfolio previously submitted by the classroom teacher, along with August assessment scores, summer school work, and any summer school teacher observations. If, in the principal's judgment, a student has attained the equivalent of a Level 2, the principal shall submit a recommendation for promotion to the LIS or Community Superintendent-LIS, along with the supporting documentation. The principal shall give particular consideration to any student who, after taking one or both Citywide assessments in August, has attained Proficiency Level 1 on either the Citywide ELA or the Citywide Mathematics assessment and Proficiency Level 3 or higher on the other assessment.
4. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

³ A student who achieved a score of Level 2 or above (or, in the 2005-2006 school year, met or exceeded the New York City Promotion Standard) on one assessment in the spring need not take the Citywide assessment in that subject in August.



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E. Promotion from Grade 3 for English Language Learners Exempt from Testing in English⁴

Promotion from grade 3 to grade 4 will be based on a comprehensive assessment of whether students:

1. attain satisfactory performance/progress in ESL literacy development (Beginning/Intermediate ESL Levels) OR meet Primary Literacy Standards (Advanced/Transitional ESL Levels) as evidenced by student work, teacher observation and assessments/grades;
2. meet New York State Learning Standards for Mathematics taught in the student's native language and/or using ESL methodologies (bilingual programs) OR attain satisfactory performance/progress in Mathematics taught using ESL methodologies (ESL programs) as evidenced by student work, teacher observation, and assessments/grades;
3. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);⁵
4. achieve at or above Proficiency Level 2 (or, in the 2005-2006 school year, meet or exceed the New York City Promotion Standard) on the designated standardized Mathematics test;
5. attain 90% attendance.

F. Promotion from Grade 3 for Special Education Students Who Participate in State and Citywide Assessments and Whose IEP Specifies a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for promotion of students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.

⁴ All ELL students who have been enrolled in an English Language School System for less than three years are exempt from testing in English. ELL students who have been enrolled in an English Language School System for less than two years are not held to promotion standards. See *Addendum No.1*.

⁵ The LAB test is no longer used to measure progress for English Language Learners exempt from testing in English. In 2003, it was replaced by the New York State English as a Second Language Achievement Test (NYSESLAT) developed by the New York State Education Department. Promotion criteria on the NYSESLAT will be set in subsequent years after the State Education Department releases progress targets for English Language Learners in 2004.



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G. Promotion from Grade 4 for General Education and Special Education Students and English Language Learners Tested in English

Promotion from grade 4 to grade 5 will be based on a comprehensive assessment of whether students:

1. meet New York State Learning Standards for Language Arts and Mathematics as evidenced by student work, teacher observation, and assessments/grades;
2. achieve at or above Proficiency Level 2 on the State assessment in Language Arts (based on available data within the constraints of the testing schedule);
3. achieve at or above Proficiency Level 2 on the State assessment in Mathematics (based on available data within the constraints of the testing schedule);
4. attain 90% attendance.

H. Promotion from Grade 4 for English Language Learners Exempt from Testing in English

Promotion from grade 4 to grade 5 will be based on a comprehensive assessment of whether students:

1. attain satisfactory performance/progress in ESL literacy development (Beginning/Intermediate ESL Levels) OR meet New York City Performance Standards in Language Arts/ESL (Advanced /Transitional ESL Levels) as evidenced by student work, teacher observation and assessments/grades;
2. meet New York State Learning Standards for Mathematics taught in the student's native language and/or using ESL methodologies (bilingual programs) OR attain satisfactory performance/progress in Mathematics taught using ESL methodologies (ESL programs) as evidenced by student work, teacher observation and assessments/grades;
3. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);⁶

⁶ The LAB test is no longer used to measure progress for English Language Learners exempt from testing in English. In 2003, it was replaced by the New York State English as a Second Language Achievement Test (NYSESLAT) developed by the New York State Education Department. Promotion criteria on the NYSESLAT will be set in subsequent years after the State Education Department releases progress targets for English Language Learners in 2004.



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4. achieve at or above Proficiency Level 2 on the State assessment in Mathematics (based on available data within constraints of testing schedule);
 5. attain 90% attendance.
- I. Promotion from Grade 4 for Special Education Students Participating in State and Citywide Assessments Whose IEP Specifies a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for students described herein, the modified standard will be applied and the procedural components of the Regulation will be applicable.

- J. Promotion from Grade 5 for General Education and Special Education Students⁷ and English Language Learners Tested In English⁸

In the 2005-2006 school year only, promotion from grade 5 to grade 6 will be based on:

1. meeting or exceeding the New York City Promotion Standard on the designated standardized ELA assessment; and
2. meeting or exceeding the New York City Promotion Standard on the designated standardized Mathematics assessment.

Commencing in the 2006-2007 school year, promotion from grade 5 to grade 6 will be based on:

1. achieving at or above Proficiency Level 2 on the designated standardized ELA assessment; and
2. achieving at or above Proficiency Level 2 on the designated standardized Mathematics assessment.

⁷ **In the 2004-2005 school year only**, for Special Education students whose IEPs do not specify modified promotional criteria, promotion from grade 5 to grade 6 will be based on a comprehensive assessment of whether students: a) achieve at or above Proficiency Level 2 on the Citywide ELA assessment; b) achieve at or above Proficiency Level 2 on the Citywide Mathematics assessment; c) meet the Primary Literacy Standards as evidenced by student work, teacher observation and assessments/grades; d) meet the New York City Performance Standards in Mathematics as evidenced by student work, teacher observation and assessments/grades; and attain 90% attendance. The decision to promote or retain may not be based on the consideration of a sole criterion. **In the 2005-2006 school year** and in subsequent years, grade 5 Special Education students whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in section 6(J) of this regulation.

⁸ See sections Q and R for promotion from Grade 5 for English Language Learners exempt from testing in English and Special Education students whose IEPs specify modified promotion standards.



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Students who are not promoted pursuant to the promotion standards set forth in this subsection J, shall be considered for promotion pursuant to the procedures set forth in subsections K and L below.

K. June Review and Appeal Process for Promotion from Grade 5

1. For each fifth grade student who scores at Proficiency Level 1 (or, in the 2005-2006 school year, does not meet the New York City Promotion Standard) on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a portfolio containing documentation such as writing samples, performance on standard reading passages, standard math items, and other relevant information about the student's performance. Such portfolios must be submitted by the end of the school year in June.
2. The classroom teacher shall review each student's portfolio to determine whether the assessment score is an accurate reflection of the student's proficiency. The classroom teacher shall indicate whether, in his or her judgment, each student is performing at the equivalent of a Level 1, Level 2, or high Level 2 in meeting the New York State Learning Standards for English Language Arts (as evidenced by student work, teacher observation and assessments/grades) and the New York State Learning Standards for Mathematics (as evidenced by student work, teacher observation and assessments/grades) for fifth grade.
3. The principal shall review all portfolios in June. If the principal concurs with the teacher's assessment that a student is performing at the equivalent of a high Level 2, the principal shall recommend promotion to Grade 6, and shall forward the recommendation and supporting documentation (including the student's portfolio) to the LIS or Community Superintendent-LIS.
4. In addition, the principal shall review for promotional consideration all fifth grade students who attain Proficiency Level 1 on either the designated standardized ELA or Mathematics assessment and Proficiency Level 3 or higher on the other assessment. The principal shall review the portfolio prepared by the teacher, and shall make a recommendation to the LIS or Community Superintendent-LIS as to whether the student shall be promoted or retained in Grade 5. (This provision shall not apply in the 2005-2006 school year.)



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5. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

L. August Review and Appeal Process for Promotion from Grade 5

1. Fifth grade students who score at Level 1 (or, in the 2005-2006 school year, do not meet the New York City Promotion Standard) on the designated standardized ELA or Mathematics assessment, and who are not promoted in June pursuant to the process set forth in section 6(K), are encouraged to attend Summer Success Academy, and should take the Citywide ELA and/or Citywide Mathematics assessments in August.
2. Students who take the Citywide ELA and/or Citywide Mathematics assessment in August, and achieve Proficiency Level 2 or above on each assessment taken⁹, will be promoted to grade 6.
3. In August, for each student who has failed to attain Level 2 or above on one or both assessments, the principal shall review the portfolio previously submitted by the classroom teacher, along with August assessment scores, summer school work, and any summer school teacher observations. If, in the principal's judgment, a student has attained the equivalent of a Level 2, the principal shall submit a recommendation for promotion to the LIS or Community Superintendent-LIS, along with the supporting documentation. The principal shall give particular consideration to any student who, after taking one or both Citywide assessments in August, has attained Proficiency Level 1 on either the Citywide ELA or the Citywide Mathematics assessment and Proficiency Level 3 or higher on the other assessment.
4. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

M. Promotion from Grade 6 for General Education and Special Education Students and English Language Learners Tested in English

Promotion from grade 6 to grade 7 will be based on a comprehensive assessment of whether students:

⁹ A student who achieved a score of Level 2 or above (or, in the 2005-2006 school year, met or exceeded the New York City Promotion Standard) on one assessment in the spring need not take the Citywide assessment in that subject in August.



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1. meet New York State Learning Standards for Language Arts and Mathematics as evidenced by student work, teacher observation and assessment/grades;
 2. achieve at or above Proficiency Level 2 on the designated standardized ELA assessment (based on available data within the constraints of the testing schedule);
 3. achieve at or above Proficiency Level 2 on the designated standardized Mathematics assessment (based on available data within the constraints of the testing schedule);
 4. attain 90% attendance.
- N. Promotion from Grade 7 for General Education and Special Education Students¹⁰ and English Language Learners Tested In English¹¹

In the 2005-2006 school year only, eligibility for promotion from grade 7 to grade 8 will be based on meeting or exceeding the New York City Promotion Standard on the designated standardized ELA assessment.

Commencing in the 2006-2007 school year, eligibility for promotion from grade 7 to grade 8 will be based on:

1. achieving at or above Proficiency Level 2 on the designated standardized ELA assessment; and
2. achieving at or above Proficiency Level 2 on the designated standardized Mathematics assessment.

¹⁰ **In the 2005-2006 school year only**, for Special Education students whose IEPs do not specify modified promotional criteria, eligibility for promotion from grade 7 to grade 8 will be based on a comprehensive assessment of whether students: a) meet the New York State Learning Standards for English Language Arts as evidenced by student work, teacher observation and assessments/grades; b) meet the New York State Learning Standards for Mathematics as evidenced by student work, teacher observation and assessments/grades; and c) attain 90% attendance. The decision to promote or retain may not be based on the consideration of a sole criterion. **In the 2006-2007 school year only**, for Special Education students whose IEPs do not specify modified promotional criteria, eligibility for promotion from grade 7 to grade 8 will be based on achieving at or above Proficiency Level 2 on the designated standardized ELA assessment. **In the 2007-2008 school year and in subsequent years**, grade 7 Special Education students whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in section 6(N) of this regulation. Notwithstanding the foregoing, where a principal determines, based upon student work, teacher observation, and grades in seventh grade academic courses, that a student is not ready for the eighth grade, such student shall not be promoted.

¹¹ See sections Q and R for promotion from Grade 7 for English Language Learners exempt from testing in English and Special Education students whose IEPs specify modified promotion standards.



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In addition to the foregoing, where a principal determines, based upon student work, teacher observation, and grades in seventh grade academic courses, that a student is not ready for the eighth grade, such student shall not be promoted.

Students who are not promoted pursuant to the promotion standards set forth in this subsection N, shall be considered for promotion pursuant to the procedures set forth in subsections O and P below.

O. June Review and Appeal Process for Promotion from Grade 7

1. For each seventh grade student who scores at Proficiency Level 1 (or, in the 2005-2006 school year, does not meet the New York City Promotion Standard) on the designated standardized ELA and/or Mathematics assessment, as the case may be, the classroom teacher shall prepare and submit to the principal a portfolio containing documentation such as writing samples, performance on standard reading passages, standard math items (commencing in the 2006-2007 school year), and other relevant information about the student's performance. Such portfolios must be submitted by the end of the school year in June.
2. The classroom teacher shall review each student's portfolio to determine whether the assessment score is an accurate reflection of the student's proficiency. The classroom teacher shall indicate whether, in his or her judgment, each student is performing at the equivalent of a Level 1, Level 2, or high Level 2 in meeting the New York State Learning Standards for English Language Arts (as evidenced by student work, teacher observation and assessments/grades) and/or the New York State Learning Standards for Mathematics, as the case may be (as evidenced by student work, teacher observation and assessments/grades) for seventh grade.
3. The principal shall review all portfolios in June. If the principal concurs with the teacher's determination that a student is performing at the equivalent of a high Level 2 or above, the principal shall recommend promotion to Grade 8, and shall forward the recommendation and supporting documentation (including the student's portfolio) to the LIS or Community Superintendent-LIS.
4. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.



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P. August Review and Appeal Process for Promotion from Grade 7

1. Seventh grade students who score at Level 1 (or, in the 2005-2006 school year, do not meet the New York City Promotion Standard) on the designated standardized ELA and/or Mathematics assessment, as the case may be, and who are not promoted in June pursuant to the process set forth in section 6(O), are encouraged to attend Summer Success Academy, and should take the Citywide ELA and/or Citywide Mathematics assessments in August.
2. Students who take the Citywide ELA and/or Citywide Mathematics assessment in August, as the case may be, and achieve Proficiency Level 2 or above on each assessment taken¹² will be eligible to be promoted to grade 8. However, where a principal determines, based upon student work, teacher observation, and grades in seventh grade academic courses, that a student is not ready for the eighth grade, such student shall not be promoted.
3. In August, for each student who has failed to attain Level 2 or above on one or both assessments, as required by this regulation, the principal shall review the portfolio previously submitted by the classroom teacher, along with August assessment scores, summer school work, and any summer school teacher observations. If, in the principal's judgment, a student has attained the equivalent of a Level 2, the principal shall submit a recommendation for promotion to the LIS or Community Superintendent-LIS, along with the supporting documentation.
4. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

Q. Promotion from Grades 5, 6, and 7 for English Language Learners Exempt from Testing in English

Promotion from grades 5, 6, and 7 to the next grade will be based on a comprehensive assessment of whether students:

1. attain satisfactory performance/progress in ESL literacy development (Beginning/Intermediate ESL Levels) or meet New York State Learning Standards for Language Arts/ESL (Advanced/Transitional ESL Levels)

¹² A student who achieved a score of Level 2 or above (or, in the 2005-2006 school year, met or exceeded the New York City Promotion Standard) on one assessment in the spring need not take the Citywide assessment in that subject in August.



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as evidenced by student work, teacher observation, and assessments/grades;

2. meet New York State Learning Standards for Mathematics taught in the student's native language and/or using ESL methodologies (bilingual programs) OR attain satisfactory performance/progress in Mathematics taught using ESL methodologies (ESL programs) as evidenced by student work, teacher observation, and assessments/grades;
 3. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT)¹³;
 4. achieve at or above Proficiency Level 2 (or, in the case of grade 5 students in the 2005-2006 school year, meet or exceed the New York City Promotion Standard) on the designated standardized Mathematics test;
 5. attain 90% attendance.
- R. Promotion from Grades 5, 6, and 7 for Special Education Students Participating in State and Citywide Assessments Whose IEP Specifies a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.

- S. Promotion from Grade 8 for General Education and Special Education Students and English Language Learners Tested in English

Promotion from grade 8 to grade 9 will be based on a comprehensive assessment of whether students:

1. meet New York State Learning Standards for Language Arts, Mathematics, Science and Social Studies as evidenced by student work, teacher observation, and assessments/grades;
2. achieve at or above Proficiency Level 2 on the State assessments in Language Arts and Mathematics (based on available data within constraints of testing schedule);

¹³ The LAB test is no longer used to measure progress for English Language Learners exempt from testing in English. In 2003, it was replaced by the New York State English as a Second Language Achievement Test (NYSESLAT) developed by the New York State Education Department. Promotion criteria on the NYSESLAT will be set in subsequent years after the State Education Department releases progress targets for English Language Learners in 2004.



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3. attain passing grades in:

English,
Mathematics,
Science, and
Social Studies;

4. attain 90% attendance.

T. Promotion from Grade 8 for English Language Learners Exempt from Testing in English

Promotion from grade 8 will be based on a comprehensive assessment of whether students:

1. attain satisfactory performance/progress in ESL literacy development (Beginning/Intermediate ESL Levels) or meet New York State Learning Standards for Language Arts/ESL (Advanced/Transitional ESL Levels) as evidenced by student work, teacher observation, and assessments/grades;

2. meet New York State Learning Standards for Mathematics, Science and Social Studies taught in the student's native language and/or using ESL methodologies (bilingual programs) OR attain satisfactory performance/progress in Mathematics, Science and Social Studies taught using ESL methodologies (ESL programs) as evidenced by student work, teacher observation, and assessment/grades;

3. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);

4. achieve at or above Proficiency Level 2 on the State assessment in Mathematics (based on available data within constraints of testing schedule);

5. attain passing grades (Bilingual Programs) OR attain satisfactory performance/progress (ESL programs) in:

ESL and/or English,
Mathematics,
Science, and
Social Studies

taught in the student's native language and/or using ESL methodologies;



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6. attain 90% attendance.

- U. Promotion from Grade 8 for Special Education Students Participating in State and Citywide Assessments whose IEP Specifies a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for promotion of students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.

- V. Students Not Promoted from Grade 8

Students who do not achieve the requirements for graduation from grade 8 will be provided with additional time and support needed to complete 8th grade graduation requirements. It will be the responsibility of each region to provide those students retained in grade 8 with a structured setting in which intensive intervention will lead to the attainment of graduation requirements.

VII. PROMOTION STANDARDS FOR GENERAL EDUCATION, SPECIAL EDUCATION, AND ENGLISH LANGUAGE LEARNERS IN GRADES 9 TO 12

In grades 9 to 12, students must attain the necessary number of credits in order to be promoted to the next grade. The promotion standards for Grades 9 to 12 are also summarized in Addendum No. 5.

- A. Promotion from Grade 9 for General Education and Special Education Students and English Language Learners

Promotion from grade 9 will be based on a comprehensive assessment of whether students:

1. successfully complete standards in academic subject areas;
2. accumulate a minimum of eight credits;
3. attain 90% attendance.

- B. Promotion from Grade 9 for Special Education Students Whose IEP Specifies a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.

- C. Promotion from Grade 10 for General Education and Special Education Students and English Language Learners

Promotion from Grade 10 will be based on a comprehensive assessment of whether students:



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1. meet New York State Learning Standards for Language Arts, Mathematics and Science as evidenced by student work, teacher observation, and assessments/grades;
 2. accumulate 20 credits including four credits in English/ESL and four credits in Social Studies;
 3. attain 90% attendance.
- D. Promotion from Grade 10 for Special Education Students Whose IEP Specifies a Modified Promotion Standard
- When the IEP Team has specified a modified standard on the IEP for students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.
- E. Promotion from Grade 11 for General Education and Special Education Students and English Language Learners
- Promotion from Grade 11 will be based on a comprehensive assessment of whether students:
1. successfully complete standards in academic subject areas;
 2. accumulate 28 credits (30 credits for students who first enter grade 9 in or after the 2004-2005 school year);
 3. attain 90% attendance.
- F. Promotion from Grade 11 for Special Education Students Whose IEP Specifies a Modified Promotion Standard
- When the IEP Team has specified a modified standard on the IEP for students described herein, the modified standard will be applied, and the procedural components of this Regulation will be applicable.
- G. High School Graduation (ALL STUDENTS)
- For high school graduation, students must:
1. Achieve passing grades on five New York State Regents Examinations: English, Mathematics, Global History, U.S. History and Government, and Science (Addendum 3 to this Regulation charts the phase-in of the Regents examination requirements based on the date of the entering class.)



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2. Accumulate 44* credits, including 8 credits in English; 8 credits in Social Studies, consisting of Global History (4 credits), U.S. History and Government (2 credits), Economics (1 credit), and Participation in Government (1 credit); 6 credits in Science; 6 credits in Mathematics; 2 credits in Second Language; 1 credit in Health Education; 1 credit in Art; and 1 credit in Music. Students who first entered 9th grade in the 2001-2002 school year or later must complete 4 credits in Physical Education. Students who first entered 9th grade in the 2000-2001 school year or earlier must complete their school's Physical Education requirements. (Remaining credits may be acquired as electives or as sequence requirements in technical, vocational or academic areas of concentration.)
 3. attain 90% attendance.
- H. Failure to Meet High School Graduation Requirements
1. Students who fail to meet high school graduation requirements may receive continued support and instruction in day, evening and summer school through the end of the school year in which their twenty-first birthday occurs.
 2. The Young Adult Borough Centers and other programs address the needs of students older than 17½ with at least 17 credits who require more than four years in high school to meet graduation requirements.
- I. High School Graduation Variances
1. Through Fall 2009, the State Education Department will permit students with disabilities receiving special education services who fail a required Regents examination to take the Regents Competency Test (RCT) in that subject in order to graduate from high school.
 2. Upon application of a student or his/her parents, an IEP diploma may be awarded to students with disabilities receiving special education services who have completed 12 years of schooling, excluding kindergarten, and have achieved the educational goals in the current Individualized Education Program (IEP) or who have met all diploma requirements, but have not passed one or more required Regents examinations or RCTs. The student remains eligible, however, to attend the public high schools until the attainment of a high school

* Students who entered grade nine prior to the 2001-2002 school year are required to accumulate 40 credits.



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diploma or until the end of the school year in which the student's twenty-first birthday occurs.

VIII. PROCEDURES FOR PROMOTION DECISIONS IN GRADES 3 TO 12

Decisions regarding promotion will be made with appropriate staff input and parent consultation. The principal will be responsible for all decisions at the school level. Parents will have the right to appeal a principal's decision as explained in Part 9 of this Regulation.

The following timeline describes procedures for parent notification, provision of interventions, and goal setting when a student is identified as at risk of not being promoted.

A. Parental Partnership and Notification of Possibility of Retention

Parents will be advised in the early part of the school year, but not later than the Fall Parent-Teacher Conference following the distribution of report cards, that the student's performance is not approaching standards. This early notification will provide an opportunity to review student work, discuss strategies and interventions, establish benchmarks, and clarify responsibilities in moving the student toward promotion. If the student is still at risk of not meeting the standards as evidenced by student work/grades and/or attendance, written notice to that effect will be sent to the parent no later than February 15.¹⁴ Records of ongoing parental communication and involvement, i.e., phone calls, report cards, parent-teacher conferences, assessment of the student's work, and instructional interventions will be maintained. However, failure to provide notice to parents shall not require promotion.

The Spring Parent-Teacher Conference offers an additional opportunity to discuss student progress toward achieving promotion at the end of the school year.

B. Summer Instruction

Summer programs may provide an additional opportunity to meet promotion standards for students who are at risk of being retained in their current grades as of June.

In grades 9 through 12, students may have the opportunity to attend evening school and/or summer school to achieve the necessary number of credits required for promotion.

¹⁴ Such notices sent to parents of students who have IEPs shall advise them of their right to request a review of their child's program at any time.



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Parents should be notified in writing by regular mail of the June decision not to promote and, where applicable, to recommend summer instruction not less than fourteen school days before the end of the school year. However, failure to provide notice to parents shall not require promotion.

Clear expectations of student achievement goals for the summer, consistent with standards and promotion requirements, will be discussed with parents and students.

An assessment of student achievement will be conducted in August to determine promotion/non-promotion. If part of the August decision to promote a student to the next grade rests upon summer achievement of Proficiency Level 2, ELA or mathematics assessment instruments will be used. Parents will be notified accordingly.

C. Strategic Plan for Retained Students

For students who are not promoted, a mandated instructional strategic plan will be developed in September. In October, the principal or designated supervisor will meet with teachers of retained students to assess student work and progress in the opening month of school. Periodic reviews will be conducted on an ongoing basis thereafter.

IX. PARENT APPEALS OF RETENTION DECISIONS

Parents should be notified in writing by regular mail of the decision not to promote. In grades 4, 6, and 8, parents may appeal the retention of their child to the school principal. The appeal to the principal must be made in writing, within three school days of mailed notification to the parent of the decision to retain the child. The principal shall consider factors such as assessment scores, grades, writing samples, classwork, homework, teacher observations, and other relevant information, and shall make a recommendation to the LIS or Community Superintendent-LIS as to whether the student shall be promoted or retained. The principal shall make this recommendation to the LIS or Community Superintendent-LIS within two days of receipt of the parent's written appeal. The LIS or Community Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

Grade 3, grade 5, and grade 7 parent appeals should be made in writing to the principal, and will be decided in August, after the student has had the opportunity to take the Citywide ELA and/or Mathematics assessments, as the case may be. Grade 3, grade 5, and grade 7 parent appeals will be decided based upon the same criteria set forth in section 6 of this regulation. The LIS or Community



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Superintendent-LIS shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

X. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone
212-374-5115

*Office of the Deputy Chancellor for
Teaching and Learning*
NYC Department of Education
52 Chambers Street – Room 320
NY, NY 10007

Fax
212-374-5588

Addenda to Chancellor's Regulation A-501

1. ***English Language Learners in Grades 3 through 8***
2. ***Special Education Students***
3. ***Phase-in of Regents Examination Requirements for Students Entering Grade 9 from September 1999 to September 2008***
4. ***Promotion Standards -- Grades 4 to 8***
5. ***Promotion Standards -- Grades 9 to 12***

English Language Learners in Grades 3 through 8

For purposes of this Regulation, the term *English Language Learner (ELL)* is used to refer to students with limited English proficiency in general education and special education.

Limited English proficiency alone may not be the basis for retention.

English Language Learners entitled to bilingual or English as a Second Language services are those students whose home language is other than English, and who scored at or below a specified score on either the original Language Assessment Battery (LAB) test prior to 2003-2004 or the revised Language Assessment Battery (LAB-R) assessment upon initial enrollment in the New York City public school system. Students are placed in the appropriate program based on their LAB-R score. Annually, ELLs take the New York State English as a Second Language Achievement Test (NYSESLAT) to determine if they will continue to receive services for the following school year. All ELLs are eligible to receive services until they score at the proficient level on the NYSESLAT, or score at the proficient level on the elementary or intermediate English Language Arts assessment and achieve a specified score on the combined listening and speaking subtests of the NYSESLAT, and thus test out of bilingual/English as a Second Language education.

ELL students who are enrolled in a school in the United States (not including Puerto Rico) for 3 or more consecutive years are required to take the designated standardized English Language Arts assessment at grades 3, 4, 5, 6, 7, and 8 unless an extension of services for a fourth or fifth year is approved or a student qualifies for an exemption from taking the ELA assessment, thereby exempting the student from taking the ELA assessment. All ELL students, regardless of how long they have been enrolled in a school in the United States, must take content area exams (mathematics, science, and social studies). Students may take the content exams in their native language, and when exams are not available in a student's native language, the exam may be translated orally.

Immigrant ELLs who entered an English Language School System (ELSS) in grade 3 and above and who are identified as Students with Interrupted Formal Education (SIFE), are subject to the same promotion standards as other ELLs as indicated above. However, ELLs/SIFE with significantly interrupted or little/no schooling in their native country should be placed in non-graded bilingual or ESL programs/classes, where possible, and provided with instructional supports specifically designed to meet their particular instructional needs in the development of literacy skills and knowledge in academic subject areas.

ELLs enrolled in an ELSS for less than 2 years are not held to promotion standards.

Special Education Students

For purposes of this Regulation, "Special Education students" refers to all students with disabilities with an IEP specifying special education services (e.g., Related Services, Special Education Teacher Support Services, Team Teaching, Self-Contained Class, Home/Hospital Instruction). Students may be receiving their special education services in the general education classroom or in a self-contained classroom. Students receiving declassification support services are considered general education students. Special education students whose IEP indicates that the student will not participate in designated standardized assessments are not subject to this Regulation. All special education students participating in designated standardized assessments, with or without modifications, will be subject to an individually determined promotion standard. The IEP Team will indicate on the student's Individualized Education Program (IEP) the promotion standard that the student must meet.

For special education students participating in designated standardized assessments, the IEP Team will determine whether the student will be subject to the promotion standard set forth in this Regulation or, due to the nature or severity of the disability, a modified promotion standard as specified on the student's IEP. Where a modified standard is specified, this standard will be applied and the procedural components of the Regulation will be applicable.

**Phase-in of Regents Examination Requirements for
 Students Entering Grade 9 from September 1999 to September 2008**

For students Entering Grade 9 in:	9/1999-9/2000	9/2001- 9/2004	9/2005	9/2006	9/2007	9/2008
Local Diploma	Score 55 or above on 5 required Regents exams and earn 40 credits plus phys ed requirement	Score 55 or above on 5 required Regents exams and earn 44 credits	Score 65 or above on 2 of the 5 required Regents exams* and score 55 or above on the remaining 3 required Regents exams and earn 44 credits	Score 65 or above on 3 of the 5 required Regents exams * and score 55 or above on the remaining 2 required Regents exams and earn 44 credits	Score 65 or above on 4 of the 5 required Regents exams* and score 55 or above on the remaining required Regents exam and earn 44 credits	N/A
Regents Diploma	Score 65 or above on 8 Regents exams and earn 40 credits plus phys ed requirement	Score 65 or above on 5 required Regents exams and earn 44 credits	Score 65 or above on 5 required Regents exams and earn 44 credits	Score 65 or above on 5 required Regents exams and earn 44 credits	Score 65 or above on 5 required Regents exams and earn 44 credits	Score 65 or above on 5 required Regents exams and earn 44 credits
Advance Regents Diploma	N/A	Score 65 or above on 8 Regents exams and earn 44 credits	Score 65 or above on 8 Regents exams and earn 44 credits	Score 65 or above on 8 Regents exams and earn 44 credits	Score 65 or above on 8 Regents exams and earn 44 credits	Score 65 or above on 8 Regents exams and earn 44 credits

English Language Learner: All ELLs (excepting those with disabilities eligible for safety net provision) who first entered Grade 9 in or after September 1996 must pass Regents comprehensive examination in English. All ELLS (excepting those with disabilities eligible for safety net revision) who first entered Grade 9 in September 1999 and thereafter, must pass Regents exams in math, global history and geography, US history and government, and science.

Special Education students who fail a required Regents examination, until September 2009, will be allowed to take the corresponding Regents Competency Test to earn a local diploma.

* An appeals process is approved for students who score within 3 points of 65

Promotion Standards – Grades 4, 6, 8

(See Section 6 of Chancellor's Regulation A-501 for Third, Fifth, and Seventh Grade Promotion Standards)

A. General Education and Special Education Students^a and English Language Learners enrolled 3 or more years in ELSS^b					B. English Language Learners enrolled less than 3 years in ELSS^c in both General Education and Special Education^a				
Grade	Student Work Language Arts and Math	Standardized Tests		Attendance	Student Work		Standardized Tests		Attendance
		ELA	Math		Language Arts	Math	ELA^d	Math	
4	Meet NYS Learning Standards in Language Arts and Math	Performance At/or Above Level 2 State ELA (based on available data within constraints of testing schedule)	Performance At/or Above Level-2 State Math (based on available data within constraints of testing schedule)	90%	<u>Beginning/Intermediate ESL Levels</u> Satisfactory performance/ progress in ESL Literacy development <u>Advanced/Transitional ESL Levels</u> Meet NYC performance standards in Language Arts/ ESL	<u>Bilingual Program</u> Meet NYS Learning Standards in Math taught in their Native Language and/or using ESL methodologies <u>ESL Program</u> Satisfactory performance/ progress in Math taught using ESL methodologies	Performance on the NYSESLAT	Performance At/or Above Level 2 State Math (based on available data within constraints of testing schedule)	90%

Note 1: Students in an English Language School System (ELSS) for less than 2 years are not held to promotion standards.

Note 2: Special education students whose Individualized Education Programs (IEPs) specify that they will not participate in state and local assessments will not be held to these promotion standards. Students whose IEPs specify that they will participate in state and local assessments, with or without modifications, will either be held to this Regulation's promotion standards if their IEPs specifically adopt them or be held to a modified promotion standard as specified in their IEPs.

^a Special education students include students in general education with supplemental aids and services (e.g., related services, special education teacher support services, team teaching) and students in self-contained classes and home/hospital instruction.

^b ELLs enrolled in the United States (not including Puerto Rico) for 3 or more consecutive years are required to take the designated standardized English Language Arts Exam in grades 3, 4, 5, 6, 7, and 8 unless an extension of services for a fourth or fifth year is approved or a student qualifies for an exemption from taking the ELA assessment, thereby exempting the student from taking the ELA assessment.

^c English Language Learners are exempt from taking the English Language Arts exam if they have been enrolled in an ELSS for less than 3 years or if a Part 154 extension of services in fourth or fifth year is approved. All ELLs must take content area exams (mathematics, science, and social studies) regardless of their date of entry. ELLs may take content area exams in their native language, and if exams are not available in a student's native language, the exam may be translated orally.

^d Promotion criteria for ELLs exempt from testing in English will be set on the New York State English as a Second Language Achievement Test (NYSESLAT) after the NYSED releases progress targets for this new assessment in June 2004.

General Education and Special Education Students^a and A. English Language Learners enrolled 3 or more years in ELSS^b					English Language Learners enrolled less than 3 years in ELSS^c in both General Education and Special Education^a				
Grade	Student Work Language Arts and Math	Standardized Tests		Attendance	Student Work		Standardized Tests		Attendance
		ELA	Math		Language Arts	Math	ELA^d	Math	
6	Meet NYS Learning Standards in Language Arts and Math	Performance At/or Above Level 2 designated standardized ELA (based on available data within constraints of testing schedule)	Performance At/or Above Level 2 designated standardized Math (based on available data within constraints of testing schedule)	90%	<u>Beginning/Intermediate ESL Levels</u> Satisfactory performance/ progress in ESL Literacy development <u>Advanced/Transitional ESL Levels</u> Meet NYC performance standards in Language Arts/ESL	<u>Bilingual Program</u> Meet NYS Learning Standards in Math taught in their Native Language and/or using ESL methodologies <u>ESL Program</u> Satisfactory performance/ progress in Math taught using ESL methodologies	Performance on the NYSESLAT	Performance At/or Above Level 2 designated standardized Math (based on available data within constraints of testing schedule)	90%

Note 1: Students in an English Language School System (ELSS) for less than 2 years are not held to promotion standards.

Note 2: Special education students whose Individualized Education Programs (IEPs) specify that they will not participate in state and local assessments will not be held to these promotion standards. Students whose IEPs specify that they will participate in state and local assessments, with or without modifications, will either be held to this Regulation's promotion standards if their IEPs specifically adopt them or be held to a modified promotion standard as specified in their IEPs.

^a Special education students include students in general education with supplemental aids and services (e.g., related services, special education teacher support services, team teaching) and students in self-contained classes and home/hospital instruction.

^b ELLs enrolled in the United States (not including Puerto Rico) for 3 or more consecutive years are required to take the designated standardized English Language Arts Exam in grades 3, 4, 5, 6, 7, and 8 unless an extension of services for a fourth or fifth year is approved or a student qualifies for an exemption from taking the ELA assessment, thereby exempting the student from taking the ELA assessment.

^c English Language Learners are exempt from taking the English Language Arts Exam if they have been enrolled in an ELSS for less than 3 years or if a Part 154 extension of services in fourth or fifth year is approved. All ELLs must take content area exams (mathematics, science, and social studies) regardless of their date of entry. ELLs may take content area exams in their native language and if exams are not available in a student's native language, the exam may be translated orally.

^d Promotion criteria for ELLs exempt from testing in English will be set on the New York State English as a Second Language Achievement Test (NYSESLAT) after the NYSED releases progress targets for this new assessment in June 2004.

A. General Education and Special Education Students^a and English Language Learners enrolled 3 or more years in ELSS^b					B. English Language Learners enrolled less than 3 years in ELSS^c in both General Education and Special Education^a							
<i>Grade</i>	<i>Student Work</i>	<i>Standardized Test</i>		<i>Graduation Requirements</i>	<i>Attendance</i>	<i>Student Work</i>			<i>Standardized Tests</i>		<i>Graduation Requirements</i>	<i>Attendance</i>
		<i>ELA</i>	<i>Math</i>			<i>Language Arts</i>	<i>Math Science</i>	<i>ELA^d</i>	<i>Math</i>			
8	Meet NYS Learning Standards in Language Arts, Math and Science	Performance At/or Above Level-2 State ELA (based on available data within constraints of testing schedule)	Performance At/or Above Level-2 State Math (based on available data within constraints of testing schedule)	Passing grade in English, Math, Science and Social Studies courses	90%	<u>Beginning/ Intermediate ESL Levels</u> Satisfactory performance/ Progress in ESL Literacy development <u>Advanced/ Transitional ESL Levels</u> Meet NYC performance standards in Language Arts/ESL	<u>Bilingual Program</u> Meet NYS Learning Standards in Math and Science taught in their Native Language and/or using ESL methodologies <u>ESL Program</u> Satisfactory performance/ progress in Math and Science taught using ESL methodologies	Performance on NYSESLAT	Performance At/or Above Level 2 State Math (based on available data within constraints of testing schedule)	<u>Bilingual Program</u> Passing grade in ESL and/or English, Math, Science and Social Studies courses taught in their Native Language and/or using ESL methodologies <u>ESL Program</u> Satisfactory performance/ progress in ESL and/or English, and Math, Science and Social Studies taught using ESL methodologies	90%	

Note 1: Students in an English Language School System (ELSS) for less than 2 years are not held to promotion standards.

Note 2: Special education students whose Individualized Education Programs (IEPs) specify that they will not participate in state and local assessments will not be held to these promotion standards. Students whose IEPs specify that they will participate in state and local assessments, with or without modifications, will either be held to this Regulation's promotion standards if their IEPs specifically adopt them or be held to a modified promotion standard as specified in their IEPs.

^a Special education students include students in general education with supplemental aids and services (e.g., related services, special education teacher support services, team teaching) and students in self-contained classes and home/hospital instruction.

^b ELLs enrolled in the United States (not including Puerto Rico) for 3 or more consecutive years are required to take the designated standardized English Language Arts Exam in grades 3, 4, 5, 6, 7, and 8 unless an extension of services for a fourth or fifth year is approved or a student qualifies for an exemption from taking the ELA assessment, thereby exempting the student from taking the ELA assessment.

^c English Language Learners are exempt from taking the English Language Arts Exam if they have been enrolled in an ELSS for less than 3 years or if a Part 154 extension of services in fourth or fifth year is approved. All ELLs must take content area exams (mathematics, science, and social studies) regardless of their date of entry. ELLs may take content area exams in their native language, and if exams are not available in a student's native language, the exam may be translated orally.

^d Promotion criteria for ELLs exempt from testing in English will be set on the New York State English as a Second Language Achievement Test (NYSESLAT) after the NYSED releases progress targets for this new assessment in June 2004.

Promotion Standards – Grades 9-12

General Education and Special Education Students ^a and <u>ALL</u> English Language Learners			
Grade	Coursework/ Exams	Minimum Credits	Attendance
9	Successful completion of standards in academic subject areas	8	90%
10	Meet NYC Performance Standards in Language Arts, Math, Science	20 including 4 in English and/or ESL and 4 in Social Studies	90%
11	Successful completion of standards in academic subject areas	28 (30 for students who first enter grade 9 in or after the 2004-2005 school year)	90%
12 ^b	Passing Grade in 5 Regents Exams ^c English, Math, Global History, U.S. History, and Science	44 ^d	90%

Note 1: Special education students whose Individualized Education Programs (IEPs) specify that they will not participate in state and local assessments will not be held to these promotion standards. Students whose IEPs specify that they will participate in state and local assessments, with or without modifications, will either be held to this Regulation's promotion standards if their IEPs specifically adopts them **or** be held to a modified promotion standard as specified in their IEPs.

Note 2: All ELLs, excepting those with disabilities eligible for safety net provision, must pass Regents comprehensive examination in English who first entered Grade 9 in or after September 1996. All ELLs, excepting those with disabilities eligible for safety net provision, who first entered Grade 9 in September 1999 must pass Regents exams in math, global history and geography, US History & government, and science.

^a Special education students include students in general education with supplemental aids and services (e.g., related services, special education teacher support services, team teaching) and students in self-contained classes and home/hospital instruction.

^b See Addendum 3 of this Regulation regarding Regents examination requirements.

^c As per the State Education Department, special education students who fail Regents examinations must pass the Regents Competency Test in that subject area.

^d For students entering grade 9 in and prior to September 2000, 40 credits are needed to graduate.