

Category: **STUDENTS**

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Subject: PROMOTION STANDARDS

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## SUMMARY OF CHANGES

This regulation implements a system-wide policy with clearly defined standards for student promotion for each grade from grades 3 to 12. It supersedes Chancellor's Regulation A-501 dated November 13, 2009.

### Changes:

- Provides that principals may recommend promotion for overage and previously retained students in grades 3-8 based on demonstrated gains on multiple measures of student performance. (pp. 6-7, § VI.E.3; p. 9, § VII.E.2.)
- Re-formats promotion criteria for grades 3-7 to reflect that promotion standards are consistent across these grades. (pp. 4-7.)
- Clarifies the promotion policy for students in pre-kindergarten and kindergarten. (p. 3-4, § V.D.)
- Clarifies that promotion criteria for English Language Learners (ELLs) are determined according to the student's number of years enrolled in a United States School System. (p. 5, § VI.B.; pp. 7-8, § VII.B.)
- Clarifies that English Language Learners (ELLs) in grades 3-7 enrolled for at least two years but fewer than six years may meet the English language requirement of promotion criteria by either achieving Proficiency Level 2 on the State English Language Arts assessment or by meeting the English language standards currently in place for these students (p. 5, § VI.B.2.a.); clarifies that the same promotion criteria apply to all ELLs in grade 8 enrolled for at least two years but fewer than four years. (pp. 7-8, § VII.B.2.)
- Clarifies that students with disabilities in grades 3-8 who participate in State and New York City assessments are held to the same promotion criteria as English proficient general education students unless their Individualized Education Programs (IEPs) specify a modified promotion standard, in which case they are held to the modified standard set forth in their IEPs. (p. 5, § VI.A. & C.; p. 8, § VII.C.)
- Clarifies that students with disabilities in grades 9-11 are held to the same promotion criteria as English proficient general education students. (p. 9-10, § VIII.A.-C.)
- Removes language regarding high school graduation requirements to clarify that the purpose of this regulation is to set forth the standards students must achieve for promotion. Requirements for high school graduation are established by the New York State Education Department and are set forth in Commissioner's Regulation 8 NYCRR 100.5. (p. 10.)
- Removes references to attendance; attendance standards are addressed in Chancellor's Regulation A-210. (p. 2, § I.B.3.; p.7.)
- Updates language to reflect the Children First Network organizational structure. (p. 2, § I.B.)
- Updates contact information for inquiries. (p. 11, § IX.)

## **ABSTRACT**

This regulation is effective immediately and supersedes Chancellor's Regulation A-501 dated November 13, 2009. This regulation implements a system-wide policy with clearly defined standards for student promotion for each grade, from grades 3 through 12. It details the procedures for implementing the promotion policy in all New York City public schools.

## **INTRODUCTION**

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 for college and careers.
- 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 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 3 and successfully meeting promotion criteria in grades 3 through 12.
- The entire school community will be engaged continuously in creating and supporting effective strategies for improved student achievement.

## **I. RESPONSIBILITIES FOR IMPLEMENTING THE PROMOTION POLICY**

### **A. The Chancellor**

The Chancellor will:

1. clearly define system-wide performance standards in the academic content areas;
2. oversee the use of established 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 districts and schools support:
  - balanced literacy instruction with a focus on achieving standard-level reading and writing for all students by the end of grade 3;
  - 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 school, that provide additional support and opportunities to students at risk of not meeting the standards; and
4. supervise and evaluate the implementation of this policy in all districts and schools.

**B. Districts, Networks, and Schools**

1. The District Comprehensive Education Plans (DCEPs) will provide guidance to help schools with 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 school leaders and staff. The superintendent will monitor the implementation of the promotion standards in the schools in his/her district and directly supervise principals to ensure that his/her schools provide effective instruction to all students. The superintendent will review and approve principal promotion decisions and parent appeals.
2. Networks will provide ongoing professional development for school leaders and staff to support effective instruction for all students. Networks will also provide training for schools to support implementation of the promotion policy in grades K-12.
3. Principals, in collaboration with School Leadership Teams (SLTs), will develop Comprehensive Education Plans (CEPs) that will focus on enabling all students to meet or exceed promotion standards. The CEP will specify activities and instructional strategies for students who are achieving below promotion standards, and specify plans to ensure that parents are integral partners in their children's learning. SLTs will conduct an annual assessment of the effectiveness of these activities and strategies. Professional development targeted to these areas must be provided to 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.

4. Teachers will provide effective instruction linked explicitly to the promotion 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 promotion 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 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 also will be responsible for helping to maintain ongoing communication with schools and teachers about their child's progress.

**D. Students**

1. Students will work to accomplish the learning goals set for them and will, as necessary, bring their work up to standard through their own efforts on the basis of informed feedback from their teachers and by the use of available resources.
2. Students will engage in class work, homework, assessments, and all learning activities required to meet academically rigorous and challenging content and promotion standards.
3. Students will maintain a goal of above 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 high standards, particularly those at risk of retention.

**III. STUDENTS FOR WHOM THIS REGULATION ESTABLISHES PROMOTION STANDARDS**

This regulation establishes promotion standards for:

- A. English proficient general education students.
- B. English Language Learners (ELLs) who are enrolled for at least two years and ELLs in grade 8 who are enrolled at least one year.
- C. Students with disabilities receiving special education services who participate in State and New York City assessments. Students whose IEPs do not specify a modified promotion standard will be held to the promotion criteria that are applied to English proficient general education students in their grade level. Students whose Individualized Education Program (IEPs) specify a modified promotion standard will be held to the modified standard set forth in their IEP.

**IV. EXEMPTED STUDENTS**

The following students are not held to promotion standards:

- A. All students in pre-kindergarten.
- B. English Language Learners in grades 3-7, including ELLs in grades 3-7 with disabilities receiving special education services, who have been enrolled in a United States School System (USSS) (excluding Puerto Rico) for fewer than two years.
- C. English Language Learners in grade 8, including ELLs in grade 8 with disabilities receiving special education services, who have been enrolled in a USSS for less than one year.
- D. Students with disabilities whose IEPs specify that they will participate in the New York State Alternate Assessment (NYSAA).

**V. EARLY PREPARATION FOR STUDENT SUCCESS (Pre-kindergarten to Grade 2)**

The early childhood grades -- pre-kindergarten, kindergarten, 1, and 2 -- are critical years in preparing students for successful achievement in later grades. Each school 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 reviewed periodically 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 at least 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. For grades K-2, in the event that promotion may be considered not to be in a child's best interest, parents should be notified and actively involved in reaching the decision of whether to promote or retain their child. Promotion decisions for students in kindergarten, including students with disabilities and English Language Learners ("ELLs"), will be made by the principal in consultation with the child's teacher and parent. Promotion decisions for students in grade 1 and grade 2, including students with disabilities and ELLs, will be made by the principal. For students with disabilities, the decision to promote or retain shall include consideration of the student's grade-level progress and mastery of IEP goals. For ELLs, the decision to promote or retain shall include consideration of the student's language development; limited English proficiency may not be the basis for retention.

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.

VI. **PROMOTION STANDARDS IN GRADE 3 THROUGH GRADE 7 FOR ENGLISH PROFICIENT STUDENTS IN GENERAL EDUCATION, STUDENTS WITH DISABILITIES WHO PARTICIPATE IN STATE AND NEW YORK CITY ASSESSMENTS, AND ENGLISH LANGUAGE LEARNERS**

Decisions regarding promotion will consider all the stated criteria. The decision to promote or retain a student may not be based on consideration of a sole criterion, except that a student must attain a score of at least Proficiency Level 2 on the ELA and Mathematics standardized tests in

order to be promoted from grade 3 through grade 7 (unless the student is otherwise determined to be ready for promotion through the process set forth in Sections VI.D., VI.E., or VIII).

A. Promotion from Grade 3 through Grade 7 for English Proficient General Education Students and Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard

Promotion to the next grade will be based on:

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

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

Students who are not promoted pursuant to the promotion standards set forth in this Section A shall be considered for promotion pursuant to the procedures set forth in Sections D and E below.

B. Promotion for English Language Learners in Grade 3 through Grade 7

Promotion criteria for ELLs will be determined according to the student's number of years of enrollment in a United States School System (USSS) (excluding Puerto Rico):

1. Students enrolled for six or more years will be held to the promotion criteria set forth in Section VI.A.
2. For students enrolled for at least two years but fewer than six years, and for Students with Interrupted Formal Education (SIFE), promotion will be based on whether students:
  - a. attain satisfactory progress in English as a Second Language (ESL) literacy development in alignment with New York State Learning Standards for English Language Arts as evidenced by student work, teacher observation and assessments/grades; or achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT); or achieve Level 2 or above on the designated standardized English Language Arts test; and
  - b. meet New York State Learning Standards for Mathematics taught either in the student's native language or using ESL methodologies; or attain satisfactory progress in Mathematics taught using ESL methodologies as evidenced by student work, teacher observation and assessments/grades; or achieve Proficiency Level 2 or above on the designated standardized Mathematics test.
3. Limited English proficiency alone may not be the basis for retention. English Language Learners in grade 3 through grade 7 who are not promoted in June are recommended for summer school. Their promotion decisions will be reviewed in August and a final decision will be recommended by the principal and reviewed and approved by the superintendent.

C. Promotion in Grades 3-7 for Students with Disabilities Participating in State and New York City Assessments whose IEPs Specify a Modified Promotion Standard

When the IEP Team has specified a modified academic promotion standard on the IEP, the modified standard will be applied. Students with modified promotion criteria who are not promoted in June are recommended for summer school. Their promotion decision will be reviewed in August and a final decision will be recommended by the principal and approved by the superintendent.

- D. June Review Process for Promotion from Grade 3 through Grade 7 for English Proficient General Education Students, Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard, and English Language Learners Enrolled for Six or More Years
1. For each student who does not score Proficiency Level 2 or above on the designated standardized ELA and/or Mathematics assessment, the school shall prepare and administer the promotion portfolio containing documentation of a student's performance relative to specified benchmarks as outlined in the promotion portfolio teacher's manual. The promotion portfolio may also contain writing samples, class work, homework, teacher observations, and other relevant information about the student's performance. Such portfolios must be submitted by the end of the school year in June.
  2. Each student's standardized promotion portfolio results will be reviewed to determine whether his/her assessment score is an accurate reflection of the student's proficiency. 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 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 and teacher observation and assessments/grades) and the New York State Learning Standards for Mathematics (as evidenced by student work and teacher observation and assessments/grades).
  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 high Level 2 or above, the principal shall recommend promotion to the next grade and shall forward the recommendation and the student's promotion portfolio to the superintendent for review.
  4. The superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.
  5. Students who score Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, and who are not promoted based on their promotion portfolio results in June, are recommended for Summer School and encouraged to take the needed New York City Summer ELA and/or Mathematics tests in August. Students need to take only the assessment(s) in the content area they did not pass in the spring.
- E. August Review Process for Promotion from Grade 3 through Grade 7 for English Proficient General Education Students, Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard, and English Language Learners Enrolled for Six or More Years
1. Students who take the New York City Summer ELA and/or Mathematics assessments in August and achieve Proficiency Level 2 or above will be promoted to the next grade. However, where a principal determines, based upon student work and teacher observation, that a student is not ready for the next grade, the student shall not be promoted. In such cases, the superintendent shall review a principal's recommendation to retain.
  2. 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 Level 2, the principal shall submit a recommendation for promotion to the superintendent, along with the supporting documentation.

3. In August, the principal shall give particular consideration for promotion to students in the following circumstances:
  - Students who, after taking one or both of the New York City Summer tests in August, have attained Proficiency Level 1 on either the ELA or Mathematics assessment and Proficiency Level 3 or higher on the other assessment, may be recommended for promotion; and
  - For students who have been previously retained in their current or prior two grade levels, or who are two or more years over age by December 31st of the current school year, principals may evaluate student performance using multiple measures of assessment (e.g. standardized assessment scores, classroom assessments, completed student assignments, and teacher observations). Principals may recommend for promotion students who demonstrate gains in the foregoing measures of assessment. This provision is effective as of August 1, 2012.
4. The superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

**VII. PROMOTION FROM GRADE 8 FOR ENGLISH PROFICIENT GENERAL EDUCATION STUDENTS, STUDENTS WITH DISABILITIES WHOSE IEPs DO NOT SPECIFY A MODIFIED PROMOTION STANDARD, AND ENGLISH LANGUAGE LEARNERS**

Decisions regarding promotion will consider all the stated criteria for each grade. The decision to promote or retain a student may not be based on consideration of a sole criterion, except that a student must attain a score of at least Proficiency Level 2 on the designated ELA and Mathematics standardized assessments and attain passing grades in grade 8 core courses to be promoted to grade 9 (unless otherwise deemed ready for promotion through the process set forth in Sections VII.D, VII.E, or IX).

**A. Promotion from Grade 8 to Grade 9 for English Proficient General Education Students and Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard**

Promotion from grade 8 to grade 9 will be based on whether students:

1. achieve at or above Proficiency Level 2 on the designated standardized assessments in English Language Arts and Mathematics; and
2. attain passing grades in core English, Mathematics, Science, and Social Studies courses.

Students who are not promoted pursuant to the promotion standards set forth in this Section A shall be considered for promotion pursuant to the procedures set forth in Sections D and E below.

**B. Promotion from Grade 8 for English Language Learners**

Promotion criteria from grade 8 for English Language Learners will be determined according to the student's number of years of enrollment in a United States School System (USSS), excluding Puerto Rico:

1. For students enrolled for at least one year but fewer than two years and Students with Interrupted Formal Education (SIFE), promotion will be based on whether students:
  - a. attain passing grades in core English, Mathematics, Science, and Social Studies courses
2. For students enrolled for at least two years but fewer than four years, promotion will be based on whether students:
  - a. achieve a Proficiency Level 2 or above on the State assessment in Mathematics;

- b. achieve expected gains on the NYSESLAT or the English Language Arts assessment<sup>1</sup>; and
  - c. attain passing grades in English, Mathematics, Science, and Social Studies.
3. Students enrolled for four or more years will be held to the same promotion standards as English Proficient General Education students as set forth in Section VII.A.

Limited English proficiency alone may not be the basis for retention. English Language Learners in grade 8 who are not promoted in June are recommended for summer school. Their promotion decisions will be reviewed in August and a final decision will be recommended by the principal and approved by the superintendent.

C. Promotion from Grade 8 for Students with Disabilities Participating in State and New York City Assessments whose IEPs Specify a Modified Promotion Standard

When the IEP Team has specified a modified academic promotion standard, the modified standard will be applied. Students with modified promotion criteria who are not promoted in June are recommended for summer school. Their promotion decisions will be reviewed in August and final decisions will be recommended by the principal and approved by the superintendent.

D. June Review Process for Promotion from Grade 8 for English Proficient General Education Students, Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard and English Language Learners Enrolled for Four or More Years

1. For each eighth grade student who does not score Proficiency Level 2 or above on the State standardized ELA and/or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a standardized promotion portfolio. The portfolio shall document performance in the subject areas in which the student did not meet the promotion standard. Such portfolios must be submitted by the end of the school year in June. Note: students who do not meet promotion criteria because they do not pass one or more core courses are encouraged to take the course during summer school and receive a passing grade. There is no automatic review process in June in this case.
2. Each student's standardized promotion portfolio results will be reviewed to determine whether his/her assessment score is an accurate reflection of the student's proficiency. The classroom teacher shall performance review each student's promotion portfolio to determine whether the assessment score(s) are an accurate reflection of the student's mastery of learning standards. Using a standardized rubric, the classroom teacher shall indicate whether, in his or her judgment, each student is performing at the equivalent of Level 1, Level 2, or high Level 2 in meeting the New York State Learning Standards for English Language Arts and/or the New York State Learning Standards for Mathematics for eighth grade.
3. The principal shall review all documentation 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 9, and shall forward the recommendation and supporting documentation to the superintendent.
4. The superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.
5. Students who score Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, and who are not promoted based on their promotion portfolio results in June, are recommended for Summer School and encouraged to

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<sup>1</sup> A promotion portfolio may be administered if no assessment data are available in June or August.

take the needed New York City Summer ELA and/or Mathematics tests in August. Students need to take only the assessment(s) in the content area they did not pass in the spring.

6. Students who do not meet promotion criteria for failure to pass one or more core courses in June may meet the core course requirement of the promotion standard by passing the needed course(s) in summer school.

E. August Review Process for Promotion from Grade 8 for English Proficient General Education Students, Students with Disabilities whose IEPs do not Specify a Modified Promotion Standard and English Language Learners Enrolled for Four or More Years

1. Students who take the New York City Summer ELA and/or Mathematics assessment in August and achieve Proficiency Level 2 or above on each assessment taken will be eligible to be promoted to Grade 9. In addition, students who achieve a passing grade in the required summer school core course(s) may be promoted to Grade 9.
2. In August, for each student who has failed to attain Level 2 or above on one or both assessments and/or who has not passed previously failed core courses, as required by this regulation, the principal shall review the standardized promotion portfolio documentation 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 Level 2 or a passing grade, the principal shall submit a recommendation for promotion to the superintendent, along with the supporting documentation.
  - For students who have been previously retained in their current or prior two grade levels, or who are two or more years over age by December 31st of their eighth grade year, principals may evaluate student performance using multiple measures of assessment and student work (e.g. standardized assessment scores, classroom assessments, completed student assignments, and teacher observations). Principals may recommend for promotion students who demonstrate gains in the foregoing measures of assessment. This provision is effective as of August 1, 2012.
3. The superintendent shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

F. 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 school to provide those students retained in grade 8 with a structured setting in which intensive intervention will lead to meeting the promotion requirements.

**VIII. PROMOTION STANDARDS FOR ENGLISH PROFICIENT GENERAL EDUCATION STUDENTS, STUDENTS WITH DISABILITIES WHO PARTICIPATE IN STATE AND NEW YORK CITY ASSESSMENTS, AND ENGLISH LANGUAGE LEARNERS IN GRADES 9 TO 12**

In grades 9 to 12, students must attain the necessary number of course credits in order to be promoted to the next grade.

A. Promotion from Grade 9 for English Proficient General Education Students, Students with Disabilities Who Participate in State and New York City Assessments, 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; and
2. accumulate a minimum of eight (8) credits.

B. Promotion from Grade 10 for English Proficient General Education Students, Students with Disabilities Who Participate in State and New York City Assessments, and English Language Learners

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

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 (4) credits in English/ESL and four (4) credits in Social Studies.

C. Promotion from Grade 11 for English Proficient General Education Students, Students with Disabilities Who Participate in State and New York City Assessments, 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; and
2. accumulate 30 credits.

D. High School Graduation

In grade 12, students must attain the necessary number of credits in certain subject areas and pass the necessary number of State exams in academic content areas to fulfill New York State graduation requirements. These requirements are set forth in New York State Commissioner's Regulation 8 NYCRR 100.5.

E. Failure to Meet High School Graduation Requirements

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. The school year begins on July 1 and ends the following June 30.

**IX. 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 Section IX of this regulation.

The following timeline describes procedures for parent notification, provision of interventions, and goal setting when a student is identified as being 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, written notice to that effect will be sent to the parent no later than February 15.<sup>2</sup> 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 that the student be promoted.

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<sup>2</sup> 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.

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.

Parents should be notified in writing by regular mail of the June decision not to promote their child and, where applicable, to recommend summer instruction not less than fourteen school days before the end of the school year, provided that State assessment results have been released to support schools in making such decisions. However, failure to provide notice to parents shall not require that the student be promoted.

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 or non-promotion. If part of the August decision to promote a student to the next grade rests upon achievement of Proficiency Level 2 in the summer, 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.

**X. PARENT APPEALS OF RETENTION DECISIONS**

Parents should be notified in writing by regular mail of the decision not to promote their child. Grade 3 through grade 8 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 New York City Summer ELA and/or Mathematics assessments. Grade 3 through grade 8 parent appeals will be decided based upon the same promotion criteria set forth in this regulation for those grades. The superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

**XI. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Telephone:	<i>Office of the Senior Deputy Chancellor for Academics, Performance, and Support</i>	Fax:
212-374-5981	N.Y.C. Department of Education 52 Chambers Street – Room 320 New York, NY 10007	212-374-5588