

**CLASSIFICATION: Students**

**ADOPTED: 1/25/00**

**REVISED:**

**SUBJECT: Retention Appeal Process**

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As early as possible in the school year, but no later than the next progress report, the County Superintendent of Schools or his/her designee shall identify students who should be retained.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless, after consulting with the parent/guardian, the student's regular classroom teacher or, in instances of multiple teachers, the Student Study Team as determined in Administrative Regulation No. 5123, determines in writing that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include a parent/guardian participation agreement and recommendations for interventions other than retention that, in the opinion of the teacher or Student Study Team, are necessary to assist the student in attaining acceptable levels of academic achievement.

When a student is identified as being at risk of retention, the County Superintendent of Schools or his/her designee shall notify the student's parent/guardian as early in the school year as possible (but no later than the next progress report). The student's parent/guardian shall be strongly encouraged to consult with the teacher and/or the Student Study Team responsible for the decision to retain the student.

The County Superintendent of Schools shall also provide a copy of the San Diego County Office of Education's Promotion, Acceleration, and Retention Policy and Administrative Regulation to those parents/guardians who have been notified that their child is at risk of retention. All parents will receive a copy of Policy and Administrative Regulation No. 5123, Promotion, Acceleration and Retention and Administrative Regulation No. 5124, Retention Appeal Process at the time of student enrollment.

The decision to retain a student may be appealed by the student's parent/guardian or affected students age 18 or older.

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Level 1

To appeal a decision, the appealing party shall submit a written request to the Assistant Superintendent of Student Services or his/her designee specifying the reasons why the teacher's or the Student Study Team's decision to retain should be overruled. The appeal must be initiated within ten (10) school days of the written determination of retention. The teacher or Student Study Team shall state in writing the criteria on which the decision was based.

Within thirty (30) days of receiving the request, the Assistant Superintendent of Student Services or his/her designee shall determine whether or not to overrule the teacher's or Student Study Team's decision to retain. Prior to making this determination, the Assistant Superintendent of Student Services or his/her designee shall meet with the appealing party and the teacher or the Student Study Team. If the Assistant Superintendent of Student Services or his/her designee determines that the appealing party has proven by a preponderance of evidence that the teacher's or the Student Study Team's decision should be overruled, he/she shall overrule the teacher's or Student Study Team's decision. The County Superintendent of Schools shall provide a written decision to the parents and the classroom teacher and principal whether the student shall be promoted or retained.

Level 2

The determination of the Assistant Superintendent of Student Services or his/her designee may be appealed to the County Superintendent of Schools within fifteen (15) school days. Within thirty (30) days of receipt of a written appeal, the County Superintendent of Schools shall decide the appeal. The decision of the County Superintendent of Schools may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the County Superintendent of Schools, he/she may also meet with the appealing party, the teacher or the Student Study Team, and the Assistant Superintendent of Student Services to decide the appeal. The decision of the County Superintendent of Schools shall be final.

If the decision of the County Superintendent of Schools is unfavorable to the appealing party, the appealing party shall have the right to submit a written statement of objections which shall become part of the student's record.

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**Board Policy No.: 5123**

**Administrative Regulation No.: 5123**

**Legal References:** Education Code  
37252 - 37253, 46300, 48011, 48070 48070.5, 48431.6, 51215 - 51218, 56345,  
60641 - 60648  
California Code of Regulations, Title 5  
200 - 202

California Department of Education Program Advisories  
06121.89 - 06123.89, 0916.91  
California Department of Education Management Advisories  
0900.90  
Legislative Counsel Opinion  
1001.98 Promotion and Retention #21610

California School Boards Association Advisories  
1112.98

Web Sites  
CSBA: <http://www.csba.org>  
CDE: <http://www.cde.ca.gov>