

160-4-2-.11 PROMOTION, PLACEMENT, AND RETENTION.

(1) DEFINITIONS.

(a) **Accelerated instruction** – challenging instructional activities that are intensely focused on student academic deficiencies in reading and/or mathematics. This accelerated instruction is designed to enable a student who has not achieved grade level, as defined by the Office of Education Accountability, to meet grade-level standards in the shortest possible time.

(b) **Additional instruction** – academic instruction beyond regularly scheduled academic classes that is designed to bring students not performing on grade level, as defined by the Office of Education Accountability, to grade level performance. It may include more instructional time allocated during the school day, instruction before and after the school day, Saturday instruction, and/or summer/inter-session instruction.

(c) **Differentiated instruction** – instructional strategies designed to meet individual student learning needs.

(d) **Grade level** – standard of performance, as defined by the Office of Education Accountability, on a Criterion-Referenced Competency Test.

(e) **Placement** – the assignment of a student to a specific grade level based on the determination that such placement will most likely provide the student with instruction and other services needed to succeed and progress to the next higher level of academic achievement.

(f) **Placement committee** – the committee established by the local school principal or designee to make placement decisions concerning a student who does not meet expectations on the Criterion-Referenced Competency Test. This committee shall be comprised of the principal or designee, the student's parent or guardian, and the teacher(s) in the content area(s) in which the student did not achieve grade level on the Criterion-Referenced Competency Test.

(g) **Promotion** – the assignment of a student to a higher grade level based on the student's achievement of established criteria in the current grade.

(h) **Retention** – the re-assignment of a student to the current grade level during the next school year.

(2) REQUIREMENTS FOR GRADES 1-8.

(a) By July 1, 2003, each local board of education shall develop, adopt, and implement policy, in accordance with O.C.G.A. § 20-2-282 through 20-2-285, that bases the placement or promotion of a student into a grade, class, or program on an assessment of the academic achievement of the student and a determination of the education setting in which the student is most likely to receive instruction and other services needed in order to succeed and progress to the next higher level of academic achievement. Further, the policy shall specify how the Criterion-Referenced Competency Tests administered in all grades 1-8, in accordance with O.C.G.A. § 20-2-281, will be weighted or otherwise utilized by the school principal or designee in determining:

1. The overall academic achievement of students;
2. An appropriate plan of accelerated, differentiated, or additional instruction for students who do not achieve grade level; and
3. Placement (with specific recommendations), promotion, or retention of a student.

(b) Students shall be tested in accordance with requirements specified in Rule 160-3-1-.07 Testing Programs – Student Assessment.

(c) The local board of education shall annually notify parents or guardians that placement or promotion of a student into a grade, class, or program will be based on the academic achievement of the student on criterion-referenced assessments and criteria established by the local board of education.

(3) REQUIREMENTS FOR GRADES 3, 5, AND 8.

(a) Promotion of a student shall be determined as follows.

1. No third grade student shall be promoted to the fourth grade if the student does not achieve grade level on the Criterion-Referenced Competency Test in reading and meet promotion standards and criteria established by the local board of education for the school that the student attends.

2. No fifth grade student shall be promoted to the sixth grade if the student does not achieve grade level on the Criterion-Referenced Competency Test in reading and the Criterion-Referenced Competency Test in mathematics and meet promotion standards and criteria established by the local board of education for the school that the student attends.

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3. No eighth grade student shall be promoted to the ninth grade if the student does not achieve grade level on the Criterion-Referenced Competency Test in reading and the Criterion-Referenced Competency Test in mathematics and meet promotion standards and criteria established by the local board of education for the school that the student attends.

4. Requirements in this section shall apply to students in the following grade levels:

- (i) The third grade beginning with the 2003-2004 school year.
- (ii) The fifth grade beginning with the 2004-2005 school year.
- (iii) The eighth grade beginning with the 2005-2006 school year.

5. The school principal or designee may retain a student who performs satisfactorily on the Criterion-Referenced Competency Test but who does not meet promotion standards and criteria established by the local board of education.

(b) When a student does not perform at grade level in grades 3, 5, or 8 on the Criterion-Referenced Competency Test(s) specified in section (a) above, then the following shall occur:

1. Within ten calendar days, excluding weekends and holidays, of receipt of the Criterion-Referenced Competency Test individual student scores, the school principal or designee shall notify in writing by first-class mail the parent or guardian of the student regarding the following:

- (i) The student's below-grade-level performance on the Criterion-Referenced Competency Tests;
- (ii) The specific retest(s) to be given the student and testing date(s);
- (iii) The opportunity for accelerated, differentiated, or additional instruction based on the student's performance on the Criterion-Referenced Competency Tests; and
- (iv) The possibility that the student might be retained at the same grade level for the next school year.

2. The student shall be given an opportunity for accelerated, differentiated, or additional instruction in the applicable subject(s) prior to the retesting opportunity; and

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3. The student shall be retested with appropriate section(s) of the Criterion-Referenced Competency Test(s) or an alternative assessment instrument that is appropriate for the student's grade level as provided for by the State Board of Education and the local board of education.

(c) When a student does not perform at grade level on the Criterion-Referenced Competency Test in grades 3, 5, and 8, and also does not perform at grade level on a second opportunity to take the assessment, then the following shall occur:

1. The school principal or designee shall retain the student for the next school year except as otherwise provided for in this rule.

2. The school principal or designee shall notify in writing by first-class mail the parent or guardian of the student and the teacher(s) regarding the decision to retain the student.

(i) The notice shall describe the option of the parent or guardian or teacher to appeal the decision to retain the student;

(ii) The notice shall describe the composition and functions of the placement committee; it may describe the option of the parent or guardian, teacher(s), or principal to invite individuals who can provide information or facilitate understanding of the issues to be discussed to attend the placement committee meeting if provided for in local board policy; and

(iii) The notice shall include the requirement that the decision to promote the student must be the unanimous decision of the placement committee comprised of the parent or guardian, teacher(s), and principal or designee.

3. If the parent or guardian or teacher(s) appeals the decision to retain the student, then the school principal or designee shall establish a placement committee to consider the appeal.

(i) The placement committee shall be comprised of the principal or designee, the student's parent or guardian, and the teacher(s) of the subject(s) of the Criterion-Referenced Competency Test or the alternative assessment instrument on which the student failed to perform at grade level.

(ii) The principal or designee shall notify in writing by first-class mail the parent or guardian and teacher(s) of the time and place for convening the placement committee.

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(iii) The placement committee shall review the overall academic achievement of the student in light of the performance on the Criterion-Referenced Competency Test or the alternative assessment instrument and promotion standards and criteria established by the local board of education for the school that the student attends, and make a determination to promote or retain.

(iv) The decision to promote must be the unanimous decision of the placement committee and must determine that if promoted and given accelerated, differentiated, or additional instruction during the next year, the student is likely to perform at grade level by the conclusion of the school year.

(v) The placement committee shall prescribe such additional assessments as may be appropriate in addition to assessments administered to other students at the grade level during the year.

(vi) The placement committee shall provide for a plan of continuous assessment during the subsequent school year in order to monitor the progress of the student.

4. A plan for accelerated, differentiated, or additional instruction must be developed for each student who does not achieve grade level performance in grades 3, 5, or 8 on the Criterion-Referenced Competency Test(s) specified in section (a) above whether the student is retained, placed, or promoted for the subsequent year.

5. A student who is absent or otherwise unable to take the Criterion-Referenced Competency Test in reading and/or mathematics on the first administration or its designated make-up day(s) shall take the Criterion-Referenced Competency Test in reading and/or mathematics on the second administration day(s) or an alternative assessment instrument that is appropriate for the student's grade level as provided for by the State Board of Education and the local board of education. Placement or promotion of these students shall follow the same procedures as students who do not achieve grade level on the first administration of the assessment.

6. A student's failure to take the Criterion-Referenced Competency Test in grades 3, 5, and 8 in reading and/or mathematics on any of the designated testing date(s) or an alternative assessment instrument that is appropriate for the student's grade level as provided for by the State Board of Education and the local board of education shall result in the student being retained. The option of the parent or guardian or teacher(s) to appeal the decision to retain the student shall follow the procedure set forth in this rule.

7. For students receiving special education or related services, the Individualized Education Plan Committee shall serve as the placement committee.

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8. The decision of the placement committee may be appealed only as provided for by the local board of education.

(4) REQUIREMENTS FOR GRADES 9 – 12.

(a) Local boards of education shall develop and adopt policies and procedures for the promotion and retention of students in grades 9 through 12.

Authority O.C.G.A. § 20-2-240; 20-2-282; 20-2-283; 20-2-284; 20-2-285.

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