

## PROMOTION AND RETENTION OF STUDENTS WITH DISABILITIES

Reference: FAQs – Pupil Promotion & Retention, California Department of Education

Frequently asked questions from the field regarding the promotion, retention, and grading of students with disabilities.

**1. May students with disabilities be retained?**

Yes, students with disabilities can be retained; however, careful consideration in the development and implementation of the student’s individualized education program (IEP) should prevent student failure in most cases.

**2. Do local governing board-adopted standards for promotion apply to students with disabilities?**

Local governing board adopted standards for promotion apply to students with disabilities; however, IEP teams should consider whether the student’s disability adversely impacts the student’s potential for learning or rate of learning. If so, the IEP teams should consider whether accommodations or curricular modifications can minimize this impact.

**3. May students with disabilities have individualized promotion standards?**

If, even with accommodations or curricular modifications, the student will be unable to meet the board-adopted promotion standards due to the nature or severity of the disability, the IEP team should document individualized promotion standards for the student that are within the context of district standards. The documentation of an individualized promotion standard should be completed before the first day of the school year, if possible. The student, parents, and general and special education teachers should be informed of potential consequences of individualized promotion standards (i.e. will the individualized promotion standard satisfy district requirements for graduation with a diploma or entrance requirements of a postsecondary institution?).

**4. Are individualized promotion standards determined by the location where services are provided to students with disabilities?**

No, for example, a student with significant disabilities who spends all or most of the instructional day in general education classrooms learning social or communication skills may have individualized promotion standards. Yet, a student with emotional or behavioral disabilities who spends most or part of the instructional day in a more restrictive environment may be held to the regular promotion standards.

**5. What if a student with a disability fails to meet board-adopted or individualized promotion standards?**

If a student with a disability fails to meet board-adopted or individualized promotion standards, the IEP team should reconvene immediately to consider the following:

- a. Is the current IEP for the student's academic, linguistic, social, emotional, and behavioral needs appropriate?
- b. Is the manner of assessment appropriate, including accommodations and modifications identified in the IEP?
- c. Were all the services required by the student to make progress in the general education curriculum appropriately identified in the student's IEP?
- d. Were the linguistic needs of English Learners appropriately identified?
- e. Did the student receive all the services identified in the IEP?
- f. Was the assessment conducted consistent with the IEP?
- g. Was the student's promotion standard appropriate and clarified in the IEP?

**6. What if the IEP was written to consider the student's individualized needs, but the student still failed to meet the promotion standards?**

If the questions in item #5 above were answered positively, but the student still failed to meet the promotion standards, then the student should participate in intensive supplemental instruction developed by the local board pursuant to *Education Code 37252.2 – 37252.8*. The IEP team should document all the supports and related services the student will need to benefit from supplemental instruction.

If after intensive supplemental instruction, the student still does not meet the board-adopted or individualized promotion standards, then the student may not be promoted to the next grade level. An IEP meeting should be held to develop an appropriate plan for helping the student advance.

If the questions in item #5 were answered in the negative, the IEP team should determine why such supports were not provided, develop an alternate plan, amend the IEP, provide intensive supplemental instruction, and consider not retaining the student because the district did not provide the supports and services necessary for the student to benefit from the educational program.

**7. May students with disabilities participate in intensive supplemental instruction pursuant to *Education Code 37252.2 – 37252.8* and Extended School Year (ESY) under the Individuals with Disabilities Education Act (IDEA) simultaneously?**

Yes, a student may participate in the two programs simultaneously, but only if the need for supplemental instruction is documented in the student's IEP. In order to receive both services, ESY and supplemental instruction, the IEP must reflect that the student needs to participate in an intensive supplemental instruction program as part of the ESY services necessary for the provision of a free appropriate public education (FAPE). In other words, the student is receiving supplemental instruction in order to meet the standards-based goals of the IEP, and special education and related services will be provided in order for the student to benefit from that instruction.

8. **Where can more detailed information on pupil promotion and retention and related supplemental instruction be found?**

Detailed information on pupil promotion and retention and related supplemental instruction can be found on the CDE [Pupil Promotion & Retention Web page](#).