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Subject: PROMOTION STANDARDS

Page: 1 of 1

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 June 29, 2009.

Changes:

- The promotion policy has been updated to include the new criteria for promotion from Grade 4 to Grade 5 and from Grade 6 to Grade 7.
- Modifications have been made to reflect that maintaining a rate of 90% attendance shall not be required for promotion but shall be a factor to be considered together with other relevant criteria.
- The language used to describe English Language Learners has been clarified.
- The process for promotion for grades 3, 4, 5, and 6 has been modified to reflect that where a principal determines, based upon student work, teacher observation, and grades in academic courses, that a student is not ready for promotion to the next grade, such student shall not be promoted.

ABSTRACT

This regulation is effective immediately and supersedes Chancellor's Regulation A-501 dated June 29, 2009.

INTRODUCTION

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 and supersedes all other policies, regulations, and circulars governing student promotion.

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 or to graduate 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 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. 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 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; and
 - extended-year learning opportunities, such as summer enrichment activities, 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, School Support Organizations, 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 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.

2. School Support Organizations (SSOs) will provide ongoing professional development for school leaders and staff to support effective instruction for all students. SSOs 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, 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.

4. 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 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 toward accomplishing 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, and all learning activities required to meet academically rigorous and challenging content and performance standards.
3. Students will maintain a goal of at least 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.

III. **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. 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. The final promotion decision for students in Pre-kindergarten will be made by the principal in consultation with the child's teacher and parent. The final promotion decision for students in Grade 1 and Grade 2 will be made by the principal.

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.
- B. English Language Learners who are enrolled for at least two years. (See Attachment No. 1)
- C. Students with disabilities receiving special education services who participate in State and Citywide assessments and whose Individualized Education Program (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.¹
- B. Students with disabilities whose IEPs specify that they will not participate in State and Citywide assessments are held to the promotion standards stated in their IEPs.
- 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 meeting the IEP standard. In such cases, the procedural components of this regulation will be applicable.

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

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 ELA and Mathematics standardized tests in order to be promoted from Grades 3 through 7, and must attain a score of at least Proficiency Level 2 on the ELA and Mathematics standardized tests and achieve passing grades in core courses in Grade 8 in order to be promoted from Grade 8 to Grade 9 (unless otherwise deemed ready for promotion through the process set forth in Sections VI and IX).

¹ This section does not apply to Grade 8. See Section VI.AA. for the Grade 8 promotion standard applicable to ELLs enrolled for fewer than 2 years.

A. Promotion from Grade 3 for General Education Students, Students with Disabilities² and English Language Learners Enrolled for Four or More Years Who do not Qualify for an Extension of Services

Promotion from Grade 3 to Grade 4 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.

In addition to the foregoing, where a principal determines, based upon student work, teacher observation, and grades in third grade academic courses, that a student is not ready for the fourth 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 from Grade 3 for English Language Learners

Promotion from Grade 3 to Grade 4 for English Language Learners will be determined differently according to the number of years of enrollment:

1. Students enrolled for fewer than two years are exempt from promotion criteria.
2. For students enrolled for at least two years but fewer than four years, and for students who qualify for extension of services for a fourth or fifth year, promotion will be based on whether students:
 - a. attain satisfactory performance/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;
 - b. 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 and teacher observation and assessments/grades;
 - c. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);
 - d. achieve at or above Proficiency Level 2 on the designated standardized Mathematics test; and
 - e. maintain a goal of at least 90% attendance.
3. Students enrolled for four or more years who do not qualify for an extension of services shall be held to the same criteria as listed in Section A.

Note: See Attachment No. 1 regarding English Language Learners in Grades 3 through 8.

C. Promotion from Grade 3 for Students with Disabilities Who Participate in State and Citywide Assessments and whose IEPs Specify 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.

² Grade 3 Students with disabilities whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in Section VI.A of this regulation.

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

1. For each third grade student who scores at Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a 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, 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 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) 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 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 Community Superintendent.
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 recommendation to the Community Superintendent as to whether the student shall be promoted or retained in Grade 3.
5. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

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

1. Third grade students who score at Level 1 on the designated standardized ELA or Mathematics assessment, and who are not promoted in June pursuant to the process set forth in Section VI.D are encouraged to attend Summer School, and should take the Citywide ELA and/or Citywide Mathematics assessments in August.
2. Students who take the Citywide ELA and/or Citywide Mathematics assessments in August and achieve Proficiency Level 2 or above on each assessment taken³ will be promoted to Grade 4. However, where a principal determines, based upon student work and teacher observation, that a student is not ready for the fourth 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, 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 Community Superintendent, along with the supporting documentation. The principal shall give particular consideration to any student who,

³ A student who achieved a score of Level 2 or above on one assessment in the spring need not take the Citywide assessment in that subject in August.

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

F. Promotion from Grade 4 for General Education Students, Students with Disabilities and English Language Learners Enrolled for Four or More Years Who do not Qualify for an Extension of Services

Commencing in the 2009-2010 school year, promotion from Grade 4 to Grade 5 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.

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

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

G. Promotion from Grade 4 for English Language Learners

Promotion from Grade 4 to Grade 5 for English Language Learners will be determined differently according to the number of years of enrollment:

1. Students enrolled for fewer than two years are exempt from promotion criteria.
2. For students enrolled for at least two years but fewer than four years, and for students who qualify for extension of services for a fourth or fifth year, promotion will be based on whether students:
 - a. attain satisfactory performance/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;
 - b. 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 and teacher observation and assessments/grades;
 - c. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);
 - d. achieve at or above Proficiency Level 2 on the designated standardized Mathematics test; and
 - e. maintain a goal of at least 90% attendance.
3. Students enrolled for four or more years who do not qualify for an extension of services shall be held to the same criteria as listed in Section F.

Note: See Attachment No. 1 regarding English Language Learners in Grades 3 through 8.

H. Promotion from Grade 4 for Students with Disabilities Participating in State and Citywide Assessments whose IEPs Specify 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 the regulation will be applicable.

I. June Review and Appeal Process for Promotion from Grade 4

1. For each fourth grade student who scores at Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a 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, 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 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) for fourth 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 5, and shall forward the recommendation and supporting documentation (including the student's portfolio) to the Community Superintendent.
4. In addition, the principal shall review for promotional consideration all fourth 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 make a recommendation to the Community Superintendent as to whether the student shall be promoted or retained in Grade 4.
5. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

J. August Review and Appeal Process for Promotion from Grade 4

1. Fourth grade students who score at Level 1 on the designated standardized ELA or Mathematics assessment and who are not promoted in June pursuant to the process set forth in Section VI.I, are encouraged to attend summer school 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 taken⁴ will be promoted to Grade 5. However, where a principal determines, based upon student work and teacher observation, that a student is not ready for the fifth 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, the principal shall review the portfolio previously submitted by the classroom teacher, along with August assessment scores, summer school work, and

⁴ A student who achieved a score of Level 2 or above on one assessment in the spring need not take the Citywide assessment in that subject in August.

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

K. Promotion from Grade 5 for General Education Students, Students with Disabilities⁵ and English Language Learners Enrolled for Four or More Years Who do not Qualify for an Extension of Services

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.

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

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

L. Promotion from Grade 5 for English Language Learners

Promotion from Grade 5 for English Language Learners will be determined differently according to the number of years of enrollment:

1. Students enrolled for fewer than two years are exempt from promotion criteria.
2. For students enrolled for at least two years but fewer than four years, and for students who qualify for extension of services for a fourth or fifth year, promotion will be based on whether students:
 - a. attain satisfactory performance/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;
 - b. 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 and teacher observation and assessments/grades;
 - c. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);
 - d. achieve at or above Proficiency Level 2 on the designated standardized Mathematics test; and
 - e. maintain a goal of at least 90% attendance.

⁵ Grade 5 students with disabilities whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in Section VI.K of this regulation.

3. Students enrolled for four or more years who do not qualify for an extension of services shall be held to the same criteria as listed in Section K.

Note: See Attachment No. 1 regarding English Language Learners in Grades 3 through 8.

M. Promotion from Grade 5 for Students with Disabilities 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.

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

1. For each fifth grade student who scores at Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a 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, 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 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) 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 Community Superintendent.
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 make a recommendation to the Community Superintendent as to whether the student shall be promoted or retained in Grade 5.
5. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

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

1. Fifth grade students who score at Level 1 on the designated standardized ELA or Mathematics assessment and who are not promoted in June pursuant to the process set forth in Section VI.N, are encouraged to attend summer school 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 taken⁶ will be promoted to Grade 6. However, where a principal determines, based upon student work and teacher observation, that a student is not ready for the sixth grade, such student shall not be promoted.

⁶ A student who achieved a score of Level 2 or above on one assessment in the spring need not take the Citywide assessment in that subject in August.

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 Community Superintendent, 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 Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.
- P. Promotion from Grade 6 for General Education Students, Students with Disabilities and English Language Learners Enrolled for Four or More Years Who do not Qualify for an Extension of Services

Commencing in the 2009-2010 school year, promotion from Grade 6 to Grade 7 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.

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

Note: Students who are not promoted pursuant to the promotion standards set forth in this Section P shall be considered for promotion pursuant to the procedures set forth in Sections S and T below.

Q. Promotion from Grade 6 for English Language Learners

Promotion from Grades 6 for English Language Learners will be determined differently according to the number of years of enrollment:

1. Students enrolled for fewer than two years are exempt from promotion criteria.
2. For students enrolled for at least two years but fewer than four years, and for students who qualify for extension of services for a fourth or fifth year, promotion will be based on whether students:
 - a. attain satisfactory performance/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;
 - b. 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 and teacher observation and assessments/grades;
 - c. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);
 - d. achieve at or above Proficiency Level 2 on the designated standardized Mathematics test; and
 - e. maintain a goal of at least 90% attendance.

3. Students enrolled for four or more years who do not qualify for an extension of services shall be held to the same criteria as listed in Section P.

Note: See Attachment No. 1 regarding English Language Learners in Grades 3 through 8.

R. Promotion from Grade 6 for Students with Disabilities Participating in State and Citywide Assessments whose IEPs Specify 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.

S. June Review and Appeal Process for Promotion from Grade 6

1. For each sixth grade student who scores at Proficiency Level 1 on the designated standardized ELA or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a 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, 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 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) for sixth 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 7, and shall forward the recommendation and supporting documentation (including the student's portfolio) to the Community Superintendent.
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 make a recommendation to the Community Superintendent as to whether the student shall be promoted or retained in Grade 6.
5. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

T. August Review and Appeal Process for Promotion from Grade 6

1. Sixth grade students who score at Level 1 on the designated standardized ELA or Mathematics assessment and who are not promoted in June pursuant to the process set forth in Section VI.S, are encouraged to attend summer school 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 taken⁷ will be promoted to Grade 7. However, where a principal determines, based upon student work and teacher observation, that a student is not ready for the seventh grade, such student shall not be promoted.

⁷ A student who achieved a score of Level 2 or above on one assessment in the spring need not take the Citywide assessment in that subject in August.

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 Community Superintendent, 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 Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.
- U. Promotion from Grade 7 for General Education Students, Students with Disabilities⁸ and English Language Learners Enrolled for Four or More Years Who do not Qualify for an Extension of Services
- 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.

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 Section U shall be considered for promotion pursuant to the procedures set forth in Sections X and Y below.

V. Promotion from Grade 7 for English Language Learners

Promotion from Grade 7 for English Language Learners will be determined differently according to the number of years of enrollment:

1. Students enrolled for fewer than two years are exempt from promotion criteria.
2. For students enrolled for at least two years but fewer than four years, and for students who qualify for extension of services for a fourth or fifth year, promotion will be based on whether students:
 - a. attain satisfactory performance/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;
 - b. 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 and teacher observation and assessments/grades;
 - c. achieve a satisfactory level of proficiency in English as evidenced by the New York State English as a Second Language Achievement Test (NYSESLAT);

⁸ Grade 7 students with disabilities whose IEPs do not specify modified promotional criteria will be held to the promotion standards set forth in Section VI.U 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.

- d. achieve at or above Proficiency Level 2 on the designated standardized Mathematics test; and
 - e. maintain a goal of at least 90% attendance.
3. Students enrolled for four or more years who do not qualify for an extension of services shall be held to the same criteria as listed in Section U.

Note: See Attachment No. 1 regarding English Language Learners in Grades 3 through 8.

W. Promotion from Grade 7 for Students with Disabilities Participating in State and Citywide Assessments whose IEPs Specify 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.

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

1. For each seventh grade student who does not score at Proficiency Level 2 on the designated standardized ELA and/or Mathematics assessment, the classroom teacher shall prepare and submit to the principal a 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, 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 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/or the New York State Learning Standards for Mathematics (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 Community Superintendent.
4. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

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

1. Seventh grade students who score at Level 1 on the designated standardized ELA and/or Mathematics assessment and who are not promoted in June pursuant to the process set forth in Section VI.X, are encouraged to attend summer school 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 taken 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 Level 2, the principal shall submit a recommendation for promotion to the Community Superintendent, along with the supporting documentation.

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

Z. Promotion from Grade 8 for General Education Students, Students with Disabilities whose IEPs Do Not Specify a Modified Standard, and English Language Learners Enrolled for 4 or More Years

Commencing in the 2008-2009 school year, promotion from Grade 8 to Grade 9 will be based on whether students:

1. achieve at or above Proficiency Level 2 on the State assessments in 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 Z, shall be considered for promotion pursuant to the procedures set forth in Sections CC and DD below.

AA. Promotion from Grade 8 for English Language Learners

Promotion from Grade 8 for English Language Learners will be determined differently according to the number of years of enrollment:

1. For students enrolled for one year 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 three years, promotion will be based on whether students:
 - a. achieve at or above Proficiency Level 2 on the State assessment in Mathematics;
 - b. achieve expected gains on the NYSESLAT or the English Language Arts assessments between January and June; and
 - c. attain passing grades in English, Mathematics, Science, and Social Studies.
3. For students enrolled for at least three years but fewer than four years, promotion will be based on whether students:
 - a. achieve at or above Proficiency Level 2 on the State assessment in Mathematics;
 - b. achieve expected scale score gains on the State assessment in English Language Arts assessments; and
 - c. attain passing grades in core English, Mathematics, Science, and Social Studies courses
4. Students with four or more years of service will be held to the same promotion standards as General Education students (see Section Z).

BB. Promotion from Grade 8 for Students with Disabilities Participating in State and Citywide Assessments whose IEPs Specify 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.

CC. June Review and Appeal Process for Promotion from Grade 8

1. For each eighth grade student who does not score at 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. The classroom teacher shall 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 Community Superintendent.
4. The Community Superintendent shall review the principal's recommendations and make a final determination based upon standard system-wide rubrics.

DD. August Review and Appeal Process for Promotion from Grade 8

1. Eighth grade students who score at Level 1 on the designated standardized ELA and/or Mathematics assessments, and/or who fail one or more core courses and who are not promoted in June pursuant to the process set forth in Section CC, are encouraged to attend summer school. Students who score at Performance Level 1 on the ELA and/or Math assessments should take the Citywide ELA and/or Citywide Mathematics assessments in August to demonstrate proficiency. Students who fail one or more course(s) can demonstrate performance through passing grades in summer school courses.
2. Students who take the Citywide ELA and/or Citywide 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.
3. 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 Community Superintendent, along with the supporting documentation.
 - Students who are over age or who have been previously retained in middle school may be promoted on appeal in August if they demonstrate effort toward meeting promotion standards.
4. The Community Superintendent shall review the principal's recommendations and shall make a final determination based upon standard system-wide rubrics.

EE. 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.

VII. PROMOTION STANDARDS FOR GENERAL EDUCATION STUDENTS, STUDENTS WITH DISABILITIES, 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 Attachment No. 4.

A. Promotion from Grade 9 for General Education Students, Students with Disabilities 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 (8) credits; and
3. maintain a goal of at least 90% attendance.

B. Promotion from Grade 9 for Students with Disabilities whose IEPs Specify a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for the 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 Students, Students with Disabilities 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; and
3. maintain a goal of at least 90% attendance.

D. Promotion from Grade 10 for Students with Disabilities whose IEPs Specify a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for the 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 Students, Students with Disabilities 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 30 credits (28 credits for students who first entered Grade 9 before the 2004-2005 school year); and
3. maintain a goal of at least 90% attendance.

F. Promotion from Grade 11 for Students with Disabilities whose IEPs Specify a Modified Promotion Standard

When the IEP Team has specified a modified standard on the IEP for a student 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 (5) New York State Regents Examinations: English, Mathematics, Global History, U.S. History and Government, and Science (Attachment No. 3 to this regulation charts the phase-in of the Regents examination requirements based on the date of the entering class.)
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;
 - 2 credits in Art or Music or 1 credit in each.

Students who first entered 9th grade in the 2001-2002 school year or later must complete 4 credits in Physical Education also. Remaining credits may be acquired as electives or as sequence requirements in technical, vocational, or academic areas of concentration; and

3. maintain a goal of at least 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. The school year begins on July 1 and ends the following June 30.
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 diploma or until the end of the

school year in which the student's twenty-first birthday occurs. The school year begins on July 1 and ends the following June 30.

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 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 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 15.⁹ 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.

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/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 their child. Grade 3 through Grade 8 parent appeals should be made in writing to the principal and will be

⁹ 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.

decided in August, after the student has had the opportunity to take the Citywide ELA and/or Mathematics assessments. Grade 3 through Grade 8 parent appeals will be decided based upon the same criteria set forth in Section VI of this regulation. The Community Superintendent shall review the principal's recommendations and 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*
N.Y.C. Department of Education
52 Chambers Street – Room 320
New York, NY 10007

Fax:
212-374-5588

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 and parental choice. 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 and thus test out of bilingual/English as a Second Language education.

ELL students who are enrolled in a school in the United States for more than one school year (not including Puerto Rico) are required to take the designated standardized English Language Arts assessment at grades 3, 4, 5, 6, 7, and 8. 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 or administered with any other appropriate, available accommodation.

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 bilingual or ESL programs/classes as appropriate 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.

In grades 3, 4, 5, 6, and 7, ELLs who are enrolled for fewer than 2 years are not held to promotion standards. In grade 8, promotion of ELLs who are enrolled for fewer than 2 years and Students with Interrupted Formal Education will be based on whether students attain passing grades in core content area courses.

STUDENTS WITH DISABILITIES

For purposes of this Regulation, "Students with Disabilities" refers to all students with disabilities with an Individualized Education Program (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. Students with Disabilities whose IEP indicates that the student will not participate in designated standardized assessments are not subject to this Regulation. All Students with Disabilities 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 the promotion standard that the student must meet.

For Students with Disabilities 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 2001 TO SEPTEMBER 2009

| For students Entering Grade 9 in: | 9/2001 – 9/2004 | 9/2005 | 9/2006 | 9/2007 | 9/2008 and 9/2009 |
|--|---|--|--|---|---|
| *Local Diploma | 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 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 | 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 or 9 Regents exams and earn 44 credits |

*Students with Disabilities who fail a required Regents examination can earn a local diploma by receiving a score of 55-64 on the corresponding Regents examination. Additionally, Students with Disabilities who enter 9th grade prior to September 2010 can earn a local diploma by passing the corresponding Regents Competency Test.

PROMOTION STANDARDS – GRADES 9 – 12

| <i>General Education Students, Students with Disabilities^b and ALL English Language Learners</i> | | |
|--|--|--|
| Grade | Coursework/ Exams | Minimum Credits |
| 9 | Successful completion of Standards in academic subject areas | 8 |
| 10 | Successful completion of Standards in academic subject areas | 20 Including 4 in English and/or ESL And 4 in Social Studies |
| 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) |
| 12 | Successful completion of Standards in academic subject areas Passing Grade in 5 Regents Exams ^c - English, Math, Global History, U.S. History, and Science | 44 |

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 adopt them **or** be held to a modified promotion standard 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.

^b Students with Disabilities 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.

^c See Attachment No. 3 of this Regulation regarding Regents examination requirements.