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# Board Cover Memorandum

**To** Board of Education

**From** Dr. Denise Saddler, Interim Superintendent  
Preston Thomas, Chief Systems and Services Officer  
Kilian Betlach, Executive Director Enrollment

**Meeting Date** 06/24/2026

**Subject** Updates to Board Policy 5123 and AR5123: Acceleration

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**Ask of the Board** Approve updates to BP and AR 5123

**Background** Annually, in conjunction with the legal team, the Enrollment Department reviews all Board Policy relevant to our work and offers updates as necessary.

**Discussion** Currently, Board Policy 5123 lacks sufficient depth and specificity necessary to guide central and school-site staff in responding to families' ongoing requests for acceleration (i.e. skipping a grade) or retention. The number of these requests--particularly relating to Transitional Kinder (TK) enrollment--has increased considerably over the past few years, necessitating increased clarity at the level of Board Policy.

**Fiscal Impact** There is no fiscal obligation undertaken by the district as part of this work.

**Attachment(s)**

- BP 5123: Acceleration (redlined)
- BP 5123: Acceleration (clean)
- AR 5123: Acceleration (redlined)
- AR 5123: Acceleration (clean)

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5123

### Students

#### ~~Acceleration~~ Promotion/Acceleration/Retention

The Governing Board expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that children learn and include strategies for addressing academic giftedness when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. ~~Demonstration of academic readiness for the next grade and the student's maturity level shall be taken into consideration in making a determination to accelerate a student.~~ ~~The student's maturity level shall be taken into consideration in making a determination to accelerate a student.~~

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation, and the following criteria.

K-8 students shall be identified on the basis of academic progress levels. ~~4-8 students shall be identified on the basis of grades.~~ The following other indicators of academic achievement shall also be used:

- ~~1. CHJUSD ELA & Mathematics Benchmarks~~
2. Board- approved computer- learning program assessments
3. English Language Proficient Assessments for California (ELPAC) ~~California Language Development Test (CELDT)~~
4. IEP or 504 Goals and Objectives
- ~~5. Informal teacher assessments~~
- ~~6. Observation and anecdotal records~~
7. Attendance

8. Smarter Balanced Assessment Consortium (SBAC) ~~California Standardized Test~~ results, if available

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5149 - At-Risk Students)

The District is committed to supporting the developmental readiness and academic success of all students in kindergarten and transitional kindergarten (TK). Consistent with Education Code § 48011, a pupil who has been lawfully admitted to kindergarten or TK will not be required to attend an additional year at the grade level without the written consent of the pupil's parent or guardian. Equally, no pupil shall be required to be retained solely at the request of a parent or guardian. The District retains professional authority to recommend promotion when, in the judgment of the certificated employee responsible for the pupil's placement, promotion in the pupil's best educational interest.

Retention in kindergarten or ~~TK~~ shall be considered only when all of the following conditions are met:

1. The pupil has significant and documented developmental, academic, or functional delays that are not typical of the range of development expected at these grade levels;
2. ~~The certificated employee responsible for the pupil's placement~~ School site leadership-recommends retention based on the individual assessment data and professional judgment;
3. Other targeted supports and interventions have been considered or attempted; and
4. The parent or guardian consents in writing.

Barring extraordinary circumstances, students in TK shall not be considered for retention. For pupils who may have special education needs, the retention decision shall be made in coordination with any applicable assessment, IEP, or SST process.

When any student in grades 1st-8th ~~9~~ is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.

(cf. 6179 - Supplemental Instruction)

Legal Reference:

#### EDUCATION CODE

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ADA

48011 Admission on completing kindergarten; grade placement of pupils coming from other districts

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60641-60648 Standardized Testing and Reporting Program

60850-60859 Exit examination

## CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

### Management Resources:

#### CDE MANAGEMENT ADVISORIES

0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10

#### LEGISLATIVE COUNSEL'S OPINION

Promotion and Retention #21610

#### CSBA POLICY ADVISORIES

0901.99 Social Promotion/Retention Policy Briefing: Considerations for English Language Learners

1112.98 Student Promotion/Retention Advisory

#### CDE PUBLICATIONS

Performance Level Tables for the California Standards Tests and the California Alternative Performance Assessment

Parental Agreement Form: Agreement for Pupil to Continue in Kindergarten

#### WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

8/25/04, 06/24/26A

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1. Board-approved learning program assessments
2. English Language Proficient Assessments for California (ELPAC)
3. IEP or 504 Goals and Objectives
4. Attendance
5. Smarter Balanced Assessment Consortium (SBAC), if available

(cf. 5121 - Grades/Evaluation of Student Achievement)

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The District is committed to supporting the developmental readiness and academic success of all students in kindergarten and transitional kindergarten (TK). Consistent with Education Code § 48011, a pupil who has been lawfully admitted to kindergarten or TK will not be required to attend an additional year at the grade level without the written consent of the pupil's parent or guardian. Equally, no pupil shall be required to be retained solely at the request of a parent or guardian. The District retains professional authority to recommend promotion when, in the judgment of the certificated employee responsible for the pupil's placement, promotion in the pupil's best educational interest.

Retention in kindergarten ~~or TK~~ shall be considered only when all of the following conditions are met:

1. The pupil has significant and documented developmental, academic, or functional delays that are not typical of the range of development expected at these grade levels;
2. School site leadership-recommends retention based on the individual assessment data and professional judgment;
3. Other targeted supports and interventions have been considered or attempted; and
4. The parent or guardian consents in writing.

Barring extraordinary circumstances, students in TK shall not be considered for retention. For pupils who may have special education needs, the retention decision shall be made in coordination with any applicable assessment, IEP, or SST process.

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8/25/04, 06/24/26A

# OAKLAND UNIFIED SCHOOL DISTRICT

## Administrative Regulation

AR 5123  
Students

### Promotion/Acceleration/Retention

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education Code 48010, 48011)

A student who does not meet the age eligibility requirement ~~A student enrolled in kindergarten~~ may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. ~~Students who do not meet the age eligibility requirement may also be admitted with verified completion of Kindergarten at an accredited institution~~ (Education Code 48011)

~~Accelerated Admission to Kindergarten~~ shall be subject to the following minimum criteria: (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. ~~The student has not demonstrated learning gaps or deficiencies. is in the upper five percent of his/her age group in terms of general mental ability~~
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement. ~~in first grade.~~

~~Outside of extraordinary circumstance, there shall be no accelerated admission to Transitional Kindergarten (TK).~~

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or

designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

~~The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has been enrolled in kindergarten for close to one school year.~~

#### Acceleration at Other Grade Levels

Parents or teachers may request a meeting of the Student Study Team to consider acceleration of students at other grade levels. Decisions on acceleration will be made by the site principal taking into account the recommendation of the SST. Decisions of the principal may be appealed to the ~~Executive Director and Associate Superintendent of Student Achievement Network~~ Superintendent or Superintendent designee in writing within 30 days.

~~Students considered for grade acceleration must demonstrate academic mastery of the grade to be skipped (i.e. a Kindergarten student seeking acceleration to 1st grade must demonstrate mastery of Kindergarten benchmarks and standards). Such mastery to be determined in the following manner:~~

- ~~Local district-wide standardized assessments of reading and math that are benchmarked to grade level performance~~
- ~~State-level standardized assessments~~
- ~~IEP goals and related documentation~~
- ~~Teacher observations and informal assessments, including report cards~~

#### Retention at Other Grade Levels

~~If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student may be retained in his/her current grade level. Retention shall only be considered in the absence of prevailing factors that could explain the low performance, and should only be considered if the school has attempted a variety of interventions that have not yet brought about success.~~

~~(cf. 5121 - Grades/Evaluation of Student Achievement)~~

~~(cf. 6162.5 - Student Assessment)~~

~~(cf. 6162.51 - State Academic Achievement Tests)~~

~~If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)~~

~~(cf. 6176 - Weekend/Saturday Classes)~~

(cf. 6177 - Summer Learning Programs)  
(cf. 6179 - Supplemental Instruction)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

(cf. 5145.6 - Parental Notifications)

### Appeal Process

Whenever a student's parent/guardian appeals the decision to promote or retain a student, the burden shall be on the parent/guardian to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The school shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the parent/guardian and the teacher. If the Superintendent or designee determines that the parent/guardian has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

(cf. 5125 - Student Records)  
(cf. 5125.3 - Challenging Student Records)

8/25/04; 6/24/26A

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Administrative Regulation**

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