

RETENTION APPEAL PROCEDURE

Retention in Third Grade Following State Accountability Exam

The following guidelines shall be followed when considering an appeal from the requirement to retain students in the third grade who do not pass the state determinant evaluation of reading skills (IREAD) during the school year and after the opportunity of a summer re-test.

Retention Exception Categories

Indiana Code §20-32-8.5-2(c) provides that a student who would otherwise be subject to retention in grade 3 under Indiana law is not subject to the retention requirement only if the student meets one (1) of the following criteria:

- (1) The student was subject to retention and has been retained in grade 3 for one (1) school year.
- (2) The student has an intellectual disability or the student's individualized education program specifies that retention is not appropriate, and the student's case conference committee has determined that promotion to another grade is appropriate.
- (3) The student is an English learner who has received services for fewer than two (2) years and a committee (Individual Learning Plan Committee) consisting of:
 - (A) the student's parent;
 - (B) a building level administrator or designee;
 - (C) a classroom teacher of service;
 - (D) an English learner teacher of record, if one exists; and
 - (E) an English learner district administrator, if one exists;
 determines that promotion is appropriate based on implementation of research based instructional practices outlined in the student's individual learning plan.
- (4) The student received a score of proficient or above proficient in grade 3 math on the ILEARN statewide summative assessment.
- (5) The student:
 - (A) has received intensive intervention as determined by the department in reading for two (2) or more years; and
 - (B) was retained more than one (1) time throughout kindergarten, grade 1, or grade 2.

Indiana Code 20-32-8.5-2.5 provides that the governing body shall establish a procedure that allows a parent of a student who:

- (1) has been retained in grade 3 under the plan; and
- (2) would not be subject to retention for other reasons;

to appeal the student's retention if the parent believes the student meets an exception under section 2(c) of this chapter, listed above.

Appeal of Retention Decision

As noted, a parent may appeal the retention decision if they believe the student meets an exception under 20-32-8.5-2(c). The parent should submit information to the building principal stating the following:

1. Name and birthdate of the child
2. If the child has been previously retained in kindergarten, grade 1, grade 2, and/or grade 3
3. If the student has an individualized education program (IEP) stating that retention is not appropriate and the student's case conference committee has determined that promotion to another grade is appropriate; if so, including a copy of any IEP developed for the student.
4. If the student has previously been evaluated by a case conference committee for intellectual disability and the student's case conference committee has determined that promotion to another grade is appropriate; if so, including a copy of any IEP developed for the student
5. If the student is an English language learner who has received services for fewer than two (2) years; if so, has an Individual Learning Plan Committee (as outlined by the statute) met to consider the student's individual learning plan and whether promotion is appropriate
6. If the student received a score of proficient or above proficient in grade 3 math on the ILEARN statewide summative assessment
7. Any other information or documentation that demonstrates the student is eligible for a retention exception under the Retention Exception Categories listed above.

Appeal Decision and Outcome

The building principal or their designee will evaluate the information presented and determine whether the appeal can be granted. The administrator considering the appeal should not also participate on any case conference committee or English learner committee (including an Individual Learning Plan Committee) that has previously assessed the student. The administrator is limited to the statutory exceptions in granting the appeal and cannot unilaterally determine a student's identification and placement for retention exception category 2 (relating to the decisions of a case conference committee for a student eligible for special education services) nor unilaterally determine a student's status or individual learning plan for retention exception category 3 (relating to a student who is an English learner).

If the appeal is granted, a meeting is to be held with the parents to inform them of the decision, to counsel them about their child's particular strengths and weaknesses, and to complete the enrollment procedures for entrance into the fourth grade. A student who is not subject to the retention requirement under a retention exception category must be provided additional reading instruction aligned with the science of reading until the student achieves a passing score on the IREAD exam.

If the appeal is not approved, the building administrator is to contact the parents and explain the reasons why their child will not be eligible. If appropriate, the building administrator may

inform the parents of the procedure for requesting an educational evaluation or language assessment.

Notice of Appeal Procedure

This policy shall be provided to all parents of children each academic year.

Southwestern Consolidated School Corporation of Shelby County

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