

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

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{This sample policy is a shortened version of the more comprehensive 345.41 Sample Policy 3. Overall, this sample and 345.41 Sample Policy 3 take a similar substantive approach to satisfying the policy mandate established under section 118.33(6)(a)3 of the state statutes. The main differences between this sample and 345.41 Sample Policy 3 are the following:

1. A district using this sample needs to identify and insert the criteria that staff will use to screen students for further evaluation for possible retention. Examples of possible criteria that a district might consider can be found in 345.41 Sample Policy 3.
2. This sample directs the administration to define procedures and timelines for the individualized evaluations and final decisions that follow screening for possible retention. In contrast, 345.41 Sample Policy 3 includes a basic set of such procedures.
3. The focus of the individualized student evaluations conducted under this sample is to determine whether, as a bottom-line decision, the district would involuntarily retain the student (i.e., without parent agreement). In comparison, 345.41 Sample Policy 3 uses a more nuanced analysis for reaching the final decision, and Sample 3 also allows a parent to elect promotion over a district recommendation for retention in some cases.
4. This sample addresses fewer contingencies than 345.41 Sample Policy 3.
5. The final section of this sample, which addresses the statutory post-promotion mandates (and "good cause" exceptions) that apply to students who are promoted to 4th grade without first completing their personal reading plan, provides less detail and less interpretive guidance than the corresponding final section of 345.41 Sample Policy 3.

Similar to 345.41 Sample Policy 3, (1) this sample heavily favors promotion with interventions over retention; (2) it leaves options open for the school district and the student's parent/guardian to mutually agree to retention in extraordinary situations (even in some cases where promotion would also be at least a minimally reasonable approach); and (3) the final part of the sample is structured such that the district would not make extensive use of the available but, in the WASB's view, sometimes problematic "good cause" exceptions to the statutory post-promotion mandates that apply to promoted students who did not complete their 3rd grade personal reading plan.}

Effective Date of Policy; Initial Applicability

The effective date of this policy is *July 1, 2025* [insert a date not later than July 1, 2025]. {Editor's Note: The issue with choosing a specific effective date for the policy as a whole concerns determining the year in which the school district intends to implement the "intensive summer reading program" required for certain students under section 118.33(5m) of the state statutes. The DPI has issued the following guidance: "If your required promotion policy is in effect before July 1, 2025, you will need to immediately provide summer programming at the end of [the 2024-25 school year]. If it goes into effect on July 1, 2025, you will need to provide summer programming after the 2025-26 school year." See <https://dpi.wi.gov/administrators/biweekly-mailing/clone-september-2-2024>.}

Sept. 1, 2021 The District will first apply the promotion criteria specified in this policy to 3rd grade students on [insert a date no later than September 1, 2027]. Beginning on such date, (1) the District will not promote a 3rd grade pupil to the 4th grade unless promotion is indicated by the criteria and process defined in this policy, and (2) this policy replaces any other promotion/retention criteria and procedures that were in place for 3rd grade students in prior District policies or guidelines. {Editor's Note: Regarding the date that a district inserts into this paragraph, section 118.33(6)(a)3 provides, "Beginning on September 1, 2027, a school board may not promote a 3rd grade pupil

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to the 4th grade unless the pupil satisfies the criteria for promotion specified in the school board's policy." A school board may elect to start to apply the promotion criteria found in this policy at an earlier date. If a school district delays the applicability of the promotion criteria to a date after the effective date of the policy as a whole, then the district may wish to insert a statement at the end of this paragraph that references the interim approach (e.g., by referring to a different policy, guideline, or standard).}

Criteria for Promotion

Students who are completing 3rd grade will be eligible for **promotion** to 4th grade for the next school year, with any interventions, supports, and services that the student may be entitled to receive, if **any** of the following criteria are met:

1. The student is **not** identified for further individualized evaluation for **possible retention** using the screening process identified below **and** is also **not** a student with a disability whose individualized education program (IEP) includes the use of materially modified academic content and achievement standards in reading, math, or both.
2. Although screened and further evaluated for possible retention using the process and decision-making criteria identified below, the result of the individualized evaluation is a decision in favor of promotion to 4th grade.
3. *Yes* ~~Insert if desired: "The student has already been retained for at least one previous academic year in 5K or in any later grade or retaining the student would place the student in a grade/class that is two or more age cohorts younger than the age cohort applicable to the student's birthdate (using September 1 as the start of annual grade-level age cohorts)."~~ **{Editor's Note: A district would include this promotion criterion in its policy if it determines that the potential long-term consequences and other disadvantages of multiple retentions in early elementary school (or the creation of an age cohort differential that is equivalent to multiple retentions) would always (or at least nearly always) outweigh the potential academic benefits of retention in a final "best interests of the student" analysis. Otherwise, if the district does not include this item as an "automatic" promotion eligibility criterion, then the student's promotion/retention history and actual age could still be considered as relevant information in the individualized further evaluation if the student is screened for possible retention.}**
4. **{Editor's Note: Ensure this criterion and the additional clarifications regarding the application of the policy to students with disabilities accurately reflect how the district intends to approach grade-level promotion and retention decisions for students with disabilities.}** Regarding students with disabilities under the IDEA:
 - a. If the student's IEP includes the use of materially modified academic content and achievement standards in reading, math, or both, then:
 - i. The student shall be eligible for promotion if either the student's IEP team or, if no such express decision is made by the IEP team, the District's Special Education Director upon a review of the student's IEP determines that **promotion** to 4th grade will be the appropriate setting for the student in the following year,

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considering relevant academic and non-academic factors, evidence-based practices, and the educational best interests of the student. Such students are **not** subject to the screening procedure or further evaluation and decision-making processes described in the next two sections of this policy unless the student's IEP so directs.

- ii. Any decision to **retain** such a student shall be made by, or at least confirmed as being appropriate and consistent with the IEP by, the student's IEP team.
- b. Except as otherwise required to comply with state or federal law, students with disabilities who do **not** have such modified content and achievement standards are subject to the same promotion criteria and the same screening and evaluation processes for possible retention as students without disabilities.

5. ~~[Insert any different/additional criteria that the district wishes to include as promotion criteria.]~~

Identifying Students for Further Individualized Evaluation for Possible Retention

No later than promptly after the date of the school's ^{2nd} final administration of the universal reading screener each school year, assigned staff shall identify 3rd grade students for further evaluation for possible retention if **one or more** of the following criteria apply to the student:

{Editor's Note: The screening criteria that a district ultimately includes in this section represent a discretionary policy decision. The examples given below can be modified. When establishing screening criteria in the list that follows this note, the district's goal should be to screen students for whom there is a reasonable possibility that the ultimate decision might be retention. While underinclusive screening criteria are not desirable, a district also would not want to be substantially overinclusive such that many students are screened and further evaluated who would never be retained in the final analysis.}

1. A licensed staff member involved in providing math or reading instruction to a student has made a direct referral due to a concern that the student may not be able to meet the promotion criteria established in this policy; **or**
2. ~~[Insert any other screening criteria that the district knows it intends to apply.]; or~~
{Editor's Note: As one possible example, "The outcome of any universal screening reading assessment or diagnostic reading assessment taken during 3rd grade showed the student to be 'at risk' under the state's definition of 'at risk.'"} 'at high risk.'
3. ~~The student is screened for such further evaluation based on any other factor that the District Administrator or an administrative-level designee has determined will help to appropriately identify those students who, upon further evaluation, might realistically be retained under this policy's promotion criteria. {Editor's Note: If the district creates an exhaustive list of screening criteria, then this final open-ended item could be deleted.}~~

Post-Screening Evaluation and Decision

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For each student screened for further individualized evaluation for possible retention **and** who is **not** determined to be eligible for promotion under any of the other promotion criteria defined above, the District will further evaluate the student and make a promotion or retention decision.

- Director of Elementary Curriculum & Instruction*
1. **Process.** The District Administrator, or an administrative-level designee, shall establish procedures for the further evaluation of such students. ~~The procedures shall:~~

~~**{Editor's Note: The parameters listed after this note can be modified. A district could also delete the entire list, along with the introductory phrase "The procedures shall..."}**~~

- ~~a. Provide for the involvement of relevant staff in the evaluation and decision-making process, including assigning relevant responsibilities.~~
 - ~~b. Establish expectations for such staff to (1) promptly communicate with the student's parent(s) or guardian(s) regarding the student's status with respect to promotion/retention, and (2) make reasonable attempts to obtain and consider input from the student's parent(s) or guardian(s).~~
 - ~~c. Ensure that the evaluation of the student's academic progress involves multiple data sources, with no single test or assessment result serving as the sole measure of the student's progress.~~
 - ~~d. Address the timing of the evaluation and decision-making process.~~
 - ~~e. [Insert any other minimum parameters that the district wishes to establish.]~~
2. **Criteria for the Promotion/Retention Decision.** As determined under administrative procedures, a designated administrator or an assigned group/team of staff members will consider all relevant information about the student that is reasonably available and make a determination regarding promotion or retention. Such information includes applicable academic factors, relevant non-academic factors, evidence-based practices, and parent/guardian input. A 3rd grade student who is not otherwise eligible for promotion under this policy and who has been screened and individually evaluated for possible retention reaches eligibility for promotion if the assigned person (or group/team) concludes that **both** of the following apply:

{Editor's Note: This subsection assumes that the district has a preference to focus their individual student evaluations directly on the limited circumstances in which the district would consider retaining the student in the absence of parent agreement with the decision. However, not every district would establish or describe such "bottom line" promotion criteria in this manner. There are many possible alternative approaches. Therefore, adjust the criteria listed below as needed.}

- a. The District **would** be able to provide the student with at least a realistic opportunity to (1) participate in the 4th grade general curriculum in a meaningful manner and (2) make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level standards (i.e., with a "realistic opportunity" meaning that it is reasonable to think that those academic

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outcomes would be possible, not that those outcomes are assured or even highly likely); and

- b. The review of the student's overall circumstances did **not** clearly and convincingly demonstrate that **retention** with interventions would be **substantially more likely** to be in the student's educational best interests (e.g., it is the District's intent that a student will be deemed eligible for promotion in any reasonably close case).

{Editor's Note: The following alternative to this paragraph would likely result in relatively more students being deemed eligible for promotion: "As a reflection of professional judgment, there is a reasonable view of the student's overall circumstances under which promotion with available interventions would be in the best educational interests of the student, even if other views are also reasonable and even if the District's representative(s) would personally choose retention for the student."}

3. **Parent Requests for Reconsideration.** If the student's parent(s) or guardian(s) disagree with a District decision reached under this section of this policy and believe that the applicable promotion and retention criteria have been incorrectly applied to their child, then the student's parent(s) or guardian(s) may request reconsideration. The final decision on reconsideration shall be made by [insert position(s) who will be authorized to make the final decision]. The initial decision will be modified only if, upon a review of all relevant and reasonably available information, the District concludes that the policy was applied incorrectly. *{Editor's Note: Particularly in a district with multiple elementary schools, there would likely be advantages in promoting district-wide consistency if the person making such decisions on reconsideration is an administrator who has district-level (rather than school-level) responsibilities.}*

*Adm
District
Director
Dir. of
Elem
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Eligibility for Promotion

{Editor's Note: As presented below, this section is intended to account for any difficult-to-anticipate and highly unusual circumstances where the typical promotion/retention analysis is affected by some overriding factor(s) that are unique to the individual student. While a district gains some initial experience implementing this policy, retaining such flexibility is likely advisable. However, some districts might decide that there is no possible circumstance under which the district would retain a student when the application of the policy, as written, results in a determination of eligibility for promotion. Therefore, as an alternative, a district could choose to modify this section to say only, "Where this policy refers to a student reaching eligibility for promotion, it means that the student will be promoted."}

Where this policy refers to a student reaching **eligibility for promotion**, it means that the student will be promoted **unless**, under extraordinary circumstances, the District and the pupil's parent(s) or guardian(s) mutually agree, notwithstanding the student being eligible for promotion, that retention (with appropriate and available interventions) is more likely to be in the overall best educational interests of the student, considering academic factors, non-academic factors, and evidence-based practices. The [insert administrative-level position(s)] may give final District approval to any retention decision that is based on such extraordinary circumstances [insert if desired: "after confirming that the parent(s) or guardian(s) are reasonably aware of (1) the available alternatives to retention (e.g., promotion with interventions and monitoring); and (2) the possible disadvantages of retention"]. *{Editor's Note: The employee(s) authorized to make*

yes

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such decisions on behalf of the district would likely be administrators with district-level responsibilities.}

3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

{Editor's Note: This section of this sample is similar, in terms of its ultimate policy positions, to the final section of 345.41 Sample Policy 3, but it provides substantially less detail about the post-promotion mandates and "good cause" exceptions established under section 118.33(5m). This section also omits other optional clarifying provisions found in the longer Sample Policy 3.}

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

** add 5 good cause exceptions*
Section 118.33(5m)(b) of the state statutes allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring (as listed above) to certain students who would otherwise be eligible. *{Editor's Note: If a district desires to expressly list the five student categories that comprise the statutory "good cause" exceptions in its policy, see the final section of 345.41 Sample Policy 3 for an example of appropriate wording.}* *P. 9 of sample 3*

Then this sentence
~~*{Editor's Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory "good cause" exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating, "A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired: "and if the student's parent(s) or guardian(s) agree to the application of the exception"]."*~~

The administration may apply a statutory "good cause" exception to one or more of the requirements established under section 118.33(5m)(a) only in situations where (1) the student falls in one of the categories listed in section 118.33(5m)(b); (2) applying the exception would not

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2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

(Editor's Note: This paragraph and its two subparagraphs, below, are recommended as useful clarifications/reminders. However, the WASB believes that the interpretive statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional and could be deleted.) The intensive reading-related services and supports that the District provides to a promoted student who did not complete a 3rd grade personal reading plan:

1. May include services and supports that are identified, structured, and provided through some different state requirement, federal requirement, or District program (such as services and supports provided under an IEP), so long as they have the purpose of remediating the individual student's identified reading-related deficiencies.
2. At a minimum, must be coordinated with and must not cause a denial of any other educational services or supports that the student is legally entitled to receive under other state or federal laws.

* State law (in section 118.33(5m)(b)) allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring listed above to the following students who would otherwise be eligible:

1. Students who are English Learners (defined for this purpose as a student whose "ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily, non-school surroundings, and who has difficulty ... in performing ordinary classwork in English as a result of such limited English language proficiency").

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- * add*
2. A student who has an individualized education plan (IEP) that indicates that neither taking the statewide 3rd grade standardized reading assessment nor taking the universal reading screening assessment or diagnostic reading assessments administered under state law is appropriate for the student.
 3. A student who scores as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction.
 4. A student who has an IEP or a plan to provide accommodations or services under section 504 of the federal Rehabilitation Act that indicates that the pupil has received intensive intervention in reading for more than 2 years if the student continues to demonstrate a deficiency in reading **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade.
 5. A student who has received intensive intervention in reading for 2 or more school years, continues to demonstrate a deficiency in reading, **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade for a total of 2 years.

Regarding the "good cause" exceptions permitted under section 118.33(5m)(b) of the state statutes:

1. ***{Editor's Note: This paragraph and its two subparagraphs are recommended as important reminders/cautions for staff. However, the WASB believes that the statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional clarifications of the related legal obligations and could be deleted.}*** The District acknowledges that:
 - a. The "good cause" exceptions cannot be applied in a manner that would unlawfully discriminate against a student (e.g., by denying a student's access to services and supports—including a summer reading program option—that would otherwise be instructionally appropriate solely because the student, for example, has limited proficiency in English or because the student has an identified disability).
 - b. The "good cause" exceptions are potential exceptions only to the notification, service, support, and monitoring requirements established under section 118.33(5m)(a) of the state statutes and do **not** apply to interventions, services, and supports that the student may be separately eligible to receive under other state or federal laws or under other District policies. (For example, certain 4th grade students may be separately eligible to receive interventions or remedial reading services under section 121.02(1)(c) of the state statutes.)

{Editor's Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory "good cause" exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating, "A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired "and if the student's parent(s) or guardian(s) agree to the application of the exception"]."}

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unlawfully discriminate against the affected student; **and (3)** the [insert appropriate administrative position title(s)] also determines that **either** of following applies:

1. That the exception in question is the exception for a student who has scored as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction; **or**
2. That **both** of the following apply:
 - a. The student will be receiving individualized services and supports that address the student's specific needs and learning goals relating to, as appropriate for and to the extent applicable to the student, reading/literacy and language development/communication; **and**
 - b. The provision of any instructional services and supports that would be available (i.e., if the exception were not applied) and target a goal of achieving grade-level performance in reading either would be duplicative of services and supports the student will already be receiving or would not be educationally appropriate for the student.

The administration shall establish a procedure for promptly informing the student's parent or guardian of any District decision to apply a "good cause" exception to one or more of the requirements established under section 118.33(5m)(a). **{Editor's Note: This parent notification step is not required by state law, but it is recommended for transparency purposes. If desired, a district could further require the notification to state that a parent or guardian may request reconsideration of the decision to apply a "good cause" exception to the student.}**

Legal References:

Wisconsin Statutes

Section 118.016(1)(a)

[definition of "at risk" with respect to reading readiness assessments]

Section 118.016(5)(d)

[completion of a personal reading plan by a 3rd grade pupil]

Section 118.15(1)(d)

[parent requests for program and curriculum modifications]

Section 118.24(2)(a)

[district administrator authority to manage the promotion of students]

Section 118.33(5m)

[post-promotion service and support mandates for certain students promoted to 4th grade; good cause exceptions]

Section 118.33(6)(a)

[policy requirements for 3rd, 4th, and 8th grade promotion criteria]

Section 118.33(6)(cm)

[policy requirement for kindergarten to 1st grade promotion criteria]

Wisconsin Administrative Code

Section PI 13.09(1)

[limitations on using test results and test exemptions to make promotion and retention decisions for students with limited English proficiency]

Cross References:

[Insert appropriate cross references to the policy as applicable to your district.]

Adoption Date:

Policy # 345.4 Promotion/Retention of Students
Policy # 345.4 Exhibit 1

