



Questions? Call Our Hotline
1-866-427-6033 (Mon-Thurs, 10AM-4PM)

Can My Child Be Left Back?

A QUICK GUIDE TO EXCEPTIONS TO THE NYC PROMOTION POLICY

English Language Learner Students

English Language Learners (ELL) are students who come from homes where a language other than English is spoken and who score below the 41st percentile on the LAB-R and become eligible for bilingual education.

IS YOUR CHILD AN ENGLISH LANGUAGE LEARNER TESTED IN ENGLISH?

- If yes, then your child must meet the promotion standards.

IS YOUR CHILD AN ENGLISH LANGUAGE LEARNER WHO HAS BEEN IN THE SCHOOL SYSTEM FOR LESS THAN 2 YEARS?

- If yes, then your child is exempt from promotion standards and *cannot* be left back in their current grade.

IS YOUR CHILD AN ENGLISH LANGUAGE LEARNER EXEMPT FROM TESTING IN ENGLISH WHO HAS BEEN IN THE SCHOOL SYSTEM FOR MORE THAN 2 YEARS?

- If yes, and your child is in the 3rd through 6th grades then your child must meet the following criteria:
 - 1) *Perform satisfactorily in ESL literacy development or NYS Learning Standards (Primary Literacy Standards in 3rd grade) as determined by class work, Teacher observations, and assessments*
 - 2) *Meet NYS Learning Standards in Math taught in students' native language and/or using ESL methodologies as determined by class work, teacher observations, and assessments*
 - 3) *Achieve satisfactory level of proficiency in English on the NYS English as Second Language Achievement Test*
 - 4) *Achieving NYC Promotion Standard on the Math Assessment*
 - 5) *Attain 90% attendance*

Your child **CAN** be held back if they **DO NOT** meet 2 or more of these criteria

- If yes, and your child is in the 8th grade then your child must meet all of the above. They must also pass or perform satisfactorily in:
 - 1) *ESL and/or English, Math, Science, and Social Studies. They have the right to be tested for the NYS science, social studies, and math exams in their native language.*

Students Receiving Special Education Services

A "student receiving special education services" is a student that needs specialized instruction because he or she has a disability that affects the student's ability to progress in the general curriculum. All such students have an Individualized Education Plan (IEP) that specifies the services and programs they will receive to meet their needs.

DOES YOUR CHILD HAVE AN INDIVIDUALIZED EDUCATION PLAN THAT SAYS THEY DO NOT TAKE STATE AND CITYWIDE ASSESSMENTS? (Page 9 of IEP)

- If yes, then your child is not subject to NYC public school promotion standards. That means they cannot be left back. However, the IEP must specify how your child will be assessed and in order to "move-on" your child must perform satisfactorily according to their IEP.

DOES YOUR CHILD HAVE AN INDIVIDUALIZED EDUCATION PLAN THAT SPECIFIES A MODIFIED PROMOTION STANDARD? (Page 9 of IEP)

- If yes, then your child *can* be left back if they do not meet the modified promotion standards explicitly stated on their IEP. These standards are different than the general education standards for promotion in the Chancellor's Regulation A-501.

But what if...?

...my child is in the early childhood grades pre-k through 2nd?

There are no clear promotion standards for those grades. However, if your child receives special education services or is an English Language Learner, you should refer to the above guidelines.

...my child is not an ELL or does not receive special education services? Can they automatically be left back?

*If your child is in grades **4, 6, or 8** they must be promoted based on a three-pronged assessment including the following criteria:*

- 1) *Student work, Teacher observations, Grades*
- 2) *Citywide and State test scores*
- 3) *90% attendance. **8th** graders must also attain passing grades in English, Mathematics, Science, and Social Studies.*

*If your child is in the **3^d** or **5th** grade they must meet the NYC Promotion Standard on both the Statewide ELA and Mathematics exams in order to be promoted to the next grade.*

If your child is in the 7th grade they must meet the NYC Promotion Standard on the Statewide ELA exam in order to be promoted to the next grade.

...my child was absent a lot because she/he was sick?

If your child was absent for valid health reasons and you have documentation such as doctor's notes, those absences should be excused and not count towards the 90% attendance criteria. You should notify the school immediately and provide them with a copy of your documentation.

What can I do?

If you believe that your child should not be held back you may write a letter of appeal to the principal within 3 days of receiving notification that your child is not being promoted.

If your child received special education services and they are being held back you may also file for an Impartial Hearing.

For more information and a copy of a sample letter of appeal please contact AFC. Call our Hotline at 1-866-427-6033 (Mon-Thurs, 10AM-4PM).