

Promotion Policy for Students with Disabilities in Grades 3 to 8

Updated August 2018

Background and Goals

It is important to apply appropriate criteria when making a promotion decision for students with disabilities. According to the changes made to [Chancellor's Regulation A-501](#) in 2014, schools annually define promotion benchmarks and establish the multiple measures of performance they will use to assess student progress¹ rather than using test scores as the sole measure. Most students with IEPs can demonstrate sufficient progress toward New York State Learning Standards and promotion benchmarks when assessed using multiple measures and provided with specially designed instruction, appropriate accommodations and other special education supports and services. For this reason, standard promotion criteria should be indicated on almost all IEPs of students with disabilities in grades 3 – 8. Only in exceptional circumstances should students with disabilities have modified promotion criteria².

Only students who are unable to demonstrate sufficient progress toward grade level promotion benchmarks when assessed with multiple measures and provided all appropriate special education supports, services and accommodations including Assistive Technology and Accessible Educational Materials, may be recommended for modified promotion criteria. Students with modified promotion criteria are students whose rate of progress is much slower, and therefore require significant modifications in order to participate and progress in the general curriculum. If a student is able to demonstrate sufficient progress using multiple measures, then a student is to be held to [standard promotion criteria](#), not modified promotion criteria. Students who are eligible for participation in NYSAA are not held to promotion criteria.

A decision to hold a student to modified promotion criteria is one that cannot be made by a teacher in isolation, and must be part of the team discussion at an Annual Review. Parents must be made fully aware of the impact that modified promotion criteria has on their child's preparation for high school.

Promotion Criteria Decision-Making

Promotion criteria for all students with disabilities is reviewed at least annually. Promotion criteria for the current school year must be in place by January 31st.

¹ To determine if a student has made sufficient progress in order to be promoted, a school must consider the integrated use of multiple measures, including a holistic assessment of student work and a student's demonstration of sufficient progress toward attaining learning standards and promotion benchmarks. Consistent with Chancellor's Regulation A-501, State test scores may not be the primary or major factor in promotion decisions for students in grades 3-8.¹

² Modified promotion criteria is a NYC construct and is not part of NYSED or IDEIA regulation.

In order to ensure that students are provided with rigorous instruction, held to high expectations and provided with the skills necessary for success in high school, IEP teams are required to carefully review the promotion criteria of individual students. The following questions are to be considered:

1. What are the promotion benchmarks for the grade in which the student is currently enrolled?
2. What are the measures that can be used to assess progress toward the promotion benchmarks?
 - a. Are there multiple measures used that vary in assessment type and therefore will provide a complete picture of student progress?
 - b. Are these multiple measures designed in a way that a variety of learners will be able to demonstrate their knowledge/skill?
 - c. Do the multiple measures allow students with disabilities to demonstrate what they know and are able to do, given the impact of their disability?
3. What is the student's current present level of performance? How does the student's performance compare to the promotion benchmarks for the grade?
4. How much progress is needed for the student to make adequate/sufficient progress toward the promotion benchmarks and be promoted to the next grade? What is the student's current rate of progress?
5. Does the student currently use Assistive Technology and/or Accessible Educational Materials? If not, would these supports mitigate the impact of the student's disability and thereby assist the student in meeting promotion benchmarks?

If, after reviewing the student's current rate of progress, the impact of the disability, the promotion benchmarks for the grade and the multiple measures used to assess students, it is determined that the student, when provided with supports and services, can make sufficient progress toward the promotion benchmarks when assessed through multiple measures, the student is to be held to **standard promotion criteria**.

If, after reviewing the student's current rate of progress, and the impact of the disability, the promotion benchmarks for the grade and the multiple measures used to assess students, it is determined that the impact of the student's disability is so severe, and the rate of the student's progress is so slow, that the student is unable to meet the promotion benchmarks of the grade even with the required and appropriate supports and services, the student is to be held to **modified promotion criteria**. Holding a student to modified promotion criteria is a temporary decision and must be revisited at every IEP meeting.

Modified Promotion Criteria

Schools will ensure that modified promotion criteria is only recommended for a student who is unable to meet the promotion benchmarks when assessed using multiple measures. A student who participates in standardized State assessments³ may only be considered for modified promotion if the impact of the student's disability is so severe that the rate of progress is significantly delayed to the extent that the student is unable to make sufficient progress toward the promotion benchmarks. A student can be held to modified promotion criteria in either ELA or math or both. A

³ In the event a recommendation is made to change the student from participating in standardized assessments to eligibility for alternate assessment, a supervisor of psychologists will need to provide consultation prior to the IEP meeting.

student who is able to make progress with the appropriate supports and services, when assessed using multiple measures, may not be recommended for modified promotion criteria.

Modified promotion criteria is defined by the student's appropriately rigorous academic annual goals (not the standards-based checklist that was previously used). A [portfolio](#) is created to assess the student's progress toward meeting annual goals in literacy and math. Evidence in the portfolio must reflect use of multiple measures that explicitly assess the student's progress. The portfolio must be reviewed by the student's teacher and the principal in June in order to make promotion decisions. Promotion decisions require students to meet their appropriately rigorous skill-based literacy and math annual goals. Annual goals must be aligned to Learning Standards but may not be a restatement of the New York State Learning Standards. Promotion decisions cannot be based on non-academic annual goals⁴. All students in 8th grade, regardless of promotion criteria, will be required to pass ELA, math, science and social studies courses in order to be promoted to 9th grade.

If a student is recommended to have modified promotion criteria, the IEP of the student must include a description of more intensive instruction and intervention that will be provided in order for the student to attain the skills necessary for grade level success. For students recommended for modified promotion criteria, this is selected in the Promotion Criteria section of the IEP. After selecting modified promotion criteria, the user will identify "multiple criteria." The user will then enter a rationale for the student being held to modified promotion criteria in ELA, math or both, as well as a statement that promotion is based on meeting appropriately rigorous skill-based literacy and math annual goals. The evidence of meeting those annual goals must be captured in the student's portfolio. If support is needed in understanding the development of a student's portfolio and in the development of appropriate annual goals, FSC staff will be available to assist.

Professional Development and Support

Ongoing professional development is available on specially designed instruction, the creation of appropriate annual goals, and multiple measures of assessment and progress monitoring. These professional learning opportunities will occur throughout the school year through FSCs and the SEO Instructional Team.

⁴ Annual goals related to behavior, attendance or executive functioning may not be considered when making promotion decisions.