Sec. 1. PARENTAL ELECTION

Subject to Section 2, a parent or guardian may elect for a student to repeat certain courses and grades as set forth below. An election made by a parent or guardian under this Section shall be made in writing to Midland Academy Charter.

Education Code 28.02124(a)-(b).

a) *Prekindergarten – Third Grade*

Subject to Section 2 below, a parent or guardian may elect for a student to:

1. repeat prekindergarten;
2. enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153(b) and the student has not yet enrolled in kindergarten;
3. repeat kindergarten;
4. enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. for grades one through three, repeat the grade in which the student was enrolled during the previous school year.

Education Code 28.02124(a).

b) *Fourth through Eighth Grade*

For grades four through eight, a parent or guardian may elect to, or grades four through eight, repeat the grade the student was enrolled in during the previous school year subject to Section 2 below. This option is only available for students who repeat courses during the 2021-2022 school year or who otherwise enroll during the 2021-2022 school year.

Education Code 28.02124(a-1)(1),(a-2).

c) *High School Credit Courses*

For courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled in during the previous school year subject to Section 2 below. This option is not available for students if Midland Academy Charter determines the student has met all of the requirements for graduation and only applicable to students who repeat courses during the 2021-2022 school year or who otherwise enroll during the 2021-2022 school year.

Education Code 28.02124(a-1)(2),(a-2),(a-3).

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Sec. 2. RETENTION COMMITTEE

If Midland Academy Charter disagrees with an election authorized under Education Code 28.02124, Midland Academy Charter must convene a retention committee and meet with the parent to discuss retention. A student may not be retained for a grade or retake a course under Education Code 28.02124 if the parent or guardian does not meet with the retention committee.

a) *Meeting Format*

The retention committee meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian.

Education Code 28.02124(c).

b) *Committee Members*

The retention committee shall be composed of:

1. the principal or the principal's designee;
2. student's parent or guardian;
3. the teacher who taught the grade or course for which the parent wants the student retained or repeated; and
4. additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses.

Education Code 28.02124(d).

c) *Meeting Requirements*

During the meeting, the retention committee shall:

1. discuss the merits of and concerns with advancement and retention; and
2. review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course.

Education Code 28.02124(e).

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d) *Retention Decision*

After the parent or guardian participates in the retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. Midland Academy Charter must abide by the decision of the parent or guardian.

Education Code 28.02124(f).

Sec. 3. TRANSFER OF RIGHTS

The rights of a parent or guardian under Education Code 28.02124 and this policy transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

Education Code 28.02124(i).

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