



## THIRD & FOURTH GRADE PROMOTION FAQ

The Tennessee General Assembly passed two key pieces of legislation during the 1st Extraordinary Session of the 112th General Assembly—the Tennessee Literacy Success Act and the Tennessee Learning Loss Remediation and Student Acceleration Act. As part of this legislation, the General Assembly updated the state’s 3rd grade retention law T.C.A. § 49-6-3115 to ensure students receive additional supports before promotion to 4th grade. In 2023, the

Tennessee General Assembly made additional updates to T.C.A. § 49-6-3115 that have more pathways for promotion for students in kindergarten through grade four. The following FAQ’s provide guidance to local education agencies (LEAs) and public charter schools to use as they implement the law.

### Frequently Asked Questions

- 1. If a student is not proficient on the 3rd grade English language arts (ELA) section of the Tennessee Comprehensive Assessment Program (TCAP) assessment, what are the pathways for promoting them to 4th grade?**

Third grade students are eligible for free supports if they scored “approaching” or “below” on the ELA section of their TCAP test. These are outlined in Question 2, below.

Your student’s school will notify you if your student is at risk for retention and will provide information to you about the pathways that are available to your student to be able to move on to 4th grade, including free summer school and/or tutoring supports.

**2. If my student scores “below” or “approaching” on the ELA section of the 3rd grade TCAP assessments, are there any exceptions to exempt them from the retention requirement?**

If your child scores “approaching” or “below” on the 3rd grade ELA TCAP, your child will NOT be retained in 3rd grade if any of the following are true:

YOUR CHILD SCORES “APPROACHING”	YOUR CHILD SCORES “BELOW”
My child has a disability that impacts reading.	My child has a disability that impacts reading.
My child is an English learner and has received less than two (2) years of English instruction.	My child is an English learner and has received less than two (2) years of English instruction.
My child has been retained previously in any grade K-3.	My child has been retained previously in any grade K-3.
My child has a suspected disability* that impacts literacy development.	My child has a suspected disability* that impacts literacy development.
My child scored at or above the 50th percentile on the spring administration of the state-provided benchmark assessment (Aimsweb) AND my child receives free TN ALL Corps (high dosage, low ratio) tutoring for the entirety of 4th grade.	
My child scores “meets” or “exceeds” expectations on the retake test.	My child scores “meets” or “exceeds” expectations on the retake test.
I enrolled my child in summer programming with 90% attendance and made adequate growth on the summer programming post-test.	<p>I enrolled my child in summer programming with 90% attendance</p> <p><b>AND</b></p> <p>I allow my child to receive free TN ALL Corps (high-dosage, low-ratio) tutoring at school during 4th grade. My child will be required to score proficient or meet an adequate growth target on the 4th grade ELA TCAP to be promoted to the 5th grade. If they do not score proficient or meet their adequate growth target, a conference will be held to determine if my child will be promoted with tutoring for the entirety of 5th grade or retained.</p>
I allow my child to receive free TN ALL Corps (high-dosage, low-ratio) tutoring at school during 4th grade. My child will be required to score proficient or meet an adequate growth target on the 4th grade ELA TCAP to be promoted to the 5th grade. If they do not score proficient or meet their adequate growth target, a conference will be held to determine if my child will be promoted with tutoring for the entirety of fifth grade or retained.	

*\*Children who are suspected as having disabilities should be evaluated in accordance with the processes required for the identification of students with disabilities as outlined in the federal Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and state laws regarding services to students with disabilities. Those conversations, evaluations, and decisions must be reviewed for each individual child, just like any other case where a child may have a disability. Please reference the [Suspected Disability Exemption Guidance](#) for additional information. .*



### 3. How does the law impact LEA and public charter school decisions on the promotion and retention of students?

While promotion and retention decisions generally are determined by the LEA or public charter school in accordance with the State Board of Education and local promotion and retention policies, the law requires that a 3rd grade student, determined NOT to be proficient in ELA, may not be promoted to the next grade level, without certain conditions being met, which could include the student receiving additional interventions in reading and demonstrating adequate growth.

### 4. Who determines whether an individual student meets one of the circumstances provided in question #2?

LEAs and public charter schools must determine whether an individual student meets one of the circumstances that exempts the student from retention. All decisions regarding exemptions must be made on a case-by-case basis considering the unique needs and circumstances of the individual student and documented in the student's file.

### 5. Why is it not possible for the Tennessee Department of Education (department) to determine which students have a disability or a "suspected disability" at the state level?

As provided in question #4 above, all decisions as to whether a student has a disability or a "suspected disability" must be made on a case-by-case basis considering the unique needs and circumstances of the individual student. This is consistent with state and federal law regarding the appropriate party for such decisions.

Most of the exemption decisions will be easily and quickly determined by an LEA or public charter school based on the student's records, but some will require a more in-depth analysis that will need to include conversations among parents and local educators with knowledge of the student after a review of all the individual student's records. For example, the determination of whether a student has a disability or a suspected disability that impacts reading must be determined locally by parents and educators with knowledge of the student, just like the development of IEPs, Section 504 plans, or other supports designed for students by an LEA. The department does not have the information about individual students to make those decisions.

Please reference the [Suspected Disability Exemption Guidance](#) for additional information.

### 6. Should a student identified as having the characteristics of dyslexia always be deemed to have a "suspected disability" for purposes of being exempt from the retention requirement in the law?

No. A student identified as having the characteristics of dyslexia could, based on the unique needs and circumstances of the student, be considered to have a "suspected disability," but that may not always be true.

For example, a student who has been identified as having the characteristics of dyslexia may have already been evaluated by the LEA under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 and been deemed to not have a disability due to a lack of adverse impact on the student's educational performance requiring specialized education provided pursuant to an IEP or Section 504 Plan. Similarly, after a review of a student's RTI data pursuant to the State Board of Education's rule, policies and department procedures regarding the ILP-D process, an LEA could determine that services under an ILP-D are all that is needed to improve the student's reading proficiency.

Please reference the [Suspected Disability Exemption Guidance](#) for additional information.

**7. Would it be appropriate to deem all students identified as having the characteristics of dyslexia as having a "suspected disability?"**

That action would not be accurate or in the best interest of students. It would not take into account the range and level of issues that have contributed to a student's reading proficiency and the need to differentiate instructional supports based on those unique issues and needs. It is also important not to over-identify students as having a "suspected disability" simply because they need additional supports in reading, as many students do. The goal of the law is to identify students who have a deficiency in reading that is not caused by a disability or lack of acquired English language skills and to provide those students with additional general supports to improve their reading proficiency before they are promoted to the next grade. A student with a disability, a suspected disability, or a student who is an English language learner may require special education and other unique supports and services to address their disability or lack of English language skills as required under state and federal law.

Please reference the [Suspected Disability Exemption Guidance](#) for additional information.

**8. Is there an appeal procedure available for a 3rd grade student who has been determined to not be proficient in ELA and therefore may not be promoted to the next grade level without meeting one of the conditions listed in question #2?**

Yes, for students who have achieved the performance level of "approaching" on the ELA portion of the 3rd grade TCAP or ELA TCAP retake. Pursuant to T.C.A. § 49-6-3115(d), the State Board of Education promulgated rules to establish an appeals process, to be administered by the department, for a student who is identified for retention in 3rd grade based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test or ELA TCAP retake. The law and subsequent rules require that if an appeal is filed, the filing must be made by the student's parent or guardian or by authorized school personnel with written consent from the student's parent or guardian. The option to appeal is not available to students scoring "below expectations." T.C.A. § 49-6-3115(d) does not identify an appeals process for a 4th grade student who is fulfilling a promotion pathway requirement as a result of achieving a performance level rating of "below" or "approaching" on the ELA portion of the student's 3rd grade ELA TCAP test.

**9. How does an LEA make a promotion decision for a 3rd grade student who does not have a score on the ELA portion of the TCAP?**

Based on the language of T.C.A. § 49-6-3115 (a), if a 3rd grade student does not take the TCAP or generate a score on the ELA portion of the TCAP and does not qualify for an exemption described in question #2 above, the student should be treated as if the student is not proficient in ELA. The law states, "Beginning with the 2022-2023 school year, a student in the 3rd grade shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test." A

student that does not have a valid spring ELA TCAP score should complete the retake assessment. The retake assessment may serve as the valid score for promotion decisions and will ensure the student has a valid score for use as the baseline for the purposes of determining adequate growth in summer camps or on the 4th grade ELA TCAP. If a student does not have a valid ELA TCAP or retake score, they are classified as “below” for the purposes of promotion consideration. To be promoted, the student would have to meet one of the conditions provided in question #2 above or if applicable, appeal the decision pursuant to question # 8 above.

**10. If a student elects to attend a learning loss bridge camp as a condition to being promoted to 4th grade and does not attend at least 90% of the days of the camp, will they automatically be retained?**

The law requires a student to maintain a 90% attendance rate at the camp as a condition of being promoted to the next grade. So, unless the student meets one of the other conditions to be promoted, as listed in question #2 above, the student would have to be retained.

LEAs and public charter schools must develop and implement local summer camp attendance policies that provide opportunities for students to make up camp days missed prior to the beginning of the next school year. Local policies must include: 1) The documentation that must be provided, if any, for a student to be eligible to make up a day of camp missed; 2) The total number of camp days a student may make up over the summer; 3) The specific procedure and timelines for making up days missed; 4) A procedure for notifying parents of the summer camp attendance policy; 5) A procedure for how each individual student’s attendance, including make-up days, will be documented and maintained; and 6) A timeline for when a student who participates in summer camp make-up days will take the post-test in order for the LEA or public charter school to make promotion or retention determinations prior to the beginning of the next school year.

**11. What is the Tennessee Department of Education’s role in implementing this law?**

The department’s specific role in implementing this law is limited to reviewing appeals in accordance with the State Board of Education rule and providing a report to the General Assembly. The department will focus on providing technical assistance to LEAs and public charter schools on the interventions that improve a student’s reading proficiency while also allowing the student to meet the conditions for promotion listed in question #2.

The goal or mission of this law is not to retain students. It is to provide every student with the necessary interventions to improve the student’s reading proficiency as soon as possible. The department is confident that LEAs and public charter schools will be laser-focused on that mission.

**12. What does the TCAP retake entail and when will it be available?**

The TCAP retake assessment has been designed to assess the same type of information as the ELA section of the 3rd grade TCAP and uses passages and items drawn from the operational bank of TCAP materials. The assessment will be multiple choice/multiple choice select to allow for immediate scoring of the assessment. The assessment will not include constructed response items. It will be administered on a computer and pre-equated to allow for a performance level designation to be produced for the LEA within two (2) business days. The retake window will take place between May 22 - May 31.

The retake assessment will consist of two subparts, taking 75 minutes of standard testing time. In total, the assessment should take 85 minutes to complete the two subparts with a ten-minute break between sessions.

### 13. What information is available regarding the post-tests for summer programming?

The “post-test” will be comprised of TCAP-aligned items that approximate the same blueprint as the spring TCAP assessment and is designed to take less than one hour to complete. The assessment will be administered online and will allow for accommodations.

### 14. Should an English learner (EL) who has received more than two (2) years of English instruction, but is not considered to be proficient in the English language according to SBE Rule 0520-01-19, be retained?

An EL should never be retained based solely on a lack of English language proficiency. The law reinforces this by providing that an EL who is deemed not proficient in ELA may be promoted if the EL has received less than two (2) years of ELA instruction. However, an EL who has received more than two (2) years of ELA instruction may still not be retained if it is determined that the EL is not proficient in ELA based solely on a lack of English language proficiency. LEAs and public charter schools must determine whether an individual EL should be retained based on the EL’s individual needs. All decisions regarding the retention of an EL must be made on a case-by-case basis by the LEA or public charter school considering the unique needs, circumstances, and linguistic ability of the individual EL and documented in the EL’s file.

Most of the 3rd grade retention decisions will be easily and quickly determined by an LEA or public charter school based on the EL’s Individual Learning Plan (ILP) and other educational records, but some will require a more in-depth analysis that will need to include conversations among parents and local educators with knowledge of language acquisition and knowledge of the EL after a review of all the individual EL’s records.

The law is intended to identify students who have a deficiency in reading that is not caused by a disability or lack of English language proficiency and to provide those students with additional general supports to improve their reading proficiency before they are promoted to the 4th grade.

### 15. What data and information should be considered when making 3rd grade retention decisions for ELs?

The following data and information should be taken into consideration when discussing possible retention of ELs: years of schooling in the U.S., language proficiency scores, EL’s stage of language acquisition, ILPs, input from classroom teachers, cultural and linguistic factors, EL’s access to scaffolds, interventions, and level of parental involvement.

### 16. If a student was promoted to the 4th grade based on a pathway that required the student to meet adequate growth targets on the 4th grade ELA TCAP to be promoted to fifth grade, are there any options to promote the student to fifth grade if adequate growth targets were not met?

Yes. If a student scores proficient on the fourth grade ELA TCAP, the student can be promoted. In addition, [Public Chapter 989](#) was passed into law and signed by the Governor on May 21, 2024. If a student does not demonstrate adequate growth, a conference will be convened that will include the following categories of participants: Parent/guardian, ELA teacher, and Principal. A recommendation made by the majority of the categories of participants in the conference determines if a student is promoted to fifth grade and assigned a tutor or retained to fourth grade.

**To learn more about 3rd and 4th grade promotion, visit [tn.gov/education/learning-acceleration.html](https://tn.gov/education/learning-acceleration.html)**