5th Grade Promotion Conference Pathway Recommendation

Chapter 989 of the Public Acts of 2024 amended T.C.A. § 49-6-3115 to establish a conference promotion pathway by which a student who was promoted to the fourth grade through a pathway that required tutoring and adequate growth on the ELA portion of the fourth grade TCAP can be promoted to the fifth grade in the event that the student does not meet the individualized adequate growth target.

If a fourth-grade student does not score proficient or meet the individualized adequate growth target on the ELA portion of the TCAP for promotion purposes, the student's LEA or public charter school shall convene a conference that must be attended by the following categories of participants: the student's parent or guardian, the student's ELA teacher, and the student's school principal. The conference committee will determine if the student should be promoted to fifth grade and assigned a tutor for the entirety of the school year or retained in the fourth grade. A student must not be retained in fourth grade more than once.

Conference Pathway Timeframe and Participants

Adequate growth results for the fourth-grade ELA TCAP will be available no later than July 1. Once it is determined by the LEA or public charter whether a student scored proficient or met the individual adequate growth target, the parent or guardian should be notified, and if required for promotion, a conference should be scheduled within ten (10) business days. Due to the availability of school staff and parents over the summer, LEAs and public charter schools may opt to hold conferences prior to adequate growth results being available. Relevant and

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available student data related to a student's knowledge and skills in ELA should be considered.

The conference must include the student's parent(s) or guardian(s), English Language Arts (ELA) teacher, and the school principal. The parent or guardian must be included in the conference for a student to be promoted to the fifth grade through a conference pathway. If the student's ELA teacher is not available, an ELA teacher who provides direct ELA instruction to students may participate in the conference. PC 989 requires the principal to be included and does not authorize the principal to appoint a designee. The principal is determined to be the person serving in the role of school principal at the time of the conference.

The conference may be held in person, by phone, or online if all participants are not available in person.

Conference Pathway Recommendation

Once relevant information and data have been considered for the individual student, a recommendation for promotion or retention will be made by each of the three categories of the conference committee. The recommendation by the majority of the participating categories will determine if the student is promoted to fifth grade with a tutor for the entirety of the fifth-grade school year or if the student is retained in fourth grade. Documentation of the recommendation of each conference participant category may be collected in-person or electronically. All documentation related to the Conference Promotion Pathway, including the final determination for promotion or retention, must be kept on file by the LEA or public charter school for reporting purposes.

Conference Pathway Tutoring Requirements

This law requires any student promoted to fifth grade pursuant to the Conference Promotion Pathway to be assigned a tutor for the entirety of the student's fifth-grade school year. For this purpose, tutoring must be provided 2-3 times per week for 30-45 minutes per session for at least 12 weeks each semester. Scheduling is flexible and can be accomplished during intervention, designated times during or outside the school day, or a combination. Tutors can be certified teachers, retired

teachers, interventionists, educational assistants, or volunteers. For those promoted to fifth grade through the conference pathway, Tier II or Tier III intervention meet the tutoring requirements only if supports are aligned to core instruction.

Note: Ratios aligned with tiered intervention are allowable for students who are not in tiered intervention as shown in the chart below. However, high-dosage, low-ratio tutoring in groups of no more than three students delivered by a trained tutor is an evidence-based best practice that is shown to have the most impact on student learning. Refer to the TN ALL Corps tutoring website for more information and resources on best practices here.

	Ratio	Time
Students who are not in RTI[2]	1:5	30-45 minutes/2-3 times per week
Tier II	1:5	30-45 minutes/ 3-5 times per week
Tier III	1:3	40–60 minutes/daily

Documentation should be kept on file for reporting purposes, including attendance, procedures for making up time missed for absences, and how tutoring is delivered.

Special Education and 504 Plan Considerations

If a student who was promoted to the fourth grade through a promotion pathway that required tutoring is later determined to be eligible for special education and related services, the student's IEP and/or 504 team should convene to determine appropriate placement and supports for the student. A student who qualifies for special education and related services is not automatically exempt from being required to meet adequate growth on the fourth-grade ELA TCAP.

However, in accordance with T.C.A. § 49-6-3115, an LEA or public charter school shall not retain a student with a disability or a suspected disability that impacts their ability to read. Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA TCAP was due to the student's disability. Refer to State Board Rule 0520-01-03-.16. This rule does not supersede an LEA's or public charter school's obligation to comply with the Individuals with

Disabilities Education Act (20 U.S.C. § 1400 et seq.), or Section 504 of the Rehabilitation Act (29 U.S.C. § 794).