

## Third Grade Promotion – Local Education Agency and Public Charter School Appeals Guide

During the 1<sup>st</sup> Extraordinary Session of the 112<sup>th</sup> General Assembly, the Tennessee General Assembly passed revisions to T.C.A. § 49-6-3115 updating the state's 3rd grade retention and promotion law to ensure students who need additional supports can receive them before promotion to 4th grade. In accordance with these revisions, the State Board of Education (SBE) promulgated rules to establish an appeal process for students who have been identified for retention in third grade and achieved a performance level of “approaching” on either the third grade TCAP English Language Arts (ELA) portion of the test or the TCAP retake assessment.

The following overview provides guidance to local education agencies (LEAs) and public charter schools as they work with families through the appeal process.

Note: This document does not apply to third grade students who meet [certain exceptions](#) outlined in the law.

### Appeals Process Overview

LEAs and public charter schools may begin identifying 3rd grade students who are subject to the retention provisions of this law once TCAP raw scores and proficiency determinations are released on May 20. These determinations can be used to notify parents or guardians of eligible students of the Third Grade Retention Parent Appeal process.

### LEA or Public Charter School Actions

- Identify 3rd grade students who score “approaching” on the spring 2024 ELA TCAP.
- Use these determinations to notify parents or guardians of eligibility for Third Grade Retention Parent Appeals and the timelines for submission.
- Support families with locating resources, all located on the [Learning Acceleration](#) webpage:
  - **Parent Appeals Guide:** guide to help parents navigate the appeals process
  - **Appeal Consent Form:** to be collected and kept on file when the LEA or public charter school plans to submit the appeal on behalf of the student
  - **Ground 1 Appeal Recommendation Form:** to be completed by the 3rd grade student's principal and ELA teacher to meet requirements for a Ground 1 appeal
  - **Third Grade Retention Appeal Form:** link to form to submit an appeal
- Provide families with necessary submission form information including **State Student ID (SSID)**, to ensure accurate submissions and timely determinations by the Department.  
*Last year, many appeals were delayed due to the department being unable to match a submission to a student by the SSID number.*
- Provide the Department with point(s) of contact for appeals data resolutions and for receiving notice of appeal approval or denial. This information will be used to resolve data entry issues related to inaccurate appeal submissions and to notify the LEA of appeal determinations.

### Department Actions

- Review appeal submissions and make determinations.
- Work with the LEA point of contact to resolve data entry issues related to inaccurate appeal submissions.

- Notify the parent/guardian of the appeal determination.
- Notify the LEA of appeal determination per LEA specific preference indicated in point of contact form.

### Appeals Timeline

The appeal window opens May 28 and will close June 28. No appeals will be accepted after the window closes.

### Appeals Eligibility

A parent or legal guardian of an eligible student who achieved the performance level of “approaching” on the ELA portion of the 3rd grade TCAP test may submit an appeal. The parent or guardian may give consent to an LEA or public charter school representative to fill out the appeal on the eligible student’s behalf. LEAs and public charter schools must keep records of parents or guardians who give consent.

There are two grounds that can be met for an appeal.

#### Ground 1:

- The student received a score at or above the 40<sup>th</sup> percentile on a SBE approved Universal Reading Screener (URS).

Many LEAs or public charter schools have indicated the state-provided benchmark assessment (Aimsweb) as their adopted screener for third graders on the Foundational Literacy Skills Plans (FLSP) and on the URS Survey.

For the 2023-24 school year, LEAs and public charter schools may submit qualifying composite scores from one other SBE-approved benchmark assessment for appeals purposes, if the assessment is mentioned elsewhere in the LEA or public charter school’s FLSP. The additional benchmark assessment vendor must be able to send accurate data files to the department. LEAs and public charter schools will indicate their intent to administer an additional benchmark assessment in a survey that will be sent to the Director of Schools or leader of the public charter school and the URS point of contact for LEAs and public charter schools.

- The principal agrees to develop an academic remediation plan for the student. *Requires signature from principal.*
- The student’s principal and ELA teacher provide a unanimous recommendation for promotion to 4<sup>th</sup> grade. *Requires signature from ELA teacher and principal.*
- The LEA or public charter school agrees to provide high-dosage low-ratio tutoring services to the student for the entirety of fourth grade. *Requires signature from principal.*

#### Ground 2:

- A catastrophic situation occurred within 60 calendar days leading up to the TCAP test that impacted the 3rd grade student’s ability to perform on the test. Catastrophic situations include, but are not limited to, a death in the immediate family, loss of a family home, significant medical diagnosis.