

Grade Three Promotion – Appeals Process Overview

During the 1st Extraordinary Session of the 112th General Assembly, the Tennessee General Assembly passed T.C.A. § 49-6-3115 which updated the state’s third grade retention and promotion law to ensure students who need additional supports can receive them before promotion to fourth grade. In accordance with this legislation, the State Board of Education 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 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

Districts may begin identifying third grade students who are subject to the retention provisions of this law once TCAP raw scores are returned on May 19.

As shared in the recent assessment communication, students can be identified as “below” or “approaching” on the spring 2023 Grade 3 ELA TCAP by pairing the May 19 release of raw scores with the proficiency determination table available in [Livebinders](#). These determinations can be used to notify parents or guardians of eligible students of the Third Grade Retention Parent Appeal process.

Once districts have sent notifications, a parent or guardian of a student who scored “approaching” on their 3rd grade TCAP has 14 calendar days to submit an appeal. To ensure accurate submissions and timely determinations, districts are asked to provide support to families in understanding their child’s eligibility for an appeal, and in providing information to parents to complete the appeal form. The Department will review appeal submissions, make determinations, and notify parents and districts of appeal decisions.

District Actions

- Identify third grade students who score “approaching” on the spring 2023 ELA TCAP by pairing the May 19 release of raw scores with proficiency determination table available in [Livebinders](#).
- 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 the appeal submission form ([here](#)).
- Provide families with necessary submission form information including State Student ID (SSID), to ensure accurate submissions and timely determinations by the Department.
- Provide the Department with point(s) of contact 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 district of appeal determinations.

Department Actions

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

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

Appeals Timeline

A parent or legal guardian has 14 calendar days from the time of notification of a third grade student who scored “approaching” on the ELA section of TCAP to submit an appeal. The appeal window will close on June 30. It is critical that districts work with eligible families to make the accurate SSID available. The department will conduct outreach to the district to resolve SSID issues in order to review the appeal, however this may delay the speed of review.

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 following criteria outline eligibility for an appeal approval:

1. The student received a score at or above the 40th percentile on their spring universal reading screener, OR
2. A catastrophic situation occurred during the 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, abuse, physical or emotional neglect, or household dysfunction (e.g., substance abuse, incarcerated relative, mental illness).