
Academic and Instructional Requirements - Promotion and Retention Rule 0520-01-03-.16

The Background:

The State Board's Promotion and Retention Rule 0520-01-03-.16 outlines promotion and retention requirements for K-8 students. The rule also details pathways to 4th grade promotion for 3rd grade students who score "approaching" or "below" on the ELA portion of the TCAP, in accordance with T.C.A. § 49-6-3115.

This item revises the rule to align with two pieces of legislation passed in the 2024 legislative session:

1. Chapter 829 of the Public Acts of 2024 (PC 829) authorizes a parent or guardian of a student enrolled in kindergarten through second grade (K-2) to elect to retain the student in the student's current grade level if the student has a "documented academic or behavioral delay" and the parent or guardian believes that retention may benefit the student. PC 829 requires the State Board of Education to promulgate rules to define a "documented academic or behavioral delay."
 - a. The Rule defines a "documented academic delay" as a student who is receiving Tier III academic interventions through the Response to Instruction and Intervention Framework and who currently has a student intervention plan in the area of math or reading or an individualized learning plan for characteristics of dyslexia (ILP-D).
 - b. The Rule defines a "documented behavioral delay" as a student who is receiving Tier III behavioral interventions through the Response to Instruction and Intervention Framework and who currently has a student intervention plan for behavior.
2. Chapter 989 of the Public Acts of 2023 (PC 989) amended T.C.A. § 49-6-3115 to include a conference pathway for students who do not demonstrate adequate growth on the 4th grade ELA TCAP. Beginning with students in 4th grade in the 2023-24 school year, a conference may be convened for 4th grade students who are required to show adequate growth on the 4th grade ELA TCAP to be promoted to the 5th grade, but do not demonstrate growth. PC 989 requires that the conference include the following categories of participants: the student's principal, ELA teacher and parent or legal guardian. A majority of the categories of participants required to be present in the conference are required to make a recommendation to promote the student to 5th grade with tutoring supports or retain the student in 4th grade. This item updates the Rule to align with PC 989.

State Board staff will hold a rulemaking hearing between first and final reading to collect public feedback.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no financial impact on an LEA beyond any required by law.

Connection to the [Master Plan](#):

This item supports the State Board's strategic focus on Literacy outlined in the Master Plan by ensuring students receive additional learning supports as part of their promotion to 5th grade and by ensuring its rules are reviewed and updated based on changes in law.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.