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Promotion and Retention Rule 0520-01-03-.16

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**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 details pathways to 4<sup>th</sup> grade promotion for 3<sup>rd</sup> 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 4<sup>th</sup> grade promotion pathways and the appeals process with Chapter 338 of the Public Acts of 2023 (PC 338). PC 338 amended T.C.A. § 49-6-3115 to include an additional promotion pathway for 3<sup>rd</sup> grade students who score "approaching" on the ELA portion of the TCAP. Starting in the 2023-24 school year, 3<sup>rd</sup> grade students who score "approaching" may be promoted to the 4<sup>th</sup> grade if the student scored within the 50<sup>th</sup> percentile on the most recently administered state-provided benchmark assessment and the student is provided tutoring services for the entirety of 4<sup>th</sup> grade. PC 338 also amended the parent appeals process to allow a school principal, guidance counselor, teacher, or other administrator to file an appeal for a student with written consent from the parent for a student who scored "approaching" in the 3<sup>rd</sup> grade ELA portion of the TCAP.

This item also revises the timeline and criteria for appeals as follows:

- Specifies that the Department of Education will open the appeals window no later than five (5) business days after releasing individual student results to LEAs and public charter schools for the 3<sup>rd</sup> grade ELA portion of the TCAP.
- Authorizes the Commissioner to extend the 14-day timeline of notifying a student's parent or legal guardian of an appeal decision if there are circumstances that require the Department to request additional information.
- Clarifies the criteria for an appeal evaluated under Ground 2 for a catastrophic situation and specifies that documentation for an appeal must show a catastrophic situation occurred on the test date or within sixty (60) days leading up to the 3<sup>rd</sup> grade TCAP administration or any makeup opportunities.

State Board staff held a rulemaking hearing on December 21, 2023.

Between first and final reading, revisions were made in response to feedback from members at the November meeting. These revisions include removing the criteria for a Ground 1 appeal which was based on a student's performance on a State Board approved universal reading screener. This appeals ground was removed because of conflicts between this pathway and the new promotion pathway added through Chapter 338 of the Public Acts of 2023, which incorporates student performance on the Tennessee Universal Reading Screener as a promotion pathway to 4<sup>th</sup> grade. Revisions were also made to require that LEAs and public charter schools notify all 3<sup>rd</sup> and 4<sup>th</sup> grade students of the promotion and retention requirements outlined in T.C.A. § 49-6-3115 and this rule. Lastly, revisions were made to specify that students granted an appeal may enroll in summer programming and/or tutoring opportunities subject to available space in their LEA or public charter school.

**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.

**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 before being promoted to the 4<sup>th</sup> grade.

**The Recommendation:**

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.

**THIS ITEM WAS REMOVED FROM THE AGENDA AT THE MEETING BY BOARD MEMBERS AND WILL BE CONSIDERED AT THE MARCH 4, 2024 SPECIAL CALLED VIRTUAL MEETING.**