

(Rule 0520-01-03-.03, continued)

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS**

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0520-01-03-.03 ACADEMIC PROGRAM REQUIREMENTS.

- (1) The Tennessee state academic standards approved by the State Board shall be used for all courses grades kindergarten through twelve (K-12).
- (2) All textbooks and instructional materials adopted and purchased shall be aligned with state academic standards.
- (3) All courses listed in State Board's Approved High School Courses Policy 3.205 may be offered for credit in grades nine through twelve (9-12). Additional details about approved courses shall be included in the Correlation of Course and Endorsement Codes database managed by the Department of Education.
- (4) LEAs may offer special courses in addition to the courses listed in the State Board's Approved High School Courses Policy 3.205. Such special courses shall be approved by the Department of Education and the State Board. Each special course approved by the Department shall be recommended to the State Board for an approval period of one (1), three (3), or six (6) years.
- (5) Each school shall evaluate and report in writing to the parent or legal guardian each student's progress in each subject, at least every nine (9) weeks, in accordance with the local school board's grading policy.
- ~~(6) Each local school board shall develop and implement promotion, and retention policies for grades kindergarten through eight (K-8) in accordance with the State Board's Promotion and Retention Policy 3.300. Each local policy shall require, at a minimum:~~
 - ~~(a) Schools to notify a student's parent or guardian if it is determined through a student's overall performance or a state or local assessment that a student in grades kindergarten through three (K-3) is not meeting the expectations of the grade-level standards in reading within fifteen (15) calendar days of such determination;~~
 - ~~(b) Schools to notify the parent or guardian of any student that is being considered for retention within fifteen (15) calendar days of identification;~~
 - ~~(c) Schools to develop and implement an individualized promotion plan for any student being considered for retention to help the student avoid retention;~~

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- ~~(d)~~ Schools to notify the parent or guardian of any student that is retained at least ten (10) calendar days prior to the start of the next school year, if the student was enrolled in a summer reading or learning program, or, if the student was not enrolled in a summer reading or learning program, at least thirty (30) calendar days prior to the start of the next school year. The communication shall include notice of the parent or guardian's right to appeal a retention decision; and
- ~~(e)~~ If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student prior to the start of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or guardian within ten (10) calendar days of development of such plan.
- ~~(7)~~(6) LEAs shall implement the Response to Instruction and Intervention (RTI²) framework adopted by the State Board. RTI² shall include high-quality instruction and interventions tailored to student need where core instructional and intervention decisions are guided by student outcome data. Tiered interventions in the areas of reading, mathematics, and/or writing shall occur in the general education setting depending on the needs of the student. If a student fails to respond to intensive interventions and is suspected of having a Specific Learning Disability as defined in State Board Rule 0520-01-09-.02, then the student may require special education interventions.
- ~~(8)~~(7) LEAs shall award high school credit to students who successfully complete college-level courses aligned to a graduation requirement course, including general education and elective focus courses.
- (a) Local high schools shall accept postsecondary credits as a substitution for an aligned graduation requirement course, including general education and elective focus courses for those students who take and pass dual enrollment courses at a postsecondary institution for credit.
- (b) Local boards of education may adopt policies providing for college-level courses to be offered during the school day on the high school campus. Such courses must be taught by a licensed high school teacher or credentialed postsecondary faculty member approved by the local school system and partnering postsecondary institution. These courses are to be considered part of the high school program, with content and instruction subject to the supervision of the school principal and local board of education.
- ~~(9)~~(8) Coursework successfully completed in an LEA, public charter school, or Category I, II, or III private school, including coursework completed during a summer school operated or offered by these entities, is fully transferrable to any other approved school. ~~Any coursework successfully completed in a summer school approved by an LEA, public charter school, or Category I, II, or III private school is fully transferable to any other approved school.~~ All summer school teachers at a summer school ~~approved~~ operated or offered by an LEA or public charter school shall be licensed and hold endorsements in the subject areas in which they are teaching.
- ~~(10)~~(9) LEAs may offer Work-Based Learning (WBL) experiences that allow students to apply classroom theories to practical problems and to explore career options. All WBL experiences shall align to the State Board's Work-Based Learning Framework set forth in State Board High School Policy 2.103.
- ~~(11)~~(10) State-mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education.
- (a) State-mandated assessments shall be given for grades three through eleven (3-11).
- (b) End-of-course examinations shall be given in English I, English II, Algebra I, Geometry, Algebra II, Integrated Math I, Integrated Math II, Integrated Math III, U.S. History, and

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Biology I.

- (c) A comprehensive writing assessment shall be conducted in at least one (1) grade within elementary, middle grades, and high school as part of the state-mandated assessment program.
- (d) The Department of Education shall provide raw score data from the end-of-course examinations to each LEA for the purpose of including student scores on the examinations into a student's final grade for the course. The weight of the examination on the student's final average shall be determined by the LEA from a range of not less than fifteen percent (15%) and not more than twenty-five percent (25%). If an LEA does not receive its students' end-of-course examination scores at least (5) instructional days before the scheduled end of the course, then the LEA may choose not to include its students' examination scores in the students' final average.
- (e) Each local school board shall adopt a policy that details the methodology used and the required weighting for incorporating students' scores on end-of-course examinations into final report card grades.
- (f) Local school boards shall adopt a policy regarding security of test administration, consistent with Department of Education guidelines.
- (g) The Department of Education shall annually report to the State Board the number and percentage of students who scored below but were promoted to the next grade level by the LEA. This data shall be disaggregated by subgroups similar to those required for federal reporting.

~~(12)~~(11) Prior to grade nine (9), all students, including students with an Individualized Education Program (IEP), shall develop an initial four (4)-year plan of focused and purposeful high school study in accordance with the State Board's High School Policy 2.103.

~~(13)~~(12) Each local board of education shall adopt a credit recovery policy, aligned to the State Board's High School Policy 2.103, to provide standards-based extended learning opportunities for students who have previously been unsuccessful in mastering the standards required to receive course credit or earn promotion.

- (a) Each credit recovery policy shall address, at a minimum:
 - 1. Admission to and removal from credit recovery programs;
 - 2. Instruction; and
 - 3. Grading and awarding of credit.

~~(14)~~(13) Students may transfer from a Category I, II, or III private school, as defined in State Board Rule 0520-07-02, to a public school without loss of credit for completed work. The school which the student leaves must supply a properly certified transcript showing the student's record of attendance, achievement, and the units of credit earned.

~~(15)~~(14) Students transferring from a Category IV or Category V private school, as defined in State Board Rule 0520-07-02, to a public school shall be allowed credit only when they have passed comprehensive written examinations approved, administered, and graded by the principal or designee of the public school. Student scores from a recognized standardized test may substitute for the required comprehensive written examinations.

- (a) The examination administered to students in grades one through eight (1-8) shall cover only the last grade completed.

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- (b) The examinations administered to students in grades nine through twelve (9-12) shall cover the individual subjects appearing on the official transcripts. The examination for graduation requirement subjects may only cover the last course completed by the student (for example, if a student has completed English I, II, and III, the examination may only cover English III).
- (c) The principal of a Category IV or Category V private school is authorized to transmit transcripts of a student to any school to which the student transfers or applies for admission when the records are requested by the receiving school or parent or guardian. The parent or guardian of the student shall be notified by the private school that the transcript is being sent.

~~(16)~~(15) The High School Equivalency Testing (HiSET) shall be operated in accordance with the HiSET manual of the Education Testing Service and the rules established by the Department of Labor and Workforce Development.

- (a) The chief examiners shall ensure that all examinees meet the state requirements for age, residency, proper identification, and any other qualifications prior to admission to the testing session.
- (b) A candidate must be eighteen (18) years of age before being eligible to take the HiSET test. A seventeen (17) year old may be allowed to take the examination upon recommendation of the director of schools. The director of schools may require written documentation from the applicant to support this recommendation. This rule shall not be used to circumvent participation in the regular high school program.
- (c) The HiSET test consists of five (5) core areas that count twenty (20) points each. In order to pass, the total composite score on the HiSET test shall not be less than forty-five (45) and no score on any one (1) core area of the test battery shall be less than eight (8).

Authority: T.C.A. §§ 4-3-1422, 49-1-302, 49-1-302(a)(2) and (13), 49-2-110, 49-2-114, 49-6-101, 49-6-201, 49-6-3001, 49-6-3003, 49-6-3005(a) and (a)(4), 49-6-3104, 49-6-3105, and 49-6-6201; Sections 30, 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992; and Public Chapter 652 of 2020.

Administrative History: Original rule certified June 10, 1974. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed July 19, 1982; effective October 13, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed June 10, 1983; effective September 14, 1983. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed October 11, 1995; effective February 28, 1996. Amendment filed April 29, 1996; effective August 28, 1996. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed March 1, 2005; effective July 29, 2005. Amendment filed September 6, 2007; effective January 28, 2008. Amendment filed April 30, 2009; effective August 28, 2009. Amendment filed October 20, 2009; effective March 31, 2010. Amendment filed March 25, 2010; effective August 29, 2010. Amendment filed December 19, 2012; effective May 30, 2012. Amendments filed March 21, 2012; effective August 29, 2012. Amendment filed February 6, 2013; effective July 29, 2013. Amendment filed May 22, 2015; effective August 20, 2015. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Emergency rules filed November 19, 2020; effective through May 18, 2021. Emergency rules expired effective May 19, 2021, and the rules reverted to their previous statuses.

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0520-01-03-.16 PROMOTION AND RETENTION.

- (1) The academic program implemented in each public school shall be designed to help students achieve the expectations of the grade-level State Board approved Tennessee Academic Standards and meet the requirements for promotion to the next grade.
- (2) Promotion to the next grade level shall be based on the successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas.
- (3) Each local school board and charter school governing body shall develop and implement promotion and retention policies for students in grades Kindergarten through eight (K-8) in accordance with T.C.A. § 49-6-3115, this rule, and the State Board's Promotion and Retention Policy 3.300. The promotion and retention policy shall include a right for the parent or legal guardian to appeal a decision to retain a student.
- (4) Schools shall identify students who demonstrate difficulty in achieving the requirements for promotion to the next grade level and therefore may be at risk for retention by February 1. However, a student may be identified as at risk for retention after February 1 if reasons for identifying a student as at risk for retention are identified in a lawfully adopted local board policy that identifies limited situations in which students may be identified as at risk for retention. Schools shall notify the parent or guardian of any student who is identified as at risk for retention within fifteen (15) calendar days of identification.
- (5) Factors used to identify students who are at risk for retention shall, at a minimum, include:

 - (a) The student's ability to perform at the expectations of the current grade-level standards;
 - (b) The results of local assessments, screening, or monitoring tools;
 - (c) State assessments, as applicable;
 - (d) Home Literacy Reports provided in accordance with T.C.A. § 49-1-905
 - (e) The overall academic achievement of the student;
 - (f) The student's likelihood of success with more difficult material if promoted to the next grade;
 - (g) The student's attendance record; and
 - (h) The student's maturity.
- (6) Schools shall develop and implement an individualized promotion plan for any student identified as at risk for retention to help the student avoid retention.

 - (a) The individualized promotion plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel. All promotion plans shall include evidence-based promotion strategies and shall be tailored to the student's learning needs. Each promotion plan shall also include expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. Promotion plans for students in grades three (3) and four (4) shall include the additional requirements for promotion set forth in paragraph (7) of this rule.
 - (b) A copy of a student's promotion plan shall be provided to his or her parent or legal guardian, and the school shall offer to parents or legal guardians the opportunity for a parent-teacher conference to discuss the promotion plan.

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- (c) If a student is not making progress on his or her promotion plan, then the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level. A student who demonstrates sufficient academic progress with the strategies included in his or her promotion plan during the school year shall be promoted to the next grade level unless retention is required as set forth in paragraph (7) of this rule.
- (d) If a student has not demonstrated sufficient academic progress as defined in his or her promotion plan by the end of the school year, the student shall be enrolled in a summer reading or learning program if such program is available. For a student in grade three (3) who is identified for retention in accordance with paragraph (7) of this rule and attends a summer reading or learning program, the program must be conducted in accordance with T.C.A. §§ 49-6-3115 and 49-6-1501 et seq.
- (e) If the student was enrolled in a summer reading or learning program then a decision for retention shall be made and communicated to the parent or legal guardian in writing at least ten (10) calendar days prior to the start of the next school year, or, if the student was not enrolled in a summer reading or learning program, a decision for retention shall be made and communicated to the parent or legal guardian in writing at least thirty (30) calendar days prior to the start of the next school year. The notification to the student's parent or legal guardian of the retention decision shall be in writing and sent electronically and shall include information regarding the parent or legal guardian's right to appeal the retention decision in alignment with the LEA or public charter school's promotion and retention policy.
- (f) Retention shall be considered only when it is in the best interests of the student, or if retention is required by paragraph (7) for students in grades three (3) and four (4). Retention decisions affecting a student receiving special education services shall be made in consultation with the student's Individualized Education Program (IEP) team and in accordance with the provisions of the IEP.
- (g) If a retention decision has been made, then the school shall develop an individualized academic remediation plan for the retained student within thirty (30) calendar days after the beginning of the next school year. A copy of the academic remediation plan shall be provided to the student's parent or guardian within ten (10) calendar days of development of such plan.
1. The academic remediation plan shall be developed in coordination with the student's teachers, IEP or 504 team, if applicable, and may also include input from the student's parents, school counselor, or other appropriate school personnel.
 2. The academic remediation plan shall be implemented to help the retained student attain and demonstrate learning proficiency and shall include at least one (1) of the following strategies:
 - (i) Adjustment to the current instructional strategies or materials;
 - (ii) Additional instructional time;
 - (iii) Individual tutoring;
 - (iv) Modification to the student's classroom assignment to ensure the student receives instruction from a teacher with a level of overall effectiveness of above expectations (level 4) or significantly above expectations (level 5); or
 - (v) Attendance or truancy interventions.
- (h) A student shall not be retained more than one (1) time in any given grade level.
- (i) Retention shall not:

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1. Be used without an academic remediation plan;
2. Be used as a punitive or disciplinary measure;
3. Be based solely on English language proficiency, for students who are identified as English learners;
4. Be based solely on the student's disability or suspected disability; or
5. Be based solely on a student's maturity.

(i) The progress of a retained student shall be closely monitored and reported to the student's parent or legal guardian a minimum of three (3) times during the school year in which the student is retained.

(7) Each local school board and public charter school governing body shall comply with the following additional requirements for promotion and retention of students in grade three (3) and four (4), in accordance with the Tennessee Learning Loss Remediation and Student Acceleration Act and T.C.A. § 49-6-3115:

(a) A student in grade three (3) shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of "on track" or "mastered" on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test.

(b) Notwithstanding paragraph (7)(a):

1. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may be promoted to the fourth (4th) grade if:

- (i) The student is an English language learner and has received less than two (2) full school years of ELA instruction;
- (ii) The student was previously retained in any of the grades kindergarten through three (K-3);
- (iii) The student is retested in accordance with Department guidelines before the beginning of the next school year and scores proficient in ELA;

The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under T.C.A. § 49-6-1502(4)(F), demonstrates adequate growth, as defined in the State Board's Promotion and Retention Policy 3.300; or

(iv) The student receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TALLC) tutor. For the purposes of this rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TALLC high dosage, low ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:

- a. A tutor recruited and trained through the Department's TN ALL Corps grant program.

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- b. A district recruited tutor who has completed the department's TN ALL Corps training.
2. A student in grade three (3) who is not proficient in ELA, as determined by the student's achieving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted to the fourth (4th) grade if:
- (i) The student is an English language learner and has received less than two (2) full school years of ELA instruction;
 - (ii) The student was previously retained in any of the grades kindergarten through three (K-3);
 - (iii) The student retested in accordance with Department guidelines before the beginning the next school year and scores proficient in ELA; or
 - (iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and receives high-dosage, low-ratio tutoring for the entirety of the upcoming school year from a Tennessee accelerating literacy and learning corps (TALLC) tutor. For the purposes of this rule, "high-dosage, low-ratio tutoring" means a minimum of two (2) thirty (30) minute sessions per week with a one to three (1:3) teacher to student ratio. TALLC high dosage, low ratio tutoring may be provided through the following options, in accordance with T.C.A. § 49-6-1507:
 - a. A tutor recruited and trained through the department TN ALL Crops grant program.
 - b. district recruited tutor who has completed the department's TN ALL Corps training.
- (c) A student who is promoted to the fourth (4th) grade pursuant to paragraph (7)(b)(1)(v) or (7)(b)(2)(iv) must show adequate growth on the fourth (4th) grade ELA portion of the TCAP test as further defined in State Board Promotion and Retention Policy 3.300 before the student may be promoted to the fifth (5th) grade.
- (d) Notwithstanding paragraph (c), a student shall not be retained in fourth (4th) grade more than once.
- (e) The requirements set forth in paragraphs (7)(a)-(d) do 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).
- (f) Appeals to the Department.
1. The parent or legal guardian of a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test, may appeal directly to the Department.
 - (i) A decision to retain a student for any other reason, as set forth in paragraphs (1)-(6) of this rule may be appealed at the local level only, pursuant to the LEA or public charter school's promotion and retention policy.
 2. The appeal process for a student who is identified for retention in third (3rd) grade pursuant to paragraph (7)(a) based on the student's achieving a performance level

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rating of “approaching” on the ELA portion of the student's most recent TCAP test shall be administered by the Department. Information regarding the appeals process and timelines shall be posted on the Department’s website. All appeals shall be submitted on the appeal forms provided by the Department and posted on its website. If an appeal is not submitted on the appropriate appeal form, the appeal shall be denied.

3. An appeal shall be submitted by a parent or legal guardian to the Department within seven (7) calendar days of receipt of the notice from the LEA or public charter school that the student is identified as at risk for retention based on the student’s achieving a performance level rating of “approaching” on the ELA portion of the student’s most recent TCAP test. The notice of retention shall be deemed received on the day it is electronically sent. The Commissioner’s designee(s) shall review all properly submitted appeals and make a determination and issue an electronic notification of the decision to the parent or legal guardian within fourteen (14) calendar days of receiving the appeal.

4. The Commissioner’s designee(s) may overturn the identification of a student as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a) and allow the student to be promoted to the fourth (4th) grade if one (1) or more of the following grounds is met:

5. Ground 1:

(i) The student demonstrated growth above the national average in basic reading skills as demonstrated by the student’s composite score from a State Board-approved universal reading screener or the Tennessee universal reading screener administered by the LEA or public charter school; and

(ii) The student demonstrated growth in standards mastery based on the student’s scores on a state-approved standards-based benchmark assessment administered by the student’s school; or

6. Ground 2:

(i) The parent or legal guardian of the student identified as at risk for retention in third (3rd) grade pursuant to paragraph (7)(a) documents that a catastrophic situation occurred during the days leading up to the third (3rd) grade ELA TCAP test administration that impacted the student and impeded the student’s ability to perform on the test. Examples of a catastrophic situation include, but are not limited to, a death in the immediate family, loss of a family home, or significant medical diagnosis.

Authority: T.C.A. §§ 49-1-302, 49-6-1501 et seq., 49-6-3115, 49-6-3001. Administrative History: