
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 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 4th 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 3rd grade students who score "approaching" on the ELA portion of the TCAP. Starting in the 2023-24 school year, 3rd grade students who score "approaching" may be promoted to the 4th grade if the student scored within the 50th percentile on the most recently administered state-provided benchmark assessment and the student is provided tutoring services for the entirety of 4th 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 3rd 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 3rd 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 3rd 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 to require that LEAs and public charter schools notify all 3rd and 4th grade students of the promotion and retention requirements outlined in T.C.A. § 49-6-3115 and this rule. Revisions were also 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.

This item was presented on final reading at the February meeting. Following discussion amongst board members the Board voted to delay consideration of this item until the March special called meeting and directed board staff to work with the Department to amend the rule to maintain a Ground 1 appeal based on a student's performance on a State Board approved universal reading screener, recommendations from the student's teacher and administrator, development of an academic remediation plan, and an

agreement from the district to provide tutoring services to the student during the entirety of their fourth (4th) grade year.

These revisions have been made by board staff in consultation with the Department of Education.

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 4th grade.

The Recommendation:

The SBE staff recommend approval of this item on final reading.