

Shelby County Board of Education

5013

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PROMOTION AND RETENTION

I. PURPOSE

To establish the guidelines for promotion and retention of students and to outline assessment and intervention standards.

II. SCOPE

This policy applies to promotion and retention requirements.

III. POLICY STATEMENT¹⁻⁹

Promotion and retention decisions shall be in accordance with the following:

A. Assessment

Regular assessment is important to guide the provision of academic services, enhance District and classroom instructional strategies, and measure student progress toward meeting academic achievement standards. Therefore, the District shall employ a comprehensive student assessment system to help ensure that students meet academic achievement and grade level standards.

B. Promotion and Retention Decisions

1. Promotion

The academic program implemented in each school shall be designed to help students achieve the expectations of the grade-level state academic standards and meet the requirements for promotion to the next grade. Promotion to the next grade level shall be based on successful completion of required academic work or demonstration of satisfactory progress in each of the relevant academic areas.

2. Retention

Retention shall be considered only when it is in the best interest of the student, and in accordance with applicable laws, rules, and policies.

Retention decisions shall consider the following: 1. ability to perform at the expectations of the current grade-level standards; 2. the student's age; 3. overall academic achievement level/potential; 4. previous performance; 5. evaluative data; 6. chances for success with more difficult material if promoted to the next grade or when current skills are inadequate; 7. number of absences/attendance record; 8. previous retention; 9. social and emotional maturity level; 10. results of local assessments, screening, or monitoring tools and, if applicable, state assessments and standardized tests; and 11. benefits accomplished by retention.

Pursuant to Tennessee State Board of Education Promotion and Retention policy 3.300 for grades K-8, schools shall identify students considered for retention by February 1, but may identify students for retention after February 1 in limited situations as outlined in the Administrative Rules and Regulations to this policy.

Additionally, the Superintendent (designee) shall notify the parents/guardians of a K-3 student within 15 calendar days of determining the student is not meeting the expectations of the grade-level standards in reading based on the student's overall performance or a state or local assessment.

Third-Grade Retention (T.C.A. § 49-6-3115)^{1,2,4,8,9}

A student in the third grade shall not be promoted to the next grade level unless the student demonstrates proficiency by scoring “on track” or “mastered” on the English Language Arts (ELA) portion of the most recent TCAP test.

A student who does not demonstrate proficiency on the ELA portion of the most recent TCAP test (i.e., scoring “approaching” or “below”) may be promoted if the student meets certain provisions set forth in state law and rules.

Retention decisions for students with disabilities shall comply with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and state guidance. A student with a disability or a suspected disability that impacts their ability to read shall not be retained in accordance with state rule.

3. Academic Interventions

Academic interventions, as deemed appropriate, should be provided to students on an ongoing basis. Instructional strategies, classroom grades, and intervention opportunities shall be monitored and reviewed by the Superintendent (designee) on a regular basis.

C. English Learners (EL)

English Learners shall meet the same standards as all students. However, in accordance with federal law, English language proficiency shall not be the sole factor in determining that a student has not met performance standards for promotion. A student's Individualized Learning Plan (ILP) shall be considered in determining promotion/retention decisions for English Learners. Intervention strategies shall include, where appropriate, assistance in the development of English language proficiency.

D. Students with Disabilities

To the maximum extent appropriate, students with disabilities shall be governed by standards established for students without disabilities and shall earn a regular diploma upon meeting state requirements. All enrichment, interventions/remediations, opportunities, benefits, and resources made available to students without disabilities shall be made available to students with disabilities.

Students with disabilities who have an Individualized Education Plan (IEP) may be exempt from promotion/retention standards if an IEP team determines that the student does not have the ability to successfully meet general curricular standards.

Students with disabilities are not subject to promotion/retention standards if, due to the nature and severity of their disability, they have an IEP allowing them to take an alternative form of assessment.

E. Parent Appeals

Parents who disagree with the decision of the teacher(s) and/or final decision of the principal regarding the promotion or retention of a student may appeal the decision to the Superintendent (or designee). The decision of the Superintendent (or designee) shall be final except as otherwise provided by State Board rule (specific to third grade retention).⁴

IV. RESPONSIBILITY

1. The Superintendent (or designee) is responsible for administering this policy.
2. The Office of Academics is responsible for answering questions regarding this policy.

Legal References:

1. T.C.A. §49-6-3115 Third Grade Promotion
2. T.C.A. §49-6-15 TN Learning Loss Remediation and Student Acceleration Act
3. Tennessee State Board of Education Policy 3.300
4. Tennessee State Board of Education Rule §0520-01-03
5. Tennessee State Board of Education Rule §0520-01-09
6. Tennessee State Board of Education Rule §0520-01-19
7. Individuals with Disabilities Education Act 20 U.S.C. 1400 et seq., C.F.R. Part 300
8. Section 504 of the Rehabilitation Act 29 U.S.C. §794

Cross References:

1. Grading Protocols

PROMOTION AND RETENTION

Administrative Rules and Regulations

Issued Date: 04/30/19

Revised: 09/24/19; 03/01/22; 08/30/22

- A. REQUIREMENTS FOR PROMOTION
- B. REQUIREMENTS FOR RETENTION
- C. REQUIRED ACADEMIC INTERVENTIONS

For the purpose of these Rules and Regulations, summer learning programs include any available summer intervention offered by the District (e.g., summer school for students who are retained and summer learning academy for students in need of remediation).

A. REQUIREMENTS FOR PROMOTION

1. Kindergarten – Promotion should be based on satisfactory performance, as identified by the Office of Academics, considering the subjects of English Language Arts and Mathematics. The decision not to promote a kindergarten student should be justified with appropriate documentation.
2. Elementary (grades 1-5) - Promotion should be based on:
 - Grades 1, 2, 4, and 5 - attainment of a passing grade in both English Language Arts and Mathematics.
 - Grade 3 - a score of *on track* or *mastered* on the English Language Arts portion of the student's most recent TCAP test.

Additional Requirements

Grades 3 and 4

Third (3rd) grade promotion shall be in compliance with T.C.A. §49-6-3115.

A third (3rd) grade student who is promoted to the fourth (4th) grade pursuant to provisions outlined in T.C.A. §49-6-3115(a)(2)(A)(v) and (a)(2)(B)(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. Notwithstanding these provisions, a student shall not be retained in fourth (4th) grade more than once.

3. Middle (grades 6-8) - Promotion should be based on attainment of a passing grade in English Language Arts, Mathematics, and either Science or Social Studies.
4. High (grades 9-12) - Promotion shall be based on credit attainment (see Policy **6032** Grade Classification for High School Students).

When appropriate, good cause exemptions may apply (e.g., extenuating circumstances, individual SPED/EL considerations).

B. REQUIREMENTS FOR RETENTION

Retention should not be used: (1) without an academic remediation plan, (2) as a punitive measure, (3) to hold a student back because of parental wishes when a student's performance does not warrant it, (4) when the school believes retention is inappropriate, (5) based solely on English language proficiency for students identified as English learners, on a student's disability or suspected disability, on a student's maturity, or (6) for third (3rd) grade students meeting certain provisions set forth in state law and rules (see *Third Grade Retention*, Policy section B).

1. Elementary and Middle (grades K-8)

A student in grades K-8 shall not be retained more than one (1) time in any given grade level. The following shall apply:

- a. Identification - 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. In accordance with policy, factors used to identify students who are at risk for retention, at minimum, include the student's:
 - i. ability to perform at the expectations of the current grade-level standards;
 - ii. results of local assessments, screening, or monitoring tools;
 - iii. state assessments, as applicable;
 - iv. Home Literacy Reports;
 - v. overall academic achievement of the student;
 - vi. likelihood of success with more difficult material if promoted to the next grade;
 - vii. attendance record;
 - viii. previous retention;
 - ix. age and maturity level; and
 - x. benefits accomplished by retention.

A student may be identified for being at risk for retention after February 1 in limited situations such as:

- i. The student enrolls or transfers to the District after February 1;
- ii. The student has pending make-up work resulting in a failing grade;
- iii. The student's grade determination/reconsideration is pending or on hold due to an investigation, due process proceeding, or administrative process; or
- iv. The Superintendent (or designee) has identified other compelling reasons for retention. These reasons must be justified and supported by written documentation.

- b. Parent Notification - Parents shall be notified of their child's academic progress in accordance with District's grading policies (see policy 5014 Grading System: Grades K-5 and policy 5015 Grading System: Grades 6-12). By the midpoint of the course or school year, but not later than fifteen (15) calendar days of the February 1 identification date, schools shall provide parents with official written notification that their child has been identified as being at risk for retention. The notice should be signed and returned to the school by the parent and kept on file at the school. (See *Individualized Promotion Plan* below for additional requirements.)
- c. Individualized Promotion Plan - To help the student avoid retention, each school shall develop and implement an individualized promotion plan pursuant to Tennessee State Board of Education Promotion and Retention policy 3.300, and minimum rules. The promotion plan shall include evidence-based promotion strategies tailored to the student's learning needs and expectations and measurements that can be used to verify that a student has made sufficient progress to be promoted to the next grade level. The promotion plan shall be provided to the parent who shall be offered an opportunity for a parent-teacher conference to discuss the plan.

A student who demonstrates sufficient academic progress with the strategies included in the promotion plan during the school year shall be promoted to the next grade level unless retention is required by T.C.A. §49-6-3115.

If a student is not making progress on his/her promotion plan during the school year the promotion strategies shall be modified to support the student in the goal of promotion to the next grade level.

If a student has not demonstrated sufficient academic progress on his or her promotion plan by the end of the school year:

- i. The student shall be eligible to enroll in a summer learning program (i.e., summer school), if such a program and space is available. If a student is enrolled in a summer program, then a decision for retention shall be made after completion of a summer program; provided, a decision for retention shall be made and communicated to the student's parent or guardian at least ten (10) calendar days prior to the start of the next school year; or
 - ii. If a summer learning program and/or space is not available or the student does not attend, then a decision for retention shall be made and communicated in writing and sent electronically to the student's parent or guardian at least thirty (30) calendar days prior to the start of the next school year. The notification shall include information regarding the parent or legal guardian's right to appeal the retention decision.
- d. Individualized Academic Remediation Plan - If a retention decision has been made, the school shall develop an individualized academic remediation plan in accordance with state rules for the retained student within thirty (30) calendar days after the beginning of the next school year. The plan shall be provided to parents/guardians within ten (10) calendar days of development.

- e. Tracking and Monitoring – The progress of each retained student must be closely monitored by the school and the District (e.g., the Office of Academics) and reported to the student’s parent/guardian throughout the school year.
- f. Over-age for Grade (K-12) - Students with multiple retentions or who are or will be over-age for grade during the next school year shall be evaluated by a promotion/retention committee at the school to recommend to the principal promotion/retention options for the student, as applicable. The Office of Academics shall provide guidance to schools on academic options for such students. A prescriptive and tailored plan of remediation shall be implemented for each student who is over-age for grade.
- g. Reporting - The Superintendent shall keep an annual record of each student who is retained, in accordance with applicable state law and policy. Additionally, the teacher and school principal (designee) shall identify and provide to the Office of Academics the names of each student with multiple retentions or who is or will be over-age for grade during the next school year.

2. High (grades 9-12)

The District shall provide standards-based extended learning opportunities for students in grades 9-12 who have been unsuccessful in mastering the standards required to receive course credit.

C. REQUIRED ACADEMIC INTERVENTIONS

Academic interventions shall be required for the following students:

- 1. Students who are not making satisfactory progress toward academic benchmarks
- 2. Students who have not met promotional standards by the end of the school year (retained students)
- 3. Students who are one or more years behind grade level in a course or grade
- 4. Students not performing at the level to meet the College Readiness Benchmarks, as defined by ACT
- 5. Students required to receive intervention based on state or federal law, regulations, guidelines/guidance, and/or policies or District policies