Oneida Special Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Annually, in December	**Promotion and Retention**	**4.603**	**11/02/23**
		Rescinds: **4.603**	Issued: **06/03/21**

General

All promotion and retention decisions shall be made on a case-by-case basis and comply with state and federal law. All decisions shall be made in consultation with a student's IEP and/or 504 team, if applicable.[1]

Students who have difficulty in achieving the requirements for promotion may be considered for retention. Schools shall identify these students by February 1st. Factors used to identify students for retention shall include:[2]

1. Ability to perform at the current grade level;
2. Results of local assessments, screening, or monitoring tools;
3. State assessments, as applicable;
4. Home Literacy Reports;[3]
5. Overall academic achievement of the student;
6. Likelihood of success with more difficult material if promoted to the next grade;
7. Attendance record; and
8. The student's maturity.

Students may be identified for retention after the February 1st deadline if the delay in identifying a student is due to:[4]

1. Date of enrollment; or
2. Additional information acquired after results of local assessment, screening, or monitoring are released.

VOLUNTARY RETENTION

A parent/guardian of a student enrolled in kindergarten through second grade may choose to retain his/her student in the current grade level if:

1. The student has a documented academic or behavioral delay; and

2. The parent/guardian believes that retention may benefit the student.[5]

PROMOTION PLANS[5]

When a student is identified for retention, the student's parent(s)/guardian(s) shall be notified within fifteen (15) calendar days, and an individualized promotion plan shall be developed to help the student avoid retention. The 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 parent(s)/guardian(s), school counselor, or other appropriate school personnel.

Promotion plans shall incorporate evidence-based strategies, including expectations and measurements that will verify whether a student has made sufficient progress to be promoted to the next grade level, and be tailored to the student's learning needs. Promotion plans for students in third and fourth grade will include additional requirements for promoting students in these grades. A copy of the plan will be provided to the student's parent(s)/guardian(s), and the school shall offer the opportunity for a parent-teacher conference to discuss the plan. If a student is not making progress on the promotion plan, then the strategies shall be modified. Parent(s)/guardian(s) shall be provided with any changes to the promotion plan.

A student who demonstrates sufficient academic progress according to his/her promotion plan shall be promoted to the next grade level unless retention is required per additional requirements for students in third and fourth grade.[6]

If a student has not demonstrated sufficient academic progress according to his/her promotion plan by the end of the school year, the student shall be eligible to enroll in a summer reading or learning program, if available. Parent(s)/guardian(s) shall be notified of a decision for retention at least ten (10) calendar days prior to the start of the next school year if the student was enrolled in a summer program. However, if the student wasn't enrolled in a summer program, the parent(s)/guardian(s) shall be notified of a decision for retention at least thirty (30) calendar days prior to the start of the next school year.[7]

RETENTION[6]

A student may be retained when such retention is in the best interests of the student or when retention is required per additional requirements for students in third and fourth grade.

Decision of Retention – General[8]

If a student is retained, the Director of Schools/designee shall develop an individualized academic remediation plan within thirty (30) calendar days after the beginning of the next school year. A copy of the plan shall be provided to the student's parent(s)/guardian(s) within ten (10) calendar days of its development. The plan shall include at least one of the following strategies:

1. Adjustment to the current instructional strategies or materials;

2. Additional instructional time;

3. Individual tutoring;

4. 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

5. Attendance or truancy interventions.

A student shall not be retained more than once in any grade. The progress of students who are retained shall be closely monitored and reported to parent(s)/guardian(s) at least three (3) times during the school year in which the student is retained. The Director of Schools shall develop procedures to ensure appropriate record keeping of students who are retained.

Decision of Retention – Third Grade[9]

Third grade students shall not be promoted to the next grade unless they are determined to be proficient (i.e., receive a performance level rating of "on track" or "mastered") in English language arts (ELA) based on the student's most recent TCAP test.

Students who are not proficient in ELA may still be promoted if the following conditions are met:

1. A student in third grade receiving a performance level rating of "approaching" on the ELA portion of the student's most recent TCAP test may be promoted if:

    a. The student is an English language learner and has received less than two (2) full years of ELA instruction;
    b. The student was previously retained in grades K-3;
    c. The student is retested before the next school year and scores proficient in ELA;
    d. The student attends a learning loss bridge camp before the next school year, maintains a ninety percent (90%) attendance rate, and demonstrates adequate growth on the post-test at the end of the camp; or
    e. The student receives tutoring for the entirety of the next school year in accordance with state law.
    f. Beginning with the 2023-2024 school year, the student demonstrates proficiency in ELA standards by scoring within the fiftieth percentile on the most recently administered state-provided benchmark assessment and the district provides tutoring services to the student during the entire fourth grade school year and notifies the student's parent/guardian, in writing, of the benefits of enrolling the student in summer programming.

2. A student in third grade receiving a performance level rating of "below" on the ELA portion of the student's most recent TCAP test may be promoted if:

a. The student is an English language learner and has received less than two (2) full years of ELA instruction;
b. The student was previously retained in grades K-3;
c. The student is retested before the next school year and scores proficient in ELA; or
d. The student attends a learning loss bridge camp before the next school year, maintains a ninety percent (90%) attendance rate, and receives tutoring for the entirety of the next school year in accordance with state law.

Decision of Retention – Fourth Grade[9]

Students in the following categories may be promoted to fifth grade if they demonstrate adequate growth on the fourth-grade ELA portion of the TCAP test:

1. A student who was promoted to fourth grade due to receiving tutoring for the entirety of the fourth-grade school year; and

2. A student who was promoted to fourth grade due to attending a learning loss bridge camp while maintaining a ninety percent (90%) attendance rate and receiving tutoring for the entirety of the fourth grade school year.

If a student that was promoted to fourth grade under one of the provisions above does not demonstrate adequate growth on the fourth-grade ELA portion of the TCAP test, then the following shall occur:

1. The student's principal shall convene a conference consisting of the following parties: the student's parent(s)/legal guardian, the student's ELA teacher, and the student's principal.

2. The conference shall review the student's fourth grade ELA performance to determine if the student should be promoted to fifth grade.

3. At the conclusion of the conference, a majority of the parties shall agree to one of the following:
    a. The student will be promoted to fifth grade and be assigned a tutor for the entirety of the student's fifth-grade year; or
    b. The student will be retained in fourth grade. A student shall not be retained more than once in fourth grade.

Decision of Retention – Students with Disabilities[10]

Retention and promotion decisions shall be made on a case-by-case basis and in consultation with the student's IEP and/or 504 team to determine whether the student's performance on the ELA portion of TCAP was due to the student's disability. The school district shall not retain a student with a disability or a suspected disability that impacts their ability to read.

APPEALS[7,11]

When a student is identified for retention, the parent(s)/guardian(s) shall be notified about the decision to retain the student and provided with information on the right to appeal the decision. Appeals shall be made to a committee appointed by the principal within 10 days. The student and his/her

parent(s)/guardian(s) shall be provided written or actual notice of the appeal hearing and shall be given the opportunity to address the committee. The committee shall conduct a hearing within 10 days to determine if the student will be promoted and issue such a decision within 5 days. Upon notification of the committee decision, the principal shall send written notification to the Director of Schools/designee and the parent(s)/guardian(s). The notification shall advise parent(s)/guardian(s) of their right to appeal such action within 10 days to the Director of Schools/designee.

The appeal shall be heard no later than ten (10) business days after the request for appeal is received. A decision shall be issued within 5 days.

Within five (5) business days of the Director of Schools/designee rendering a decision, the student's parent(s)/guardian(s) may request a hearing by the Board, and the Board shall review the record. Following the review, the Board may affirm or overturn the decision of the Director of Schools/designee. The action of the Board shall be final.

For students where retention is required per the additional requirements for students in third and fourth grade, parent(s)/guardian(s) may appeal this decision in accordance with state law.

Legal References

1. 20 USCA § 1400 *et seq*.; 29 U.S.C. § 794 (Section 504); TRR/MS 0520-01-03-.16; TCA 49-6-3115
2. TRR/MS 0520-01-03-.16(5)
3. TCA 49-1-905(e)
4. TRR/MS 0520-01-03-.16(4)
5. TRR/MS 0520-01-03-.16(6)
6. TRR/MS 0520-01-03-.16(6)(f)
7. TRR/MS 0520-01-03-.16(6)(e)
8. TRR/MS 0520-01-03-.16(6)(g)
9. TRR/MS 0520-01-03-.16(7)
10. 29 U.S.C. § 794 (Section 504); 20 USCA § 1400 *et seq*.; TRR/MS 0520-01-03-.16(7)(e)
11. TRR/MS 0520-01-03-.16(3); TRR/MS 0520-01-02-.17(7); TCA 49-6-3102(e)(1)
12. TRR/MS 0520-01-03-.16(7)(f)

Cross References

Credit Recovery 4.210
Grading System 4.600
Reporting Student Progress 4.601

Attendance 6.200
Student Assignments 6.205
Homeless Students 6.503
Student Records 6.600