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Russell Robinson

**RESOLUTION SUPPORTING OUR STUDENTS AND TEACHERS BY REQUESTING  
THE TENNESSEE GENERAL ASSEMBLY TO AMEND T.C.A. 49-6-3115 TO ALLOW  
SCHOOL DISTRICTS TO MAKE RETENTION DECISIONS FOR THIRD-GRADE  
AND FOURTH-GRADE STUDENTS**

**WHEREAS**, the Johnson County Schools Board of Education is charged with governing the school district so that all students receive the best educational opportunities in order to graduate prepared to enter a postsecondary institution or the workforce; and

**WHEREAS**, during its 2021 first extraordinary session, the Tennessee General Assembly adopted Public Chapter No.1, now codified as T.C.A. 49-6-3115, which provides in pertinent part that, “Beginning with the 2022-2023 school year, a student in third-grade 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 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”; and

**WHEREAS**, T.C.A. 49-6-3115 provides that, notwithstanding the aforementioned provision, a third-grade student who is not proficient in ELA as determined by the student achieving a performance level rating of “approaching” on the ELA portion of the student's most recent TCAP test may be promoted if:

1. The student is an English language learner and has received less than two (2) years of ELA instruction;
2. The student was previously retained in any of the grades K-3;
3. The student is retested before beginning the next school year and scores proficient in ELA;
4. The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a 90% attendance rate at the camp, and the student's performance on the post-test at the end of the learning loss bridge camp demonstrates adequate growth as determined by the Department of Education; or
5. The student is assigned a tutor through the Tennessee accelerating literacy and learning corps to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the Department of Education; and

**WHEREAS**, T.C.A. 49-6-3115 provides that a third-grade student who is not proficient in ELA as determined by the student achieving a performance level rating of “below” on the ELA portion of the student's most recent TCAP test may be promoted if:

1. The student is an English language learner and has received less than two (2) years of ELA instruction;
2. The student was previously retained in any of the grades K-3;
3. The student is retested before beginning the next school year and scores proficient in ELA; or
4. The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety (90%) percent attendance rate at the camp, and is assigned a tutor through the Tennessee accelerating literacy and learning corps to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the Department of Education; and

**WHEREAS**, a student who is promoted to the fourth grade pursuant to this process must show adequate growth on the fourth grade ELA portion of the TCAP test, as determined by the Department of Education, before the student may be promoted to the fifth grade; and

**WHEREAS**, in states that have adopted legislation regarding the retention of third-grade students, the educational outcomes for the students who have been retained have been mixed, with one reported negative outcome being that retention laws can have adverse effects on students with disabilities and at-risk students; and

**WHEREAS**, other than Tennessee, most, if not all, of the states that have adopted legislation regarding the retention of third-grade students have included in that legislation a provision allowing school districts to promote students who were not proficient in ELA as measured by standardized state tests but yet showed progress based on school district data, demonstrating an understanding of ELA via alternative knowledge assessments; and

**WHEREAS**, Tennessee's failure to afford school districts the discretion to make retention decisions based on all school district information on each student adversely and disproportionately affects students who, for many reasons, might not perform well on standardized tests but yet demonstrate an understanding of ELA via alternative knowledge assessments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Johnson County Schools Board of Education urges the General Assembly to amend T.C.A. 49-6-3115 to allow school districts to make retention decisions for third-grade and fourth-grade students based upon all school district information on each student.


**ADOPTED BY THE ELECTED JOHNSON COUNTY SCHOOLS BOARD OF EDUCATION, TENNESSEE, MEETING IN REGULAR SESSION ON THE SIXTH DAY OF OCTOBER 2022.**

  
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 Mike Payne, Chair

  
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 JoAnn Reece, Vice Chair

  
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