



## The Education Trust

IN TENNESSEE

**Subject:** The Cost of Retention: Revising The Tennessee Learning Loss Remediation and Student Acceleration Act Memo

**Last Updated:** 5/8/23

### Overview

The [Tennessee Learning Loss Remediation and Student Acceleration Act](#) was designed to address the impact of COVID-19 on student learning. Included in this act is a **provision to retain 3rd and 4th-grade students based on their proficiency on the ELA TCAP test**. While our collective goal is for all students to read at or above grade level, a retention gate based on a single test on a single day, without the proper provisions, is harmful, ineffective, and costly. This memo describes the impact of retention on Tennessee’s students, schools, and districts and proposes alternative solutions. For more context, see The Education Trust in TN’s [An Examination of The 2021 Learning Loss Remediation and Student Acceleration Act](#) (2021).

### Retention’s Cost and Impact<sup>1</sup>

Using [2021-2022 3rd-grade ELA TCAP data](#), 64% of Tennessee’s students are at risk of being retained. The stakes are even higher for groups like students from low-income backgrounds, students with disabilities, students of color, and English learners.

	Students At Risk of Retention (Below and Approaching on 3rd-Grade ELA TCAP)	
	Percentage of Students	Number of Students
<b>All Students</b>	<b>64%</b>	46,417
<b>Students from low-income backgrounds</b>	80%	18,725
<b>Students With Disabilities</b>	87%	8,267
<b>English Learners<sup>2</sup></b>	89%	4,924
<b>Black</b>	78%	13,846

<sup>1</sup> For more information and full citations, see The Education Trust in TN’s [An Examination of The 2021 Learning Loss Remediation and Student Acceleration Act](#) (2021).

<sup>2</sup> Note: Due to data availability, English learner estimates include students with less than 2 years of ELA instruction, who would not be retained under the current law.

Latino	76%	7,054
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**Retention is not a proven strategy for long-term student success.**

- Overall, the [research on retention is mixed](#), and state-level retention policy should be studied carefully before impacting thousands of students.
- Some retention studies demonstrate short-term positive effects such as achievement gains, increased help from teachers, and decreased behavior problems.
- Multiple studies find small and positive or no effect of retention on subsequent academic performance.
- One study found that retention policies did not increase test scores, even after students repeated the grade and retook another version of the same standardized test.

**Retaining students requires an additional year of schooling, [costing TN approximately \\$10,581 per student and up to \\$491M](#) overall per year, which does not include other associated costs such as summer camps and tutoring.**

- During the 2021-2022 school year, nearly [2 out of every 3 of TN's 3rd-graders were not proficient on their ELA TCAP](#), qualifying them for retention.

**Retaining students will require last-minute staffing shifts for additional 3rd and 4th-grade teachers, even though Tennessee already reported over 1,000 teacher vacancies.**

- During the 2021-2022 academic year, TDOE reported [1,024 vacancies across the state](#). Southwest TN, including Memphis, [accounted for 34% of vacancies, and urban areas accounted for 46% of vacancies](#).

**Creating a state-wide retention policy limits local decision-making by the stakeholders who know students best, including administrators, teachers, and caregivers.**

- [84% of principals said they would not require grade retention in response to COVID-19](#).

**Retaining students has negative and long-lasting effects on students' academic, social, and emotional outcomes.**

- Studies also found a correlation between retaining students, no matter the grade, and [higher dropout rates and lower self-esteem, attendance, and homework completion](#).

**Retention decisions must be based on multiple points of data and information before retention identification.**

- The law is based on a cut score on the TCAP assessment, creating a binary outcome of either proficient or not proficient. Missing one question could be the difference between a student being retained or promoted to the next grade.

- Basing student promotion on a single test in one grade level [drastically increases pressure on 3rd and 4th-grade teachers and students](#), creating a challenging learning environment for all.

**Districts and schools are not equipped to implement required programming and other actions at the scale to prevent the retention of thousands of 3rd and 4th-grade students.**

- Currently, schools must [“develop and implement an individualized promotion plan for any student identified as at risk for retention to help the student avoid retention.”](#) Given the large number of students at risk for retention (up to 64% or 46,417 students), it is unlikely districts have the capacity to implement high-quality promotion plans.
- Tutoring programs and summer learning camps vary widely, and consistent evidence-based interventions are difficult and costly to scale.
- Funding for programs at this scale is limited, requiring districts to pull from other essential education priorities.

### **Recommendations**

**Revise retention parameters**

- Support students and families to address reading proficiency proactively
  - The law should be revised to permit students at risk of retention who opt into reading tutoring at the beginning of 3rd grade and as early as kindergarten to be promoted.
  - This proactive approach supports students to be ready for 4th grade and beyond. Additionally, this approach is likely easier for schools to implement, requires less bureaucracy to track, and proactively gets more kids into reading tutoring when it matters most – during 3<sup>rd</sup> grade.
- Revise English Learner exemption to be based on English language proficiency
  - Currently, only ELs who have less than two years of ELA instruction are exempt, but the law is designed to capture gaps in reading, not general English proficiency.
  - If students are not yet proficient in English, they are unlikely to score proficient on the ELA TCAP, and therefore, should not be punished. EL's level of proficiency is what drives their instructional needs, not how many years of ELA instruction they have received.
  - The law should be revised to exclude English learners WIDA Access levels 1-4 from retention.
- Exempt students who complete required interventions from being retained in 4th-grade
  - Currently, students and families who follow all required interventions may still be retained in 4th grade based on their TCAP score.
  - If the interventions are not successful, students and families should not bear the burden of retention, including the [academic and emotional costs](#) and delayed postsecondary and workforce participation.

- Clarify protocols for retaining students with disabilities
  - Collectively, the Tennessee Code Annotated and TN SBE rule state that LEAs and public charter schools shall not retain a student based on the student's disability or suspected disability that impacts their ability to read. However, it is unclear how that will be determined.
  - The law and/or TN SBE rule should be revised to require that for students with IEPs, an IEP team meeting be held to determine whether a student's reading proficiency is a manifestation of their disability. If the failure to achieve proficiency is a manifestation of their disability, a student shall not be retained.
- Exclude students who score 'approaching expectations' from retention
  - Retention is an incredibly costly and intensive decision that should not apply to most students. Using 2021-2022 achievement data, this shift would [decrease students at risk of retention from 64% to 28%](#), cutting by half the additional funds and teachers needed for this intervention.

#### **Require transparent annual evaluations of the law's impact on students, schools, and budgets**

- If students are retained, it is critical to ensure that we monitor and evaluate the law.
- The law should be revised to require TDOE to collect and report disaggregated data on students at risk of retention, retained students, and the various pathways in the process and subsequent outcomes (e.g., number and percentage of students who retest and their pass rate).

#### **Delay implementation to conduct transparent and rigorous research and gather stakeholder feedback and input on retention before retaining tens of thousands of students**

- Commission an independent third party like the Office of Research and Education Accountability (OREA) or the Tennessee Education Research Alliance (TERA) to review the law and its impact before and after implementation if the retention law goes into effect.
- Convene a series of stakeholder feedback and input sessions to evaluate the law, including parents and caregivers, educators, students, literacy experts, and district leaders.

#### **Questions to Consider**

- The law and TDOE [guidance](#) note that students must demonstrate adequate growth on the summer bridge camp post-test and 4th-grade ELA TCAP as determined by TDOE. How will TDOE measure adequate growth and communicate this to stakeholders?
- The law and TN SBE rule states that student will not be retained based on their disability or suspected disability that impacts their ability to read. Will the decision apply to their IEP's eligibility categories, individual goals, or both?
- Most learning disabilities are not identified by third grade. Additionally, many students at

risk of retention may also be identified for RTI<sup>2</sup>, particularly for students who may not yet have a diagnosed disability. How should school and district leaders determine whether to retain a student with a suspected disability?

### **Resources**

- [Learning Acceleration \(Retention resources including appeal form\)](#), TDOE, 2023
- [Retention Legislative Tracker](#), Ed Trust TN, 2022
- [Unpacking Tennessee's third grade retention law](#), WPLN's This is Nashville with Ed Trust TN's Breanna Sommers, 2/23/2023
- [Testimony on Retention](#), TN General Assembly House Education Instruction Committee with Ed Trust TN's Reggie Nash, 1/31/2023
- [An Examination of The 2021 Learning Loss Remediation and Student Acceleration Act](#), Ed Trust TN, 2021
- [Holding Students Back - An Inequitable and Ineffective Response to Unfinished Learning](#), The Education Trust, 2021
- [Retention Policies in Tennessee](#), TN Comptroller's Office of Education Research and Accountability, 2023
- [Summer Learning Camp Enrollment, Attendance, and Achievement Trends in Tennessee Districts](#), TN Education Research Alliance, 2023
- [Early Grades Retention in Tennessee: Research review for the Tennessee State Board of Education](#), Tennessee Education Research Alliance, 2022
- [What is the 3rd Grade Retention Law?](#), Nashville Public Education Foundation, 2022
- [Review of Literacy Success Act](#), The Tennessee Comptroller's Office of Research and Education Accountability (OREA), 2022

**Have questions?** Let us help find the answers! Email [bsommers@edtrust.org](mailto:bsommers@edtrust.org) to ask.