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An Examination of The 2021 Learning Loss Remediation and Student Acceleration Act

(SB7002/HB7004)

The Tennessee Learning Loss Remediation and Student Acceleration Act

passed in the Extraordinary Special Session of the Tennessee General Assembly in January of 2021. The act, designed to address the impact of COVID-19 on student learning, requires that districts offer additional academic supports, including learning loss bridge camps, summer learning camps, and tutoring to students.

This memo seeks to provide an in-depth look at one facet of the act, which requires the retention of 3rd graders who do not score proficient on their TCAP ELA assessment. We'll look at the implications of retention, including the evidence and research behind this strategy, and offer recommendations and questions for consideration.



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ABOUT SB7002/HB7004

The Tennessee Learning Loss Remediation and Student Acceleration Act lays out minimum program requirements, assessment and monitoring procedures, teacher qualifications, and how LEAs and public charter schools can spend their funds. The act:

- Establishes summer and after-school summer learning opportunities for entering 1st-5th graders in 2021 and 2022.
- Establishes summer bridge camp (entering 6-8th graders in 2021 and 2022 and entering 4-8th graders beginning in 2023) with a focus on students who do not score proficient in English language arts and mathematics.
- Creates a Tennessee tutoring corps to support students who do not score proficient.
- Creates a retention policy with various good cause exemptions and remediation pathways (retest, summer bridge, tutoring, and an appeal for students who score 'approaching' on the ELA TCAP).
- Provides funding for all districts to offer these programs through TANF, LEAP, and other federal and state funds.¹

TENNESSEE'S CURRENT RETENTION POLICY

"For the cohort of Kindergartners starting in 2010, approximately 11% of students in Tennessee were retained at least once before entering the fourth grade."² The Tennessee State Board of Education's promotion and retention policy was revised in 2019 and instructs LEAs to create their own promotion and retention policy based on the policy's requirements. Given that this recent legislation is now law, the State Board of Education will likely revise its current policy, particularly related to test-based retention. While there are similarities between the new legislation and the policy, they differ in several important ways. The State Board of Education current policy mandates that:

- If considered for retention, students must be evaluated with multiple data points, including academic grades, standardized testing, attendance, and other factors.
- Students with an IEP cannot be retained until the IEP team has been consulted.
- Schools must create individualized student plans to avoid retention, which must involve various stakeholders.
- Schools must provide an opportunity for a family-teacher conference before a retention decision. Families can also appeal the decision.
- If a student is retained, the school must create an individualized academic remediation plan with specific interventions, which could include pairing retained students with teachers who scored a level 4 or 5 in effectiveness.
- Retained student's progress should be closely monitored and include at least three family progress updates during the retained year.
- There are multiple provisions that require family communication throughout the process.

RETENTION FEATURES OF THE ACT

Learning Loss Bridge Camp

What is the structure of the camp?³

5 days per week for 4 weeks, 6 hours of daily programming

Who is prioritized for camp participation?⁴

For the 2021-22 and 2022-23 school years: A student entering grades 6-8 who scored at 'approaching' or 'below' in math or ELA on the student's most recent TCAP

For the 2023-23 school year and beyond: A student entering grades 4-8 who scored at 'approaching' or 'below' in math or ELA on the student's most recent TCAP

Tennessee Accelerating Literacy and Learning Corps (TN ALL Corps)

- The TN ALL Corps program will create a statewide network of tutors to address unfinished learning and instruction. The Tennessee Department of Education (TDOE) is required to recruit, train, certify and develop content materials.
- The act does not provide dedicated funding for TALLC, although districts are required to offer a tutoring program starting in the 2023-2024 school year for families who choose or are assigned this intervention option to prevent 3rd-grade retention.⁵ The law states that TANF funds may be used to cover 50% of the costs associated with tutoring, but additional guidance encourages using ESSER 2.0.

3rd & 4th Grade Retention

What does the act say about 3rd-grade retention?

Starting in the 2022-2023 school year, 3rd-grade students must score an 'on track' or 'mastered' on TCAP's ELA portion. If students score 'approaching' or 'below,' and do not score proficient on the retest opportunity, they will need to do the following to prevent retention:

Table 1: Student Retention Requirements for 3rd Grade

| 3rd-Grade students with an 'Approaching' score must: | 3rd-Grade students with a 'Below' score must: |
|---|---|
| Attend learning loss bridge camp and: <ul style="list-style-type: none">• Maintain 90% camp attendance• Demonstrate adequate growth on the state-adopted post-test administered at the end of the camp OR <ul style="list-style-type: none">• Participate in the Tennessee Accelerating Literacy and Learning Corps (TN ALL Corps) in the 4th grade | Attend learning loss bridge camp and: <ul style="list-style-type: none">• Maintain 90% camp attendance AND <ul style="list-style-type: none">• Participate in the Tennessee Accelerating Literacy and Learning Corps (TN ALL Corps) in 4th grade |
| 4th Grade Retention: | |
| If a student is promoted to 4th grade based on meeting the requirements above, they must demonstrate "adequate growth ... as determined by the department" on the 4th grade ELA TCAP in order to be promoted to 5th grade, but the student may not be retained in 4th grade more than once. | |

Which 3rd-grade students are exempt from retention?

- The student is an English language learner and has received less than two (2) years of ELA instruction
- The student was previously retained in any of the grades K-3
- The student retested before the beginning of the next school year and scores proficient in ELA

How many 3rd graders in TN would potentially be retained based on the language in the act?

Table 2: 2019 TNReady 3rd-grade ELA data, percentage and number of students impacted by retention policy by subgroup

| | Mastered & On Track | Approaching | Below | Total % and Number of Students at Risk of Retention | |
|---|---------------------|-------------|-------|---|--------|
| All Students | 36.9% | 41.2% | 21.8% | 63% | 45,404 |
| Students With Disabilities | 12.4% | 36.2% | 51.4% | 87.6% | 7,480 |
| Economically Disadvantaged | 21.7% | 44.7% | 33.6% | 78.3% | 20,908 |
| English Learners (including Transitional 1-4) | 20.8% | 45.4% | 29.8% | 79.2% | 4,592 |
| Black or African American | 21% | 42.9% | 36.1% | 79% | 13,834 |
| Hispanic | 27.2% | 47% | 25.8% | 72.8% | 5,891 |
| Asian | 60.5% | 31.3% | 8.2% | 39.5% | 674 |
| White | 44.2% | 39.9% | 15.9% | 55.8% | 24,590 |

The table includes percentages and the number of students based on valid tests. Category student subgroup titles are defined by TDOE.⁶ Data do not reflect individual provisions for students with disabilities and suspected disabilities under new TDOE guidance or exemptions from the new law listed above.

- Based on the table above, 63%, or 45,404 of 3rd graders would have been at risk of retention in 2019. Given that Tennessee spent, on average, \$9,989 per pupil in the 2019-2020 school year, Tennessee could spend up to \$453,540,556 to offer an additional year of schooling to retained students, which does not include the funds required to run intervention services.⁷
- The students who will be retained in 2023 are those in the 1st grade this year, and they are experiencing the adverse effects of COVID-19 on their schooling, which will likely experience lost instructional time and potentially lower scores on TCAP assessments administered in 2023.

What will the act cost?

Table 3: Overall Tennessee Learning Loss Remediation and Student Acceleration Act Increased State Expenditures and Fiscal Impact⁸

| | Fiscal Year 20-21 | Fiscal Year 21-22 | Fiscal Year 22-23 and Beyond |
|------------------------|----------------------|----------------------|------------------------------|
| General Fund | \$67,331,900 | \$67,331,900 | \$25,506,400 |
| LEAP funds | \$13,741,200 | \$13,741,200 | \$0 |
| TANF block grant funds | \$35,746,900 | \$35,746,900 | \$11,246,400 |
| ESSER 2.0 | \$3 million | | |
| Total | \$119,820,000 | \$116,820,000 | \$36,752,800 |

What are the overall findings on the effect of 3rd-grade retention?

Advocates contend that retention gives struggling students the opportunity to catch up to grade-level content. At the same time, opponents believe that retention is a highly intrusive and expensive intervention with long-term negative impacts.⁹ Retention policies often include retention combined with additional interventions, such as matching a retained student with a highly effective teacher the following year, individual plans for retained students, and exemptions for students with disabilities and English language learners.¹⁰

Overall, “national studies that estimate the effects of retention across a broader range of policy contexts, often when academic interventions may not be mandated or financially supported, find consistently negative effects for retention.”¹¹

In addition:

- General studies demonstrate short-term positive effects such as achievement gains, increased help from teachers, and decreased behavior problems.¹²
- Accountability-driven studies find “small and positive or no effect of retention on subsequent academic performance.”¹³
- Studies also found “a correlation between retaining students, no matter the grade, and higher drop-out rates, low self-esteem, and negative behaviors” like low attendance and homework completion.¹⁴
- Gottfried (2012) found that retention policies did not increase test scores, even after students repeated the grade and retook another version of the same standardized test.¹⁵

What other states have implemented a 3rd-grade retention policy? What were the results?

FLORIDA

Florida’s 3rd-grade reading retention law leveraged significant financial investments to increase reading scores on the state’s reading exam.

- The policy stipulated that retained students must complete summer school and have a highly effective teacher for the following school year, and schools must develop academic improvement plans for retained students.¹⁶

- Schwerdt & West (2012) found that the law led to short-term gains in retained students’ achievement and a sharp decrease in retention probability in future years.¹⁷
- However, it is unclear whether the retention policy would have been effective in isolation. The authors note that achievement gains fade to statistically insignificant after six years.

LOUISIANA

After Hurricane Katrina, Louisiana passed legislation to require all students who scored “below basic” to be retained.¹⁸ As a result, around one-third of K-12 students in Louisiana repeated at least one grade.

- In New Orleans, the number is even higher: 40 percent of students [were] held back at least once.¹⁹
- Retained students were required to attend a state-funded but locally run summer camp.²⁰ Lemoine estimated that Louisiana spent over \$156 million a year just on retaining students.²¹
- Given that so many students were retained, Louisiana devolved retention policies back to districts and now includes a retention appeal process and intervention services.

MISSISSIPPI

In 2013, Mississippi passed a 3rd-grade literacy-based retention law and coupled it with strategies to position retention as a last resort. Mississippi’s NAEP reading scores have steadily increased since 2015 through this comprehensive approach.²²

- Mississippi adopted more rigorous standards and recreated state assessments to model NAEP, and strengthened data collection to inform decision-making.
- They allocated significant investments to provide school-based literacy coaches, extensive training on the science of reading and remediation to teachers, adding a science of reading exam to licensure, summer reading camps, and universal literacy screeners. Mississippi utilizes Communication Toolkits to promote family communication.
- After five years, their retention law transitioned from requiring students to pass the 3rd-grade assessment above the lowest level to increase proficiency.

RECOMMENDATIONS FOR IMPLEMENTATION

As Tennessee undertakes a new series of comprehensive strategies to mitigate learning loss, we recommend that the Tennessee Department of Education and districts utilize the following strategies to ensure that our 3rd-grade retention plan serves students well and achieves its desired effect.

Provide adequate and equitable funding and support for research-based literacy interventions before 3rd grade

- Tennessee could spend up to \$453 million alone on retaining students. Districts will need additional funding, resources, and support to prevent large numbers of retained students.
- Tennessee can proactively support students and prevent retention by expanding literacy intervention services in early grades. High-quality, well-funded pre-K programs are associated with a reduction in retention.²³
- Tennessee should expand access to the summer Learning Loss Bridge Camp, after-school learning mini-camp, or the summer learning camp to K-3 students beyond 2023, when funding ends for the early grades.

Utilize high-quality and consistent data collection to evaluate the success of K-3 programs and inform retention decisions

- The 2021 Tennessee Literacy Success Act emphasized the importance of collecting data.²⁴ LEAs should make every effort to examine multiple data points to inform interventions for kindergarten through 3rd-grade students prior to taking the high-stakes 3rd-grade ELA TCAP.
- In the 2016 “Retention Guidelines for English Learner Students,” TDOE notes that “retention policies for EL students should not be based on one specific piece of data alone or any sole criterion.”²⁵

Provide evidence-based and high-quality materials and instructional strategies for teachers, tutors, and summer bridge staff

- The Tennessee Literacy Success Act and the Learning Loss Remediation and Student Acceleration Act should be aligned to ensure that TDOE and LEAs provide evidence-based screeners, materials, and instructional strategies to every teacher, tutor, and camp staff member.

Assign retained students to highly effective teachers and tutors

- Teacher quality “has been found to be the most significant determinant of student success, accounting for as much as 40 percent of the difference in overall student performance.”²⁶
- Using teacher evaluation systems, school leaders should match at-risk 3rd- and 4th-grade students with top teachers and TALLC tutors.

Clarify protocols for retaining students with disabilities

- TDOE added Special Education Guidance that requires retention and promotion decisions for students with disabilities or suspected disability to be decided on a case-by-case basis in consultation with the IEP and/or 504 team, which should include multiple data points.²⁷
- TDOE should develop a protocol for IEP and/or 504 teams to determine if a non-proficient TCAP ELA score is a manifestation of a student’s disability or suspected disability to inform the retention decision.

QUESTIONS TO CONSIDER

Implementation

1. Will the policies on retention previously established by the State Board of Education be reconciled with the requirements in this act?
2. Will the department allocate funding to LEAs according to their number of priority students?
3. Will the department provide guidance to districts on the prioritization of students if funding does not adequately cover the costs of camps and tutors? What happens if districts cannot afford to fund required services (e.g., TALLC and/or Learning Loss Bridge Camp) for students identified for retention?
4. When will 3rd-grade students take the EL TCAP retest, and will interventions or supports be offered prior to the retest?
5. What happens if districts do not offer transportation or cannot afford to pay for it, especially in light of the required 90% attendance rate for students identified for retention?
6. Will there be accommodations offered for the TCAP retest, summer camps, and tutoring for students with disabilities?

Communication

1. What guidance and expectation is there for districts to communicate with families, and what happens if communication does not occur regarding the retest, retention, summer opportunities, and tutoring?
2. What guidance and expectation is there that districts will communicate student progress leading up to the 3rd-grade ELA TCAP and retention options to families in their home language?

Monitoring/Evaluation

1. Will TDOE disaggregate and report the results of Tennessee Learning Loss Remediation and Student Acceleration Act by student group (race, gender, English learners, students with disabilities, students who are economically disadvantaged)?
2. What metrics will be used to evaluate the effectiveness of the 3rd-grade retention? Will the data be disaggregated by student groups, school, and district? How will it be shared with stakeholders?

ENDNOTES:

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