

A RESOLUTION REGARDING TCA 49-6-3115 AND STUDENT RETENTION

WHEREAS, the Metropolitan Nashville Board of Public Education is charged with governing Metropolitan Nashville Public Schools in a way that empowers our schools and dedicated staff to prepare Nashville and Davidson County's students to excel in higher education, work, and life; and

WHEREAS, during its 2021 first extraordinary session, the Tennessee General Assembly adopted Public Chapter No. 1, now codified as TCA 49-6-3115, which provides in 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, TCA 49-6-3115 further provides in section (a)(2)(A) that students "not proficient in ELA, as determined by the student's achieving a performance level rating of 'approaching' on the ELA portion of the student's most recent TCAP test may be promoted if:

- (i) The student is an English language learner and has received less than two (2) years of ELA instruction;
- (ii) The student was previously retained in any of the grades kindergarten through three (K-3);
- (iii) The student is retested before the beginning the next school year and scores proficient in ELA;
- (iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year, maintains a ninety percent (90%) attendance rate at the camp, and the student's performance on the post-test administered to the student at the end of the learning loss bridge camp, as required under § 49-6-1502(4)(F), demonstrates adequate growth, as determined by the department; or
- (v) The student is assigned a tutor through the Tennessee accelerating literacy and learning corps (TALLC) to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department;" and

WHEREAS, TCA 49-6-3115 further provides in section (a)(2)(B) that students "not proficient in ELA, as determined by the student's achieving a performance level rating of 'below' on the ELA portion of the student's most recent TCAP test may be promoted if:

- (i) The student is an English language learner and has received less than two (2) years of ELA instruction;
- (ii) The student was previously retained in any of the grades kindergarten through three (K-3);
- (iii) The student retested before the beginning the next school year and scores proficient in ELA; or
- (iv) The student attends a learning loss bridge camp before the beginning of the upcoming school year and maintains a ninety percent (90%) attendance rate at the camp, and is assigned a tutor through the TALLC to provide the student with tutoring services for the entirety of the upcoming school year based on tutoring requirements established by the department;" and

WHEREAS, TCA 49-6-3115 further provides that "A student who is promoted to the fourth grade pursuant to subdivision (a)(2)(A)(v) or (a)(2)(B)(iv), must show adequate growth on the fourth grade ELA portion of the TCAP test, as determined by the department, before the student may be promoted to the fifth grade;" and

WHEREAS, based on 2019 TCAP TNReady 3rd-grade ELA assessment data, 63% of Tennessee 3rd graders would have been at risk of retention in 2019; and

WHEREAS, extrapolating from that 2019 assessment data and information on the State of Tennessee's per pupil expenditures, the fiscal impact of an additional year of educating more than 45,000 students can be estimated to surpass \$450 million (without accounting for funding to run intervention services);¹ and

WHEREAS, in understanding that the purpose of TCA 49-6-3115 is to promote academic proficiency to ensure students are not subject to factors that will inhibit long-term academic growth one must also understand that

the execution of that purpose requires individualized involvement from parents, teachers, and faculty who directly interact with students daily; however, the current provisions contained within TCA 49-6-3115 grant the State Board of Education the ability to promulgate rules and make the final determination on whether third and fourth-grade students will be promoted to their next grade levels based on TCAP ELA performance results; and

WHEREAS, delegating this authority over student retention to the State Board of Education undermines the authority of Local Education Agencies (LEAs); and

WHEREAS, the decision to retain or promote any student to the next grade level may most appropriately and accurately be made by a local body with ready access to consultation with teachers and staff that regularly interact with the student and have complex and meaningful understanding of his/her/their unique abilities and needs; and

WHEREAS, “national studies that estimate the effects of retention across a broader range of policy contexts... find consistently negative effects;”² and

WHEREAS, most other states that have adopted legislation regarding the retention of third grade students have included in that legislation provisions allowing school districts to promote students who were not proficient in ELA as measured by standardized state tests yet showed progress based on school district data; and

WHEREAS, many students may not perform well on standardized tests while still demonstrating understanding of ELA via alternative knowledge assessments and measures; and

WHEREAS, student performance may most effectively be measured by consideration of a variety of factors, allowing for holistic and individualized assessment of student needs.

NOW, THEREFORE, BE IT RESOLVED, that the Metropolitan Nashville Board of Public Education urges the Tennessee General Assembly to amend TCA 49-6-3115 to allow school districts to make retention decisions for third and fourth grade students based upon all school district information for each student and without delegating the final authority for such decisions to the State Board of Education.

1. TDOE (2020). State of Tennessee: Per-pupil Expenditures. <https://reportcard.tnedu.gov/state/o/finance>

2. Kemper Patrick, S. (2017). Student Retention in Tennessee’s Elementary Schools Research Memo. TERA.