

In 2021, the General Assembly passed legislation updating 4th grade promotion requirements for 3rd graders. Under the new law, 3rd graders who do not achieve grade-level proficiency on the English Language Arts (ELA) portion of the spring TCAP^A assessment are identified for possible retention.

This legislative brief examines recent retention legislation in Tennessee, considers the experiences of other states that have also passed retention requirements, and identifies the variables that will influence how many 3rd graders are likely to be retained in 2023.

Tennessee passed retention legislation more than a decade ago, but the changes made to state law in 2021 are more prescriptive for districts.

OREA's legislative brief compares Tennessee's law with those of Florida and Mississippi. Tennessee's law will apply to a larger number of 3rd graders. Florida's and Mississippi's 3rd grade retention laws began by identifying students in the lowest of five performance categories for retention. Tennessee's 2021 retention law identifies students in the lowest two of four categories.

Tennessee, Florida, and Mississippi all provide exceptions for certain students under their respective 3rd grade retention laws. The differences among the three states regarding exceptions are examined in the legislative brief.

- Multiple variables will factor into the number of 3rd graders in Tennessee who will ultimately be retained. The precise number is unknown at this time, but among the determining factors will be the number of students who meet one of the exceptions established by law, the number who successfully participate in summer learning and/or tutoring opportunities, and the number who successfully appeal their retention decision.
- Tennessee's 3rd grade retention-related data collection and reporting requirements are minimal compared with Florida and Mississippi, which require annual data collection and reporting of various retention-related measures. Both states require this data to be posted on websites at the state and local level.

Note: The Tennessee Department of Education (TDOE) presented an updated promotion and retention policy to the State Board of Education for first reading on March 23, 2023. The updated policy defines several important terms related to summer learning camps, among other items. The State Board voted to postpone the first reading of the policy until its next scheduled meeting on May 19.

The legislative brief includes a policy consideration: The General Assembly may wish to require more retention-related data reporting from local school districts and TDOE. Such data collection and reporting would provide state legislators and others with information to factor into future decisions about retention policies.

^A Tennessee Comprehensive Assessment Program (TCAP).