The Principal's Dilemma: A Qualitative Study of Sensemaking through Ethical Decision Making in Response to Tennessee's Third Grade Retention Law for EL Students

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Virginia Boles

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ABSTRACT

This qualitative study explored how elementary principals used sensemaking to implement intersecting laws when making decisions on how to provide the best educational experiences for EL students while being faced with high-stakes assessment policies—in particular, third grade retention policy in Tennessee. Participants were nine elementary school principals with five or more years of experience, in Title I schools, with 5% or more EL students. Interviews were then both inductively and deductively analyzed through Weick and Caughron's sensemaking framework. Results suggested that long-standing Federal laws create a set of values and ethics in educational leaders. Principals find ways to stay true to these values while still staying within the state law.

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CHAPTER ONE

INTRODUCTION

Seated at the table are two teachers—a general education teacher and a teacher of students classified as English learners (ELs)—the translator, two parents, and a principal. There is not a dry eye among them. It is September, and the principal has just described the latest legislation passed by the state of Tennessee that will significantly impact their student's 3rd grade year. The father begs for help, "What more can we do? Can I buy a program, a computer, or a tutor?" The mother weeping, in Spanish states, "This is all my fault for making her speak only in Spanish at home. I just wanted to her to know her culture, our culture." The principal and third grade teacher look at one another, knowing how frustrating and unfair this situation is, tears streaming down each face at the table.

The child has been a student at the school since kindergarten. She has attended every summer session, each intersession, and her family has been extremely involved in school. They have never missed a parent night, conference, nor homework assignment. The child is a leader, strong, smart, and a beautiful artist and singer. On her latest benchmark assessment, she showed that she was approaching grade level; looking deeper into data on a nationally normed and skills-based benchmark assessment, she showed a deficiency in vocabulary.

The principal decides to order a new pilot program that could help her, and other students classified as EL and low SES students from low-income households build a stronger vocabulary and requests an exemption from the district for her to take her computing device home so that she can work on the weekends. The teacher decides to come in an hour prior to her contract time so that she can tutor the student each morning on top of the afterschool tutoring she is already

receiving. The child, the parents, and the teacher all work hard for one test in April that will determine whether the student is allowed to move on to 4th grade with her peers.

Since the early 2000s, with the passage of the No Child Left Behind Act that raised the stakes on assessments and accountability for schools by connecting funding to performance, (Schneider, 2022). The previous story is just one of many that can be told about the high stakes that are attached to assessments in U.S. K-12 public schools, and the stress this can cause for students, parents, educators, and school and district leaders. For students classified as ELs, they not only engage in assessments measuring language acquisition and fluency in English, but also high-stakes content-based assessments. According to the Tennessee Department of Education (TDOE, 2023c), all state assessments in Tennessee are provided in English, and are not available in students' home language. EL students can have different accommodations such as extended time, small group testing, rest, and breaks; and, read aloud (in English only) is allowed for EL students that are within the first two years of English instruction or are in levels 1, 2, or 3 on the ACCESS 2.0 (TDOE, 2023c). Instruction that guides both content-based academic outcomes and language-based outcomes are simultaneously implemented in schools; however, little research looks at how principals make sense of and simultaneously implement recently enacted high-stakes third grade reading assessment policy and EL policy.

Purpose of the Study

How does a school principal simultaneously make sense of intersecting laws when making decisions on how to provide the best educational experiences for EL students while being faced with high-stakes assessment policies—in particular, third grade retention policy? This is the problem that will be addressed in this study. I will examine if and how principals simultaneously make sense of and implement current federal laws (i.e., annual assessment

beginning in third grade, and English learner policy) and state laws (i.e., third grade retention policy). This intersection of laws impacts the day-to-day operation and work of principals. How decisions are made, communicated, and supported can vary from district to district and school to school. Learning how principals make decisions when interpreting and complying with several policies at different levels of education governance can help us better understand the roles of a building leader and their impact on student promotion and literacy practices.

Background of the Problem

In 2022, the state of Tennessee (TN) created a new law focused on literacy proficiency. This law, T.C.A §49-6-3115, states that that "Beginning with the 2022-23 school year, a third-grade student, determined NOT to be proficient in English language arts (ELA), may not be promoted to the next grade level." Students' ELA proficiency is determined on the TN Ready ELA assessment. These assessments are mandatory for students in grades 3-8 in the state of Tennessee and are given between late April and early May each school year. Third grade students who do not score at or above the proficient level on the assessment can be offered tutoring and/or summer school to avoid retention. However, if the student is still not proficient, even with interventions, by the end of 4th grade they will be required to repeat the grade.

This law has caused alarm and pushback by stakeholders across Tennessee, elementary principals included (Spears, 2023). Multiple district school boards across the state including Knox County Schools, Kingsport City Schools, Oak Ridge Schools, and Memphis-Shelby County Schools have signed resolutions and submitted them to the Tennessee legislature in hopes of having their voices heard (Spears, 2023). The resolution from Memphis-Shelby County cited studies that showed that the pandemic loss of learning would take years for students to fully

recover from and urged lawmakers to use more criteria than just one single test to make such a significant decision for students (Weathersbee, 2023).

One concern that has been expressed is that current third grade students were in kindergarten when the pandemic began, and many missed face-to-face instruction due to virtual learning during their first-grade year. Both Kindergarten and first grade levels are critical to long-term student literacy success (Mader, 2021). Mader (2021) describes how the current third grade students were significantly behind in many areas including "fine motor, academic and social skills" (p.1). To make-up for these learning losses and teach the new grade level content will take time. Mader (2021) suggests that expectations be modified for this group of students, with an understanding that with time they should be able to catch up. Secondly, McKinsey & Company reported that those that were most negatively impacted academically by the pandemic were students of color and low-income students (Dorn et al., 2021)—subgroups that students classified as English learners are often members of (Breiseth, 2010).

Of the more difficult aspects of the new state literacy proficiency law is how it addresses marginalized populations, especially ELs. In 2022, 19.7% of Tennessee ELs met or exceeded proficiency on the TN Ready assessment in grades 3-5. This suggests that 80.3% of EL students would be "caught" in the current iteration of Tennessee third-grade promotion law (TDOE, 2023a). When retention is used as a means of intervention, it automatically makes the students who are retained a year older at graduation. This is particularly concerning because research suggests that students who are retained have a significantly higher likelihood of high school dropout, and ELs already have a higher dropout rate than other student populations in Tennessee: in 2020, the drop-out rate for all students in Tennessee was 6.7%. Economically disadvantaged

students had a drop-out rate of 11.4%, and ELs led the state with a 26% drop-out rate (TDOE, 2023a).

In April 2023, the Tennessee Department of Education published a new Frequently Asked Questions (FAQ) document on their website. In response to the question "Should an English learner (EL) who has received more than two (2) years of English instruction but is not considered to be proficient in English language according to SBE Rule 0520-01-19, be retained?", TDOE indicates that "An EL should never be retained based solely on a lack of English language proficiency…" (TDOE, 2023b). It should be noted that in the same document, it states, as the law itself still states, that "Your child will NOT be retained if any of the following are true: My child is an English learner and has received less than two (2) year of English instruction" (TDOE, 2023b). This area has no additional information, but the contradictory language described above is used within two questions on the FAQ. The language around "good cause exemptions" in the current law (T.C.A §49-6-3115) has not been changed to account for students that are unable to achieve proficiency due to an academic understanding of English. As other researchers have found (e.g., Mavrogordato & White, 2020) this ambiguity between guidance and law can create variation in application by educational leaders.

In 2016, Title III was amended requiring states to establish standards for English language proficiency (USED, 2023). According to a literature review prepared for the U.S. Department of Education Office of English Language Acquisition, these requirements began with Office of Civil Rights guidelines in 1974, were modified in the No Child Left Behind Act, and are currently under Title III and Every Student Succeeds Act (ESSA). This work requires states to see learning and becoming proficient in the English language as a progression, with specific classifications to better understand and monitor their progress (USED, 2023). Educators

and legislators must recognize that language acquisition is developed and takes time. Research varies on the amount of time it takes for an EL student to become fully proficient in English; however, Hanover (2015) conducted a meta-analysis study of all EL literature and research and concluded that on average it takes EL students 4-8 years to become proficient in social English acquisition and even longer for academic language acquisition.

Research Questions

The primary research question I explore in this study is: How has the third-grade retention law changed principals' practices in regard to the retention of EL students. I also explore the following sub-questions:

1) What policies, if any, were considered when changing practices?
2) How were those policies prioritized?

Significance of the Study

This study is significant because there are very few studies, if any, that consider the intersection of more than one policy and sensemaking. Most current studies only consider the sensemaking of one policy. There are no current studies specifically looking at the intersections of English language policy and third grade promotion or retention based on one assessment in ELA and the decision making of principals. While this study is limited only to acting principals in Tennessee, it could support future studies with leaders in other states and how principals rely or do not rely on ethical decision making when making sense of intersecting policies that may not be directly aligned.

Definition of Terms

ELA- English Language Arts. This subject area includes reading, writing, speaking, and listening and is assessed at the state level through the TN Ready assessments.

EL-English learners, students that do not speak English as their native language. They are learning English as a part of their school day.

OECD-Organization for Economic Cooperation and Development. A forum of 37 countries that work collaboratively to sustain economic growth.

T.C.A- Tennessee Code Annotated, where Tennessee state laws are stored and accessed.

TN ALL Corps- A $200 million dollar investment program by the state of Tennessee for a three-year commitment to tutoring students called Tennessee Accelerating Literacy and Learning Corps this program was initially put in place to help with the learning loss due to the COVID-19 pandemic.

TN Ready- A part of the Tennessee Comprehensive Assessment Program (TCAP). It is mandatory and tests student progress in grades 3-8 in English Language Arts, Mathematics, Social Studies, and Science.

TN Summer Programming- Requires all school districts in Tennessee to offer in-person learning loss remediation and student acceleration programs, including summer learning camps. Elementary schools are required to host a 4 weeklong learning loss camp, with specific time allotments for ELA and Math, intervention, and a suggested curriculum. It also includes pre and post test data and is expected to be full days for students. (TN.gov)

WIDA- A consortium of forty-one states, including Tennessee, “dedicated to the research, design, and implementation of a high-quality standards-based system for K-12 multilingual learners”. The ACCESS 2.0 is the assessment associated with the WIDA consortium. (WIDA, 2020).

Assumptions, Limitations, and Delimitations

Some assumptions that are being made in this study are that all principals are completely aware of the change in law, the steps necessary for promotion and retention, and what the good cause exemptions are as they are listed. This study also assumes that principals are aware of federal law, WIDA classifications, basic research on retention and promotion, and an understanding of TN Ready data. It also assumes that principals are aware and have implemented TN ALL Corps tutoring, and TN Summer Programming as expected by the state.

Limitations include restricting participants to only current principals in the state of Tennessee, at Title 1 schools, with five or more years of experience as an administrator. This study only includes elementary principals with third grade students enrolled in their building and was employed in schools with at least 5% of the school population as ELs. This study does not move outside the borders of Tennessee. This study does not imply or assume causation or correlations; it will explore general themes and consistencies through interviews.

The delimitations of this study are that the study excludes how elementary principals view promotion or retention for other marginalized groups such as students that are homeless, receive free and reduced lunch, received special education services, or are students of color. It will not include administrators at the district level or those that have less than five years of experience. It will not include teachers or parents in the qualitative study and will remain completely from the point of view of the lead principal of the school.

CHAPTER TWO: REVIEW OF LITERATURE

INTRODUCTION

The purpose of this study is to better understand how Tennessee elementary school principals make sense of intersecting policies, specifically the (T.C.A §49-6-3115) 3rd grade retention law and federal policy (Title III) as it pertains to English learners. I will begin this literature review by explaining my literature review methodology. I will then examine Weick's theory of sensemaking as the theoretical frame and how it is a learning process. Then, I will apply this frame to the school principalship and policy. Ethical decision-making (EDM) will then be discussed, as it will be considered in analyzing the data and how EDM connects with sensemaking.

Next, I will summarize current research on grade retention, the politics behind grade retention, and what the literature states as benefits and drawbacks of grade retention. I will also summarize the history of retention laws in Tennessee and compare Tennessee's law with other states with similar laws, focusing on the differences in good-cause exemptions. Finally, I will examine research and describe the history of federal law and protections for ELs.

Literature Review Process

The review of research for this study required gathering of historical background, current research, and practices around a variety of topics. This required using multiple sources and gathering a great deal of information, for which I turned to the University of Tennessee at Knoxville Library database and Google Scholar. I began my search looking for literature and research on retention, retention in Tennessee from 1990-2022, retention of EL students, historical perspective of literacy instruction in Tennessee, implementation of policy for bilingual, ESL, EL, or ESOL students in Tennessee. I then shifted my search to educational leadership,

principal sensemaking of policy, tools principals use to understand policy, school policy and leadership, policy, and ethics in schools. The UTK Library database was also used when researching the theoretical frameworks of sensemaking and ethical decision making.

During that initial search, I discovered two books that were central to the work I was doing. I then purchased, read, and utilized these two books that were critical to the research review. The first was by Karl Weick, "Sensemaking in Organizations." This book helped me better understand the framework for the study. The second book was a compilation of studies produced by Palgrave Macmillan and edited by Rachael Gabriel, "How Education Policy Shapes Literacy Instruction." This book provided great historical information about retention policies, why 3rd grade literacy has been viewed as critical to the reading progression, and the intermingling of politics, policy, and students.

I also used a variety of online databases to gather information to better understand the topic. I used the State of Tennessee Department of Education website data downloads to gather specific TN WIDA and demographic information. The Council of Chief State School Officers, NAEP Report Card (2023), Annie E. Casey Foundation, National Centers for Educational Statistics, and the WIDA website helped to better understand how Tennessee compared to other states.

Theoretical Framework

It would be rare to find a school principal that would not describe at least part of their job as complicated (Wang et al., 2022). Weick's sensemaking theory helps to organize the chaos and label the steps someone takes when making sense of the chaos (Weick et al., 2005). This study will use Weick's sensemaking theory to frame elementary principal's sensemaking of state, federal, and ethical actions as they relate to third grade retention and English learners. "The

basic idea of sensemaking is that reality is an ongoing accomplishment that emerges from efforts to create order and make retrospective sense of what occurs" (Weick, 1993, p. 635).

Sensemaking

Weick (1995) describes sensemaking as a cognitive process that unfolds in a three-step sequence: (1) the act of noticing something—an event—that interrupts the flow of action and retrospectively seeing that event and reflecting on the experience, (2) first attempt of formulating understanding of the event through bracketing and labeling the experience, (3) communication of the event to better others' interpretation through discussion or writing. These three steps are a process that is "ongoing, instrumental, subtle, swift, social, and easily taken for granted" (Weick et al., 2005, p.409).

Sensemaking occurs both at micro and macro levels. At the smaller micro level, people interact with the event personally or through human capital. "Human capital is acquired through the development of skills and capabilities that enable people to perform in new ways" (Spillane, 2004, p. 94). People relied on their knowledge and lived experience to bracket and label the events; as such, sensemaking at this level can be limiting. At the macro level, sensemaking is dependent on social resources. Through discussion and communication, people pull from others knowledge, lived experiences and perspectives to better understand the event. "The more new knowledge departs from current understanding, the more taxing the work" (Spillane, 2004, p.112).

Spillane (2004) describes the importance of both formal and informal social resources as they create norms of trust and a sense of obligation to something bigger than the individual. Both formal and informal social resources facilitate knowledge and expertise. This is particularly true

in policymaking where human and social resources are drawn upon when individuals are making sense of policy.

Sensemaking as a Learning Process

“When you know better, you do better” is a common phrase used in education, whether facing the latest information on the science of reading, social-emotional learning, or the importance of developing strong number sense in the early elementary grades. Veteran teachers and leaders have been forced to confront their current strategies, techniques, and even core values during the last 5-10 years in schools. School leaders often face a quickly changing landscape due to changes in policy and are faced with a gap between their existing capacity and aspirations for student learning and success. Through dependence on their social networks, they are better able to gap-fill and broaden their knowledge base. Principals are then tasked to model this same process for their building-level staff. This action of collective learning activities allows schools and principals to thrive in the most chaotic times of change (Fullan, 2014). “While fostering a collaborative work environment, providing professional development as well as ongoing information support, leaders shape the focus and direction of teachers’ sense-making.” (Ganon-Shilon & Schechter, 2017, p. 687).

Sensemaking and School Principalship

The role of the school principal has changed significantly with increasing job duties and increasing accountability (Wang et al., 2022). Just as best practice tells us that teachers can no longer find success in being the “sage on the stage”, principals are finding more success when they learn alongside of the teachers they lead. “In other words, leading learning means being proactively involved with teachers so as to understand how to make sense collectively through ambiguities” (Ganon-Shilon & Schechter, 2017, p. 688). It is through this sensemaking process

that Koyama (2014) describes the principal as developing new interpretations based what they know, and understanding new reform demands continuously in their daily work. Ganon-Shilon and Schecter (2017) describe the work of school principals' sensemaking as a leadership skill and a part of their daily practice.

Sensemaking and Policy

"Principals must interpret and act upon federal, state, and district policies, and make sense of global policies and trends as well" (Koyama, 2014, p. 284). Ambiguous signals from different sectors of government can create confusion for school leaders. At times federal government, state government and ethics do not align with the day- to- day work of a school leader. "By drawing on their prior knowledge, deeply held values, beliefs, practices and social contexts, leaders decide which policy messages they wish to adopt and which to ignore" (Ganon-Shilon & Schechter, 2017, p. 690). How does a building level principal make sense of this collision of policy?

Principals must quickly organize events and policies while the stream of unpredictable and on-going daily events continue. (Weick et. al., 2005) This process often leaves school leaders asking more questions than there are answers in the face of intersecting policies. This qualitative study of elementary principals' sensemaking of the third-grade policy on retention and promotion aims to learn just that. How do principals make sense of these contradictory policies? What actions do they take? This study attempts to address these questions and learn more about the sensemaking of current principals in Tennessee in connection to their values and ethical decision-making.

Ethical Decision-Making (EDM)

Shapiro and Stekovich (2016) describe four paradigms used by educators that go beyond what is expected through law in the state of Tennessee. These four paradigms include the ethics of justice, care, critique, and profession. This study demands the use of all four paradigms when considering retention of EL students. When viewing the issue through the ethic of justice, a principal would follow the policies as written and if an EL student achieved below or approaching on the third grade TN ready assessment, they would follow the steps necessary for promotion or retention.

Principals that are more apt to follow the paradigm of care would recognize the person behind the test-score. They may consider the long-term impact on the student, family (both parents and other siblings), and be acutely aware of how these decisions could impact the student's view of school. The paradigm of critique may be used when principals recognize that elements of discrimination could be involved by holding EL students to a different level of expectation than their native speaking peers. Finally, the ethic of profession would lean heavily on the Teacher Code of Ethics set forth by the state that details how educators are to act professionally.

It is impossible to consider how elementary principals make sense of the intersecting policies without consideration of the demands and multiple paradigms of ethics when making student-based decisions. This is especially true for principals making promotion and retention decisions.

Sensemaking and Ethical Decision Making

Thiel et. al (2012) state that "Traditional models of ethical decision-making (EDM) are an inadequate framework for understanding how leaders respond to ethical dilemmas under

conditions of uncertainty." Strong ethical leadership is required when stakes are high, and ambiguity surrounds an issue. Decisions often need to be made based on more than just an understanding of the policy or a leader having a strong moral compass. "Sensemaking is critical to leader EDM because ethical dilemmas are inherently complex." (Thiel et. al, 2012) Using sensemaking as a framework for ethical decision making is used to understand the complexity of leadership in multiple business and organizational studies. Surprisingly, this combination is not found as much in educational leadership studies.

The work of Caughron et al. (2011) established the connections between ethical decision making and sensemaking. This study looked at how rational strategies are used in a variety of ways when making decisions, and how individuals tend to move quickly to develop understanding when a "novel, complex, or ambiguous set of circumstances" present themselves. This need for rapid sensemaking or understanding can set the individual on a path, that may or may not be the best in the situation. This study created a specific coding strategy "content coding" to analyze the qualitative data; coding for strategy use, sensemaking, and ethicality. These categories will be used when deductively coding the data.

Review of Research

U.S. Federal Education Reform and Literacy

For the past three decades, federal education reform has occurred through some bipartisan efforts. For example, with lofty goals established by President George H.W. Bush in 1989 in conjunction with then Governor William J. Clinton, the America 2000 strategy included the goals of school graduation rates to reach 90%, and for the United States to be first in the world in math and science. This goal was not achieved, yet it was then replaced with President Clinton's Goals 2000 in 1994. Goals 2000 challenged every community and school to adopt

national standards of excellence. The education reform continued with George W. Bush's No Child Left Behind Act (NCLB), created goals for all students to reach proficiency in math and English language arts, graduating from high school, and requiring highly qualified teachers for every student by 2020. It is important to note the NCLB did not mandate retention, although it did mandate state testing, which created a new environment of high stakes testing (Au, 2016). Building on this, the Annie E. Casey Foundation (AECF) produced a report in 2010 entitled "Early Warning! Why Reading by the End of Third Grade Matters!" (Leister, 2010). This report became both a call to arms and touchstone for future policy in the United States, leading to a series of policies that focused on third grade reading proficiency as an important milestone for future student success, albeit our nation's success, suggesting significant changes need to be made to the status quo and investing in our human capital to prevent and lift our U.S. citizens out of poverty. (AECF, 2010).

It is now 2023, and the goals of the federal initiatives have not been fully realized according to the National Assessment of Educational Progress (NAEP, 2023), also referred to as the Nation's Report Card. For example, reading achievement scores have only modestly risen from 1992 through 2019 from 217 points to 220 points, with a 3-point drop in 2022, a decline that has been associated with the COVID-19 pandemic (NAEP Reading Report Card, 2023). In Tennessee—the focus of this study— fourth grade reading scores on NAEP increased 7 points from 212 to 219 between 1992 and 2022. NAEP considers attaining proficiency in reading as achieving a score of 238. Tennessee students, on average, have not reached that level of proficiency, yet. According to NAEP, every 10-point increment is considered a grade level of growth. Tennessee's 7-point increase suggests strong growth; however, Tennessee is still

approximately two years behind in ELA proficiency according to NAEP. Bringing reading proficiency up is important if schools are to prepare all students for college and career success.

Grade Retention and Politics

The federal government has become increasingly involved in education reform over the past three or four decades. However, access to public education is not guaranteed under the U.S. Constitution. Instead, the work of providing, sustaining, and improving public education is in the hands of individual states. States have become increasingly polarized politically, "with many states having one party trifectas: majorities, sometimes supermajorities, in both chambers of the state legislature and a lock on the governorship" (Dellavecchia, 2022, p. 22). This trifecta applies to the Tennessee legislature currently with a supermajority of Republicans in both the House and Senate, and a Republican Governor. Under these circumstances, the political agendas of Tennessee policymakers often move through the General Assembly quickly, with little resistance.

The American Legislative Exchange Council (ALEC) is a well-funded conservative organization that generates legislative templates that align with the values of the Republican party. One of these templates is the "Florida Formula" created originally by former Florida Governor Jeb Bush in the mid-1990s. This set of policy initiatives included A-F school ratings, school choice, high expectations around third grade testing, performance pay, and alternative routes to teacher certification (Di Carlo, 2015). In 2002, Missouri, Florida, and Georgia all began looking for ways to end the promotion of students regardless of academic performance (commonly known as "social promotion") and created laws that included mandatory retention for students that did not reach specific benchmarks (Dellavecchia, 2022).

In 2002, the first year of implementation, 14% of Florida's third graders were retained (Florida Department of Education, n.d.). Thereafter, the percentage of students retained dropped and has stabilized around 6% according to the Florida Department of Education. This began Governor Bush's evangelical approach to sharing Florida's success around the country deeming this law the "Florida's miracle" (Meyer, 2012). Since then, 18 states have comprehensive retention laws around third grade retention.

Why third grade? Multiple states have laws now focused on third grade reading achievement because it is touted as the grade that students transition from learning to read to reading to learn (Dellavecchia, 2022). The laws in each state have different names such as *Reading to Ensure Academic Development (READ) Act* in Colorado and *Read by Grade 3* in Michigan. These laws are all based in five assumptions, according to Dellavecchia (2022):

1) There is a "proper" form of reading instruction and reading that can be easily measured on standardized assessments (Hanford, 2018).
2) Lack of reading attainment according to these standardized assessments impacts a students' future academic achievement and general graduation rates, which creates a cumulative disadvantage (Hernandez, 2012).
3) Third grade is "the line in the sand" for students moving from learning to read to reading to learn (Fiester, 2010).
4) Reading is a discreet set of skills, learned primarily in a linear fashion, with specific benchmarks for each grade level and that there is such a thing as a "third grade reading level" (Chall, 1983; Smith & Shepard, 1987).
5) These reading levels can be determined through standardized assessments (Au, 2016).

These assumptions are all a part of the hyper focused attention of third grade ELA scores, with extensive funding from local, state, and federal levels working to achieve this absolute standard as measured by standardized assessments. There is a whole body of research around standardized assessments and equitable practices. While this research does not directly align with the current study, it is worth noting that there are competing visions in policy between quality schools, as measured by standardized testing, and equity for all students (Anagnostopoulous et al., 2016).

Benefits of Retention

Educational practitioners may see retention as a way of keeping classes more homogenous in academic achievement, tackling heterogeneity in the K-12 grade span (Goos et al., 2021). This practice is especially prevalent in other countries such as France and Spain, where in-grade retention rates are high (Pedraja-Chaparro, et. al., 2015). According to records collected from the Programme for International Student Assessment (PISA) in 2018, the United States had just under 10% of students stating that they had repeated a grade. This places the U.S. close to the middle of the pack in terms of percentage of students retained across all OECD countries. The highest percentage of retained students was in Columbia (almost 40%), and the lowest countries were Norway and Japan with no students reporting having repeated a grade (Goos et al., 2021).

An alternative to retention is social promotion. Social promotion is described as "the practice of sending of sending a child to the next grade in order to remain with their same age peers" (Dellavecchia, 2022, p13). Concerns around social promotion practices continue to exacerbate the issue of the United States falling behind other countries and some believe limits our abilities to be as competitive as needed to stay in power as a world nation (Dellavecchia,

2022). Social promotion also contributes to students dropping out of high school early without graduating with skills that lead them to college or career success (Dellavecchia, 2022). “Low achievement in reading has important long-term consequences in terms of individual earning potential, global competitiveness, and general productivity” (AECF, 2010, p. 9) Retaining students could help to fill gaps in early literacy skills and allow students the time they need to become fully proficient readers, prior to entering fourth grade.

An additional benefit of in-grade retention could be considered from a social-emotional perspective. Most students become acutely aware of their achievement in comparison to their peers by third grade. As such, some have argued that “a retained student is removed from a situation in which he is continually embarrassed by his poor performance and is therefore more likely to feel better about himself and to experience success if he repeats a grade” (Light, 2014, p. 2).

Drawbacks of Retention

In a meta-analysis and systematic review of research, Jimerson (2001) examined the full body of work on retention. Jimerson examines three previous meta-analyses (Holmes, 1989; Holmes & Mathews, 1984; Jackson, 1975) and determines that “cumulative evidence does not support the use of grade retention as an academic intervention” (Jimerson, 2001, p.2). Jimerson’s research considered multiple outcomes including academic achievement, socio-emotional behavioral, and long-term.

Initially, studies have shown a short-term spike in academic achievement in the 2-3 years following retention; however, student academic achievement begins to decrease in subsequent years. Holmes (1989) conducted a meta-analysis of 63 studies on retention. Of those studies, 54 showed negative effects on students that were retained. Nine of the studies showed positive

results, but the benefits of the retention diminished over time. The results of this study were like those found by Jackson (1975), Holmes and Mathews (1984), and Holmes (1994).

> Specifically, studies examining the efficacy of grade retention on academic achievement and socioemotional adjustment that have been published during the past decade report results that are consistent with the converging evidence and conclusions of research from earlier in the century that fail to demonstrate that grade retention provides greater benefits to students with academic or adjustment difficulties than does promotion to the next grade (Jimerson, 2001, p. 434-435).

Even though grade retention in the elementary grades does not, on average, harm students from an academic achievement perspective it should be noted that educational motivation decreases as the student transitions to high school; and retention increases the odds that a student will drop out of school before obtaining a high school diploma (Hattie et al., 2016; Hughes et al., 2017). This is especially true for students that have factors that make them more at-risk for not completing high school.

For example, according Tavassolie and Winsler (2019), “Several studies find that ethnic minorities are considerably more at-risk for being retained compared to white students” (Alexander et al., 2003; Meisels & Liaw, 1993; Reynolds, 1992). The National Center for Education Statistics reports that in 2019, one in every thirteen students dropped out of high school. In Tennessee that percentage is just below the national average at 5.37%. The highest demographics of students not completing high school were among the American Indian/Alaska Native, Pacific Islander, and Hispanic populations (NCES, 2021b).

Dellavecchia (2022) contends that "many studies in recent decades have pointed to a troubling increase in the probability of retained students dropping out (Allensworth, 2004; Eide & Showalter, 2001; Grissom & Shepard, 1989; Jacob & Lefgren, 2009; Jimerson, 1999; Roderick, 1994)" (p. 27). These studies make it very difficult to argue that retention, as an intervention, helps students reach long-term goals such as graduation from high school. John Hattie (2008) conducted the largest meta-analysis study to date looking for what works best in education. His study then ranked different strategies from highest impact to lowest, with some strategies even being considered detrimental to students. Retention was one of the strategies that had detrimental effects with an effect size of -0.33 (Fisher et al., 2016).

State Retention Policies

Retention Policy in Tennessee

The Tennessee Education Research Alliance produced a report detailing the history of retention policies in Tennessee. Prior to 2011, local education agencies (LEAs) had local control over their policies on retention. In many LEAs, retention decisions were made based on individual student performance, maturity, attendance, and other factors. Retention decisions included multiple voices, including teachers, parents, and school administration. Retention decisions were rare and only included about 2-3% of the population between the years 2006-2010 (NCES, 2021a).

The first retention law in Tennessee was passed in 2011. It stated, "Third grade students shall not be promoted without basic understanding and skills in reading, based on standardized test results or grades" (TN Research Alliance, 2012). This law allowed for districts to use more than one measure and applied to students who were at the lowest or "Basic" level on standardized testing. If a student scored at the lowest level, the school had to show that they had

reached state standards through student grades, and schools had to provide access to intervention programs. These programs could have included Response to Intervention, tutoring, or special education services. A good cause exemption was for any student that had Special Education services through an IEP, a 504, English Language Learner or those that had been retained in prior grades.

In 2018, the Tennessee state board of education updated the state's grade promotion policies and outlined additional interventions to use and guidelines for interventions for students who were scoring below basic on reading assessments. The state put into place Individualized Learning Plans (ILPs) for ELs to follow and track EL progress. This change in policy opened discussions of retention for those that had good cause exemptions, for example a student could be considered for retention even if they had an IEP or were more mature. The changes in response to these policies went into effect just before the COVID-19 pandemic emerged.

The following years were unlike anyone in education had ever experienced, with many students falling behind academically, socially, and behaviorally due to shutdowns of schools across the world (Bryant et al., 2023). Due to COVID-19 health risks, many schools shut down. As such, today's third grade students in the United States (2022-2023) received about three-fourths of a school year of kindergarten, and many chose virtual schooling for their first-grade year with 74% of the 100 largest school districts choosing remote only learning as their back-to-school instructional plan. (Decker et. al., 2021)

Students that attended school face to face were learning basic phonemic awareness, phonics, speaking, and listening through masks and at least 6 feet apart during a most critical for literacy development 1st grade year. COVID-19 and the actions to prevent the spread of COVID-19 created significant gaps in learning, social skills, and significant mental health challenges for

both students and adults (NCES, 2022). Most schools in Tennessee returned to in-person schooling for the 2021-2022 school year, although schools began that school year with strict quarantine protocols, which exacerbated the gaps with long-term absences for many students that came into close contact or contracted the disease. These protocols were determined by the Center for Disease Control (CDC) and Tennessee Department of Health for schools. These protocols evolved over the pandemic. A year and a half after the pandemic began the CDC still, "recommend[ed] universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status" (CDC, 2021).

In 2021, a law was presented and passed in 2022 that made significant changes to the retention laws already in place. The Tennessee General Assembly passed two key pieces of legislation, the first being *Tennessee Literacy Success Act* and the second the *Tennessee Learning Loss Remediation and Student Acceleration Act.* The goal for both pieces of legislation was "to help ensure Tennessee students could recover from the challenges of COVID-19 pandemic and close gaps in students' learning" (TDOE, 2022).

This legislation revised the state's law regarding promotion and retention, following the "Florida Formula" and causing a significant amount of concern and push-back from parents, school boards, teachers, and citizens across the state. The amended T.C.A.§ 49-6-3115 states,

> Beginning with the 2022-2023 school year, a student in the 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's 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.

Tennessee's state standardized assessments—TN Ready or TCAP—are broken down into four levels of proficiency from lowest achieving to highest the levels are: Below (1), Approaching (2), Meets (3), and Exceeding (4). Students have different pathways of promotion depending on the level they score. Students that score a 1 (Below) on the ELA portion either must be retained or attend summer programming for 90% of the time *and* commit to tutoring for the entirety of their fourth-grade year. At the end of fourth grade if a student is not yet proficient as determined by the TN Ready/TCAP assessment, they must be retained.

Students that score a 2 (Approaching) on the state ELA TN Ready assessment either must be retained or have the choice of summer programming for 90% of the time and show adequate progress (adequate progress is determined to be growth of 5% from the spring TN Ready Assessment to the post-assessment at the end of summer programming) or commit to tutoring for the entirety of their fourth-grade year. Again, if the student does not achieve on track or mastery, they must be retained at the end of their fourth-grade year.

The good cause exemptions for Tennessee third grade students include students that have previously been retained in a prior grade level, a student that is retested and scores proficient, students that are English learners and have had less than two years of instruction, and students that have a disability (IEP or 504) or a suspected disability. An appeal process is in place for students that achieve approaching and, as it is currently written, can be appealed only by the parent directly to the state. Appeals can be made if a student scored above the 40% as a composite score on the final benchmark of the year and scored approaching on the TN Ready *or* if a student scored approaching on the TN Ready and had a "catastrophic life event" just prior or during the testing window.

Third Grade Retention Practices across States

According to the Council of Chief State School Officers (2019) publication *Third Grade Reading Laws: Implementation and Impact*, 26 of the 50 U.S. states have third grade reading laws. Of the 26 states, only 18 states have what is considered "comprehensive" laws, which include mandates on retention. Included in Table 2.1 is a cross-reference of states that all have comprehensive or retention specific third grade laws in place, the specific good-cause exemptions and highlighted are the states with the fastest growing EL population (Najarro, 2023). States highlighted are those with 6-24.5% of students representing EL learners. Each of the states chosen have requirements for prevention, intervention, and retention codified in the respective state laws. The focus of the chart is to identify what good cause exemptions each state has adopted. This information comes from the Education Commission of the States as of September 2020. Tennessee's information is based on the 2022 law and exemptions. All 18 states with comprehensive third grade reading laws are represented in Table. 2.1.

Compare/Contrast TN to other states with similar laws.

Table 2.1 displays how good cause exemptions vary by state. This table shows that Tennessee, unlike many other states, does not currently have an exemption of EL students that have been in English classes for more than 2 years. Of the 17 states with comprehensive third grade retention laws at the state level, 13 have a rapidly growing Hispanic EL population (Najarro, 2023). Of these rapidly growing states, EL students are held accountable to the same third grade literacy standard as English-speaking natives in six of the states. One state, Indiana, allows for total exemption of EL students from the third-grade reading law. The rest of the states with rapidly growing EL student population only allow for exemption if they have had less than two to three years of English instruction. Hispanic/Latino EL students are extremely important to

Table 2.1 Good-cause Exemptions by State—Education Commission of the States (2020)

	IEP	504	EL # Years with English Class	Previous Retention # Years	Portfolio	Alternate Assessment	Teacher Appeal/Academic Committee	Parent Appeal	# Years with interventions	New to district/not adequate	Mandatory Summer School	After-school Tutoring/Altered Day
Alabama	X	X	2	1					2			
Arizona	X		2			X					X	
California							X					
Connecticut											X	
Delaware				2		X	X	X			X	
Florida	X	X	2	1	X	X			2			
Georgia							X	X				
Indiana	X		X	2								
Maryland									X			
Michigan	X	X	3					X		2		
Mississippi	X	X	2	2		X						
Missouri	X										X	
N. Carolina	X		2	1	X							
Ohio	X		3	1		X			2			X
Oklahoma	X		2		X	X			2			
S. Carolina	X		2	1	X	X			2		X	
Tennessee*	X	X	2	1		X		X			X	X
Texas	X						X					

pay attention to as they are the most rapidly growing population in the United States (Frey, 2021).

Research on EL Retention

Ozek and Figlio (2019) recently published research on 40,000 ELs from Florida who repeated third grade based on the Florida Formula. They found that EL students that repeated third grade "learned English faster and took more advanced classes in middle and high school than their peers, who also struggled to learn the language, but moved on to fourth grade" (Mitchell, 2019, p.1). The Working Group on EL policy challenged the findings by questioning if it was the retention that impacted the students or "targeted reading instruction and related academic support students received, the teachers leading the instruction, or some combination of those factors" (Mitchell, 2019, p.2).

Mora (2002) looked more specifically at Proposition 227 in California. Mora's research shares that "the effects of an inadequate academic foundation for children are cumulative" (Mora, 2002, p. 37) and that Latino students that fail (or are retained) one grade level or more are more likely to become disengaged from their learning and education and drop out. This is noted in the most recent data from Tennessee and will be discussed later in the chapter.

Federal Policy and EL Students (Historical Perspective)

The United States Constitution does not mention education, although a strong educational system clearly supports a globally competitive infrastructure to keep the United States as a world power. Education is fundamentally left at the discretion of each state, which creates significant variation in law and policy. The federal government then steers and influences states through policy and funding. If states choose to benefit from federal dollars, then they must adhere to federal policies.

Federal policies around EL student education have worked to reduce variability in practices across states, extinguish discriminatory behavior, and provide a road map to excellence for states to follow. These federal laws are important to this study because the **"**marginalization of English-learners dates to the start of compulsory schooling, when it was common for educators to apply labels such as 'unteachable,' 'imbeciles,' and 'dunces' to students learning English and retain them in a misguided attempt to solve a problem" (Callahan et al., 2019, p.5). As a country that has been described as a "melting pot", the U.S. has a horrific record of dehumanizing immigrants and people of color, different ethnicities, and of lower socio-economic status. The subsequent sections will discuss the historical perspective of federal policies as they relate to EL education and the rights of EL students.

Creation of Office of Civil Rights (1964) and Elementary and Secondary Education Act (ESEA, 1965)

The creation of the Office of Civil Rights (OCR) protects the provision of equal education to limited-English proficient students under Title VI requirements of the Civil Rights Act of 1964. According to the home page on the U.S. Department of Education website:

School districts receiving federal financial assistance may not, on the basis of race, color, or national origin:

- Provide services, financial aid, or other benefits that are different or provide them in a different manner.
- Restrict an individual's enjoyment of an advantage or privilege enjoyed by others;
- Deny an individual the right to participate in federally assisted programs; and
- Defeat or substantially impair the objectives.

In 1965, President Johnson signed the Elementary and Secondary Education Act into law. He stated that, "Our first national goal should be to provide a fully educational opportunity.' The roots of this act were based in civil rights law. This act created Title I, which provided federal financial assistance to local districts to help support students from low-income families. At that time, students from low-income families receive "pull-out" instruction, separated from the mainstream classrooms. At the time EL students were considered LEP (Limited English Proficient) students and were not fully addressed until specific amendments were passed. ESEA was amended 4 times between 1965-1980, each time creating stricter guidelines on how Title I financial support could be used (Hunt Institute, 2016).

Bilingual Education Act (BEA)—1968

The Bilingual Education Act, passed in 1968, was the first recognition that students learning English for the first time need specialized instruction. The bill, sponsored by U.S. Senator Ralph Yarborough of Texas, was developed because of increased immigration from Mexico. It strongly favored bilingual education, and federal funding was designated for the implementation of such programs. This Act was an amendment to ESEA, and President Johnson signed it into law (Bilingual Education Act, 1968). This Act created a competitive grant process for local education agencies to provide additional funding for EL students.

Lau vs. Nichols-1974

Furthering the federal guidance on retention of ELs is the Supreme Court Case *Lau vs. Nichols* (1974). This case was brought about by Chinese immigrants in California that were being discriminated against according to *Brown v. Education* and Title VI. Senator Humphrey declared, "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in

racial discrimination." (*Lau vs. Nichols*, 1974). It is because of this landmark case that schools cannot and should not retain a student based solely on the fact that they do not yet speak English. Should a school make a retention/promotion decision based solely on a student's language proficiency it would be considered discriminatory.

America 2000/Goals 2000

George H.W. Bush served as president during the rise of standards-based reform. His agenda included the America 2000 plan. America 2000 was created and supported by business leaders and a desire for excellence in U.S. schools. By strengthening our education system, the goal was to make the U.S. more globally competitive. America 2000 included optional school choice, national standards, and national assessments. It failed to pass in Congress, but it certainly set the stage and created more momentum around federal involvement in education reform (Hunt Institute, 2016).

President Clinton used the platform of America 2000 when creating the Goals 2000: Educate America Act when he took office. He also reauthorized ESEA and created the Improving America's Schools Act (IASA). "Under IASA, the states were required to ensure that Title I-eligible students were taught inclusively and provide evidence that learning goals and curricular opportunities were the same for all students" (Hunt Institute, 2016, p 2). Both plans were based in standards-based reform, with goals to impact schools at a national level, although there still was significant variation and decision-making power left to states.

No Child Left Behind Act (NCLB); (Public Law 107-110)-2001.

The No Child Left Behind Act (NCLB), enacted under President G.W. Bush, continued the standards-based reform movement (Wright, 2010). NCLB created new levels of accountability for any state receiving federal funding. There were significant changes that

benefitted EL students under Title I, especially if EL students were also low socio-economic status. The biggest benefit of NCLB for EL students came from the creation of Title III.

Title III.

Title III was developed under NCLB to support language instruction for ELs and immigrant students. Prior to NCLB, grant funding for EL instruction and support was a competitive process; Title III created a funding formula which benefited more districts and funding nearly doubled (Wright, 2010). Title III has a part A and B. Part A focuses on English language acquisition, enhancement, and academic achievement act. Part B covers general provisions. $884,959,633 of Federal funds have been appropriated to support Title III (Office of Elementary & Secondary Education, ret. 3/23), Unlike BEA, Title III and NCLB gave more flexibility to state preference in type of language instruction models states used. According to Wright (2010)

Any program for LEP (Limited English Proficient) students must meet only two requirements:

1. teach English, and
2. teach academic content, as outlined in state English proficiency (ELP) and academic standards. (Wright, 2010)

According to the Office of Elementary and Secondary Education in the U.S. Department of Education (2023), the purposes of Part A (NCLB §3102). are

- to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English.

- to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet.
- to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth.
- to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and
- to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

Part B includes general provisions, including a glossary of terms and definitions for child, eligible entity, English learner with a disability, immigrant children and youth, Indian tribe, language instruction and educational program, native American and native American language, Native Hawaiian or Native American Pacific Islander Native Language Educational Organization, Native Language, Paraprofessional, special qualified agency, state, and tribally sanctioned educational authority.

The primary goal of Title III is to help EL students attain English proficiency (Wright, 2010). NCLB §3126 stipulates that none of the Title III requirements "shall be construed to negate of supersede State law". Typically, federal law trumps state law. This stipulation could play a role in principals' sensemaking when working with EL students and state policy.

Conclusion

The purpose of this study is to examine how school principals' make sense of both external forces (federal law, state law, and Tennessee Code of Ethics) and internal forces (experience, relationships, etc.) while making ethically sound retention decisions for students classified as English learners. There currently is a gap in research in this area, and it is needed in this quickly changing political climate. Individual principals have significant impact on schools and student achievement (Grissom et al., 2021). Tennessee elementary principals are in a difficult space with the current third grade retention/promotion law (T.C.A.§ 49-6-3115) and the limited good cause exemptions in place, especially for EL students. Learning more about their sensemaking of multiple laws at the same time is important.

CHAPTER THREE: REASEARCH METHODS

INTRODUCTION

Discovering how principals integrate ethical decision making through the sensemaking framework is a way of examining complex and challenging policy dilemmas in education. Elementary principals have a unique and complex role that requires sensemaking and ethical decision-making. To examine how elementary school principals make sense of intersecting policy around the Tennessee 3rd grade retention law and federal policy on EL students, I conducted a basic qualitative research study on how principals made sense of and implemented of T.C.A. § 49-6-3115 and Title III. The basic qualitative research design is a form of constructivist research in which "individuals construct reality in interaction with their social worlds" (Merriam & Tisdell, 2016, p. 37). I worked to better understand principal experiences through a virtual interview in which a semi-structured protocol was used. Using this design, I learned each leaders' unique experiences as it related to the interpreting and implementing current federal EL and state literacy proficiency laws. The main research question I explored was: How has the third-grade retention law changed principals' practices regarding the retention of EL students? I also explored the following sub-questions: What policies, if any, were considered when changing practices? and how were the policies prioritized?

Sample

According to Tennessee Department of Education, (2022) there are 1,152 public elementary schools that participated in the 2022 TN Ready assessment in Tennessee. I recruited principals throughout Tennessee with the goal of identifying nine principals. Each of the participants are principals of elementary schools with students in third grade, had a minimum of five years of administrative experience, and led a school that received Title 1 funding with

serving more than five percent of EL students. I chose principals that had a minimum of five years of administrative experience because I wanted to learn more about their previous retention practices and how that compared to any new practices they adopted in response to T.C.A § 49-6-3115. A minimum of five years was required due to instability in educational processes and policy implementation in the years following the global pandemic; I hoped to tap into principals' retention experiences both prior to the COVID-19 pandemic and after.

Participants were selected for this study through a purposeful selection process. I began this process by searching Tennessee Department of Education data downloads for districts that had multiple elementary schools with EL populations higher than 5% of the school population. I used 5% because that is the threshold used in reporting from the state data source. By choosing districts with multiple elementary schools that fit the qualifications, it allowed for a larger selection of school principals since I was looking for principals with more than five years administrative experience in Title 1 schools. I then selected seven districts from the state to begin to narrow the principal selection. These districts were purposefully selected through a convenience sampling process, drawing on University of Tennessee connections to districts or other professional connections to school districts across the state. Additionally, I considered that some of the larger districts would have more elementary schools and therefore, a greater opportunity to find principals that met the criteria for participation. Table 3.1 represents the initial selection of districts.

Table 3.1 ***Districts Used in Initial Selection Process based on EL population of 5% or higher.***

Lenoir City Schools	Murfreesboro	Memphis-Shelby County Schools
Knox County Schools	Metro-Nashville Public Schools	Germantown
Hamilton County Schools	Franklin Special School District	Bartlett
Johnson City	Warren County	Collierville
Maryville City	Rutherford County	Obion County
Sevier County	Maury County	Crockett County
Hamblen County	Putnam County	Madison County

After the broad selection of districts, I then used the publicly published TN Report Card to compare the latest principal's name and that on individual school websites. I eliminated any names that did not match, as that meant a principal had not been there for 5 years or more. This narrowed the selection pool to 337 schools. I then sent individual emails to each of the 337 principals, with the initial introductory email that was approved by IRB. Many of the emails bounced back with error messages, or principals responded with being unable to be a part of the study because they did not have the years of experience needed for the study, or their school was no longer a Title 1 school. This step narrowed down the field to 238 possible participants. From that group I had fifteen positively respond that they would like to learn more about the study, and I sent the consent document to all 15. I was able to successfully schedule interviews with the nine participants in the study. The demographic data from all responses and each final participant is included in Table 3.2.

Instrumentation

I used peer feedback and face validity (Nevo, 1985) to help refine both my interview questions and research design. I created a first draft of interview questions and used a pilot interview protocol by interviewing three colleagues in my district. The pilot study, "assures methodological rigour, which may result in high quality research and scientifically sound work" (Shakir & Rhaman, 2022, p.1620). From these interviews, I used the pilot participant's feedback and answers to make changes to the interview protocol. This method allowed for fine tuning of the interview protocol, making sure that through the questions I was able to get the information needed to answer the research questions. From this method, I found that a combination of data sources would need to be used in the study. As such, I asked participants prior to the interview to have some basic data on hand for the on-line interview.

Table 3.2 ***Demographic Data of Tennessee Principals Interviewed***

Participant	Years of Experience	Principal Gender	EL Learners % of Population	Free and Reduced Lunch %	Suburban, Urban, Rural	Total Number of Students
1	23	F	20% (Low)	65%	Suburban	381
2	6	F	17% (Low)	69%	Urban	353
3	7	F	7% (Low)	38%	Urban	503
4	10	M	22% (Med.)	40%	Urban	252
5	13	M	28% (Med.)	43%	Urban	311
6	17	M	65% (High)	95%	Suburban	488
7	6	M	80% (High)	35%	Urban	659
8	8	F	30% (Med.)	41%	Suburban	451
9	13	M	70% (High)	59%	Urban	485

I collected qualitative data through a semi-structured interview strategy via virtual interviews through Zoom. This method allowed for respect of the participant's time and to better understand a principal's sensemaking and ethical decision making as it pertained to TCA §49-6-3115 and retention of students and, specifically, ELs. This method also allowed for participants to fully elaborate on their individual experiences (Adams, 2015).

After the pilot interview process, I began the actual study in winter 2023-2024. A week prior to each scheduled interview I sent an email reminder of our upcoming virtual interview and asked participants to bring to the interview some very basic demographic information on their school. By providing each participant a reminder and information on what would be needed, I hoped to honor the participants busy schedules as much as possible. While I can find demographic data online, the information online would not be recent. The published online data would be from the prior year (2021-2022) and would not be as up to date as I needed for this study.

I asked each participant to share their years of experience, total number of third graders in the 2022-2023 school year, and total number of EL students in that cohort of students. I obtained additional data from TN Data downloads.

During the virtual individual interview, I asked each participant the following questions, allowing for follow-up questions as needed:

- What is your general philosophy of student retention?
- Prior to the implementation T.C.A. §49-6-3115 (more commonly known as the 3rd grade retention/promotion law) in 2022-2023 school year, what factors contributed to your decision making when considering student retention?

- Did new information factor into your decision-making after implementation of T.C.A.§ 49-6-3115?
- When specifically considering your English language learners, what factors did you consider when making retention decisions?
- As a principal, do you feel any ethical tension or conflict when making decisions on retention for ELs?" If so, what ethical dilemmas did you encounter?
- In what ways did the implementation of T.C.A. §49-6-3115 change your programming, support, or communication practices in 2022-2023?
- Do you anticipate any additional changes to your programming, support, or communication during the 2023-2024 school year?

Many of these questions were followed up with "Tell me more", or "Please, go on." This semi-structured questioning protocol allowed for each participant's story to be heard, explored, and shared fully. Merriam and Tisdell (2016) describe the semi-structured interview process as allowing for each individual participants to describe their experiences and decision making in their own unique ways.

Data Collection

The interviews were conducted during the winter of 2023-2024. Each interview took approximately 30 minutes, with some lasting longer due to more elaboration from individual participants. I scheduled a time with each participant for an individual interview through Zoom. I collected consent from each participant (Appendix A). After interviewing all participants, I captured the audio recording through Zoom and downloaded the transcripts. I then listened carefully to the audio recording and verified that the transcription was accurate. I scrubbed the data of all personally identifiable data, including all formal nouns and other identifying data, and

shared the transcripts with each participant. Giving them the opportunity to read over the interview and add additional information or clarifying information as needed (Candela, 2019). I provided a week for each participant to respond. Finally, I reviewed and printed the scrubbed transcripts, shuffled the printed pages, and gave each participant a number. This collection process allowed for easy retrieval, sharing the data with the participants to verify accuracy and completeness, and the ability to read and code the data while maintaining anonymity.

Data Analysis

Using a hybrid approach of both deductive and inductive coding allowed me to better understand the variables and better analyze the data to be considered in the study. Xu & Zammit (2020) describes this approach to thematic analysis as having specific steps. These steps include, "familiarizing yourself with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report." (Xu &Zammit, 2020, p.2) After organizing and reading the de-identified transcripts I began the initial read through of the data. I used a combination of inductive and deductive coding when analyzing the data. I used hand coding in both the inductive and deductive coding processes. On the first initial read through, I used an inductive coding method, "looking for bits and pieces and from them deriving tentative categories." (Merriam & Tisdell, 2016, p. 210). This initial coding method allowed for a story to be told without expectations or presuppositions.

I then reread the transcripts, with a deductive "content coding" approach used in by Caughron et al.'s (2011) study of Sensemaking Strategies for Ethical Decision Making which began the searching for already established themes. This content coding used three different types of variables: strategy use, sensemaking, and ethicality. I used the definitions as described in the study. This deductive method created a structured way of analyzing the data. I did not use

the Caughron et al. (2011) Likert Scale as described in his study; I only used the deductive method through Caughron's categories to create structure and understanding to responses. This allowed for identification of central themes that corresponded and answered the research questions. I applied Weick's (1995) sensemaking theory and categories to the sensemaking portion of Caughron's content coding.

After reviewing the identified themes from inductive and deductive coding, I was able to define and name the themes when reporting them in the findings section of this paper. This hybrid approach allowed for the "flexibility [of] discovering both descriptive meaning and interpretive meanings that appeared interesting and relevant to the research agenda." (Wu & Zammit, 2020, p. 7) Using the deductive codes developed by Caughron and Weick's theoretical frameworks allowed for a very structured approach to understanding the steps of sensemaking that each participant described. Additionally, the inductive coding allowed for a "thicker and more comprehensive elaboration" (Wu & Zammit, 2020, p.7) of the data.

Credibility and Trustworthiness

I ensured credibility (Lincoln & Guba, 1985) in my work by providing member checks, sending the work back to the people I interviewed clarifying that what I captured was what they intended to communicate. I was sure to stay adequately engaged in all elements of the interview, triangulation of the data was used by collecting and analyzing data from multiple participants, with varying experiences (Denzin, 2012).

Trustworthiness was considered and ensured through the IRB process and informed consent (Appendix A), and the use of a recording device through Zoom and transcriptions of the recording. I was also sure to use exact words of the participants in the data analysis and applied numbers to each participant to ensure protection of their identity. Through an audit trial I made

sure to use thick descriptions of the data and maximum variation of the work by including examples of all participants.

Positionality Statement

I identify as a White, middle-aged, cisgender, and straight woman from a family of public educators. Many of our family get togethers are filled with conversation surrounding the day-to-day operations of school, current and upcoming legislative action in education, and discussions around the future of public education, especially in Tennessee. I recognized that my upbringing and beliefs could create a biased perspective, and I worked to counteract my bias by asking my peers and chair to read my work prior to submitting it to my committee.

I come to this study as a highly qualified elementary teacher, current elementary principal, and a researcher in pursuit of my Ed.D. from the University of Tennessee. I have spent over 25 years as an educator in three elementary schools, all of which were suburban Title 1 schools. I have been challenged with this topic professionally, questioning my own sensemaking and ethical decision making during a year of legislative change. Through careful structuring of my questions, and focus on participants sharing their stories, not me sharing mine, I plan to reduce my bias on the topic. Bias will also be reduced by analyzing the data through both inductive and deductive coding methods. I kept this in mind as I recognized that these experiences could have influenced my research.

Conclusion

In conclusion, through careful design and coding of data I aimed to identify themes from elementary principals across Tennessee. Each participant was required to make sense, each in their own ways, of intersecting laws and guidance documents, while applying that understanding as a leader to making ethically sound decisions. In the next Chapter, I describe the findings from

the research through coding analysis and a deep exploration of themes as they connect to the three research questions. Through this coding and further analysis, I will hope to answer the research questions that are central to this study.

CHAPTER FOUR: FINDINGS

INTRODUCTION

Federal, state, and local policies are often created in silos without regard to existing policies already in place. This study centered around one Tennessee state policy and how it intersected with a federal policy regarding school leaders and third grade retention and EL students, which is only a microcosm of a much larger phenomenon regarding the intersection of state and federal policy. An article in Time Magazine describes a changing political environment in the United States that questions our nation's ability to "properly balance this tension between individualism and collectivism" (Weissbourd & Murphy, 2023, p). This article continues to describe how our nation is becoming more isolated and polarized. Policy is but a mirror of our society. The findings of this study illustrate how elementary school leaders make sense of these intersecting policies on a very small scale, but this phenomenon needs to be explored on a much larger scale.

How do elementary school principals simultaneously make sense of intersecting laws when making decisions on how to provide the best educational experiences for students? This study examines one such case in which principals attempted to make sense of high-stakes assessment policies alongside a statewide third grade retention policy, particularly for students identified as English learners (ELs).

To examine this question, I qualitatively analyzed transcripts of interviews with nine principals, engaging in a hybrid approach using both inductive and deductive coding methods. (Table 4.1) The themes described below are a combination of inductive and deductive approaches to the data. Initially, I read through each transcript multiple times, allowing inductive codes to emerge as themes arose within and across interviews. These themes included

Table 4.1 ***Coding for Data Analysis***

	Inductive Code	Hybrid Code	Deductive Code
Implementation of the Law	X		
Strategy Use		X	
Ethicality		X	
Sensemaking			X

implementation of the law, strategy use, and ethical dilemmas that principals faced. Secondly, I deductively coded the transcripts, applying Weick's (1995) sensemaking framework through Caughron's (2011) lens of strategy use, sensemaking, and ethicality. The blend of inductive and deductive coding helped me to view the data from both an inductive and deductive perspective and consider cross-over themes from both the inductive and deductive coding processes.

In this chapter, I first describe the patterns I identified within the first inductive coding process. Inductively I found commonalities within the data on specific considerations and practices participants used when implementing the new law. I then combined Caughron's (2011) deductive codes of strategies and communication with the inductively discovered code of strategy use. These strategies were defined based on the question, "In what ways has this law impacted programming, support, and communication?" that was asked of each participant. Through the analysis of data, combining these two codes made the most sense.

Secondly, when it came to ethical dilemmas, inductively determined trends were established around how principals described the ethical dilemmas faced throughout the first year of implementation and their emotions. Additional inductive codes arose around the intent of the law and unintended consequences of the law. Data regarding ethics were also analyzed through the deductive codes provided by Caughron (2011) with regard for others, attending to responsibilities, and adherence and awareness of social obligations. Using the combination of both inductive and deductive coding in a hybrid form allows for better clarity and understanding of the data.

Finally, I describe findings through the deductive coding process only, in which I identified the steps of sensemaking through Weick's original framework. These codes include

noticing and bracketing, labeling, retrospective, presumption, social and systematic, action, and organizing through communication. (Weick, 1995).

Findings

Implementation of the law

Whole bodies of research have been devoted to implementation and change sciences (Meyers et al., 2012). The importance of quality implementation to best support intended outcomes was not a surprise to see as a theme that initially surfaced in coding the data. Within this coding category, patterns emerged around considerations participants kept in mind when implementing the law and in the practices, participants implemented during the first year.

Considerations.

Principals had a significant number of considerations when implementing the new policy. Considerations were primarily given to what was best for students, secondarily participants considered their understanding of current legislation around EL students and retention, and finally took into consideration commonly understood research on retention and assessment.

A primary consideration for all nine participants was what was best for students. For example, Participant 6 (high, urban) articulated,

> When I first became principal, there were four things that I said I would do: 1) I said I was always going to do what's best for students, 2) I'm going to follow the law, 3) I'm going to do what the best for the school, and 4) I'm going to do what's best for teachers…what I have found is that what's best for students…doesn't always go exactly with policy and what the law says .

After consideration of what was best for students, three principals shared how to implement the two policies was influenced by their experiences. Different principals focused on

different elements of interpretation and implementation of the law, especially for students classified as ELs. Three of the nine participants considered and recognized that "It's illegal to retain a student based on limited English proficiency" (4, medium, urban). Participant 6 considered the difference specifically between state and federal law, sharing "state law says that without two years [of English language learning a student can be retained], but federal law says you can't hold a student back if you can't rule out language as a possibility" (6, high, suburban).

Additionally, five participants relied on their knowledge around common research in the education field as something to consider during the first year of implementing the third-grade retention policy. These research considerations included testing bias in the creation of content on the assessment (1, low, suburban; 3, low, urban) and norm-based assessments as a basis for criterion-based decisions (4, medium, urban). Two other participants considered research when making decisions for the EL students, sharing "Research says it takes 3-7 years, usually 5-7 years to be academically proficient in a language" (8, high, suburban) and "Research does not support retention, certainly not long term, and especially for ELs" (3, low, urban). Finally, three of the nine principals spoke specifically to retention research, including Participant 3 (low, urban) who stated, "I don't think that research supports retention. It's one of Hattie's [1]lowest levels of effect and so I'm adamantly opposed to it."

Practices.

The practices of the participants included principals simply refusing to retain students by identifying loopholes in the law and mechanisms to protect students and teachers, and the constant, on-going policy interpretation. Principals needed to stay on top of the changes both to

[1] John Hattie conducted a meta-analysis of 68,000 research projects to determine what practices had the biggest effect-size on student learning. This report was first shared in Visible Learning (2008) with multiple iterations since it was first published.

the policy and the FAQ's guidance documents. The practices that principals enacted aligned with their overall philosophy of retention.

Eight out of nine principals did not consider retention to be a beneficial practice and felt strongly that retention should be an individualized decision based on student need. Five principals discussed student age and preferred to only consider retention for Kindergarteners or 1st graders. One participant was completely against retention, stating "I'm against it. It does more harm than good" (8, high, suburban). Finally, just one out of nine participants appreciated the accountability that the retention policy provided, stating:

> It's necessary, because we've kind of gotten to the point where we know everybody's going to be promoted, so there's no incentive to do well. We need to start enforcing expectations (2, low, urban).

Considering many of the participants had strong philosophies centered around the negative impacts of retention, the practices used during the first year of implementing the retention policy centered around protection of students, families, and teachers. This role of protector could be seen in the different practices that principals discovered during the first year of implementation. Principals found that they needed to rely on multiple data sources to unlock new pathways or "loopholes" in the law and needed to become much more politically aware of changes that were made to the state law throughout the first year of implementation. As one principal stated, "I will follow the rules, but I'm also going to be like, here's a loophole we can get around. I can help" (1, low, suburban).

Looking for "loopholes" in the law encouraged principals to dig deeper into universal screening data. Universal screening data was used to determine characteristics of dyslexia, and

helped teachers better understand where there were learning gaps. Additionally, this data was added to the state retention law as an alternative pathway to promotion late in the Spring of the initial implementation year, instead of solely using TN Ready proficiency data. For example, Participant 3 (low, urban) shared "We used [DIBELS, Aimsweb, I-Ready, and Benchmarks] to determine if proactive tutoring was needed." This screening data also helped principals better communicate with parents, with one principal sharing, "I can explain to a parent, this is where they are in the process of learning" (1, low, suburban). That same participant noted.

> We had 26 [students] that came back [as not proficient], which I was really disappointed in. But when we started looking at other factors, they all did well on DIBELS, [which allowed them to be promoted] (1, low, suburban).

This participant also used another practice with data to build capacity in teacher understanding of where students were in the learning process (1, low, suburban).

Finding loopholes or alternate pathways was a consistent theme from two of the participants, with Participant 3 (low, urban) really leaning into Characteristics of Dyslexia and sharing, "We looked for ways that we could make sure we abided by the law, but we did not retain children, so we would dig very deep into characteristics of dyslexia to see if we could get a qualification for them." This participant also found that EL students can be flagged for characteristics of dyslexia even when they may not have it which was used as a protection mechanism in that "we could then help protect them from being retained" (3, low, urban).

There was frustration around the ambiguity coming from the state (5, medium, urban) creating the need to stay up to date with the latest information. It was noted that the first year of implementation felt very much like principals were "flying the plane as it was being built" (5,

medium, urban). This sentiment remained true even now into the second year of implementation, as Participant 1 (low, suburban) noted, “We’ll use all the rules, and they may change again.” Participant 6 also noted that “We were learning things, seemed like every week last year— [the state would indicate] this is part of the law now…or we’re going to change this” (6, high, suburban).

One of the more impactful changes for students classified as ELs occurred in January: “After Christmas we found in the FAQ [Frequently Asked Questions] that they [the state] added a little statement that said a student should not be retained based on language acquisition” (8, high, suburban). Five out of nine principals discussed this as an important change to the guidance document. Interestingly, the language of the law has not been modified to reflect this change as of February 2024. However, the constant changing of the state department of education’s FAQ and guidance documents created inconsistencies in implementation.

Participants shared concerns around these differences in implementation due to districts and schools being left to make sense of what was considered as an alternate pathway to promotion, and what was not. This inconsistency in interpretation was discovered in the second year. One participant noted that they had some students transfer into their school that would have been retained had they been at their school the year before because this principals’ school did not interpret having a 504 plan as a “loophole” (3, low urban). The principal shared, “Not only is the law not appropriate, but there’s also a lack of consistency between schools and districts on implementation of the law, leaving the receiving school in a precarious place” (3, low, urban).

Strategies and Communication

Weick (1995) describes one of the final steps of sensemaking as acting and organizing through communication. These actions, or strategies, could be seen in the ways participants

changed their communication, programming, and support during the first year of implementing the retention policy. These themes were discussed mainly in response to question six, "In what ways did the implementation of T.C.A § 49-6-3115 change your programming, support, or communication practices?" My initial inductive codes overlapped with a list of strategies and communication developed by Caughron et al. (2011). This list of strategies and communication based on Caughron's study promotes ethicality (Antes et. al, 2007): recognizing circumstances, seeking outside help, dealing with emotions, anticipating consequences, and defining roles and responsibilities.

Recognizing circumstances.

In applying these codes to the interview transcripts, I found that recognition of the circumstances of the law was simple and quick. Principals learned of the changes from law updates that came through weekly state communication channels and, for some, through individuals at the district central office level.

Seeking outside help.

Few participants discussed seeking outside help, and some felt "isolated and alone, just trying to figure it all out" (6, high, suburban). Participant 2 (low, urban) expressed a strong desire for better communication between schools that are doing well and those that are not but did not use that strategy during the first year of implementation.

Dealing with emotions.

The rocky, ever-changing landscape during the first year of the state's third grade retention implementation created a climate of uncertainty for all nine participants, with each of them discussing feelings of frustration and the desire to be a reliable source of information for students, families, and teachers. All nine spoke to the internal struggle that they worked through

as they were making sense of the new retention law. The emotions were strong including "pressure and guilt" (8, high, suburban), "strong desire to protect both students and teachers and tremendous anxiety" (3, low, urban), "isolated and alone, and just trying to figure it all out still." (6, high, suburban), "it just makes me sick" (1, low suburban), and one principal felt "doom and gloom" (8, medium, urban).

Anticipating consequences.

The anticipated consequences were for individual students, families, teachers, and the community. Eight out of nine principals saw the consequences as negative for all involved. Participant one expressed, "The mental anguish that it has caused these parents and students will be a scar for a lifetime." (1, low, suburban).

The consequences for students were clear, participants were highly concerned with the long-term consequences of students not staying with their peers. Concerns around students dropping out when they grew older, self-esteem, and impacting "children of color and children of poverty so much more." (8, high, suburban).

There were real concerns as well around protecting teachers who were already feeling stretched thin after the COVID pandemic. "It made us change our intervention group numbers, stretching our limited resources even more, which is increasing our ration in enrichment groups and reducing the impact of that time." (9, medium, urban).

Defining Roles and Responsibilities through Communication.

Roles and responsibilities differed among participants. There were significant changes in the ways the law was communicated, with Participant 4 noted that changes in communication to students, families, and teachers had to come mainly from the principal due to constant changes in state guidance (4, medium, urban). Eight of the nine participants discussed changes in

communication. In contrast, just one participant stated, “We had no changes in the way we do business, we already communicate more than most” (7, high, urban). This participant also felt like communicating the changes and expectations around the law should not be the burden of the schools, but that the state should make multiple public service announcements to communicate the changes. This principal shared, “Communication needs to come from someone other than the schools. It’s just too much for a school to communicate” (7, high, urban).

The other eight participants took significant ownership of the information, with the principal being the main driver of the information dissemination and meetings with families. For example, Participant 6 (high, suburban) stated, “I immediately had to call them in for parent meetings and let them know what was going on and the supports we were going to try and provide for their children.” All eight of these participants saw the benefit to having individualized, one-on-one communication with parents. Two participants talked again about “protecting” teachers, sharing, “In an effort to protect them [teachers] from having to have them [retention conversations], I have made sure all parent communication is done solely by me” (3, low, urban) and “Teachers had a lack of understanding, making me more involved in conferences helping teachers” (9, medium, urban). Three of the nine saw it as the role of a team to communicate the expectations of the law. Participant nine mentioned that they, “Hired more staff to help with communication and attendance.” (9, medium, urban). Communication proved to be critical to ensuring that all stakeholders had awareness of the new policy. Communication was such a central responsibility that one participant joked, “I now need marketing skills. [to communicate the changes because of the law]”

Programming.

An additional role the participants described was as a curricular leader. This included making changes to the programming students received. Changes to programming fell into one of three categories: no changes, programming during the school day, or programming outside of normal school hours. Three of the nine participants did not implement any significant changes to student programming. Two participants discussed changes to programming during the school day. Four participants discussed additional programming outside of normal school hours.

Participant 1 (low, suburban) discussed stronger coordination of services after following a student throughout their day: "Coordination of services became really, really important. We can't give a student five different programs and expect them all to work well. Now students experience the same content in all service areas." This program change looked at the student experience including multiple pull-out services (RTI, EL, Special Education) and how they aligned with Tier 1 instruction. Through experiencing what the student experienced, the principal recognized how disjointed the student day was. Time was then provided for teachers to collaborate, making the student experience more cohesive. The second during the day programming change that was mentioned was an intentional approach to student writing during the school day. Teachers were asked to look "closer at writing samples" (5, medium, urban), attending to alignment between standards and products. This same participant worked with teachers on stronger alignment between student grade cards and TN Ready scores, which also helped with parent communication.

Before and after-school support was used by four participants, and mainly focused on summer programming and tutoring. Participant 8 made a programming change by inviting more students to summer school, even those that were not at-risk because of the law, and saw student

benefits. Changes in tutoring, rather than expanding tutoring, were a more common program change. TN All Corps tutoring services were already in place at all the schools. Three participants spoke specifically to changes that happened around prioritizing 3rd graders and students that did not already have a pathway to proficiency in place. For example, Participant 3 (low, urban) shared, "We provided tutoring on the front end to be proactive. A tighter selection was used for tutoring (40th-65th percentile on Universal Screeners). We eliminated students [from tutoring] with IEP's, Characteristics of Dyslexia, so that we could reduce the ratio in tutoring groups." Participant 5 (medium, urban) discussed the prioritization of tutoring as well, stating, "We prioritized who got tutoring, taking spots away from 4th or 2nd graders that probably needed it more."

TN All Corp tutoring is written as a part of the law as a mandatory service for students who score approaching or below on the TN Ready in 4th grade. Students that are receiving tutoring as a pathway to proficiency in 4th grade must make "adequate growth" from their 3rd to 4th grade TN Ready scores. This growth score has yet to be clarified, creating a new set of difficulties for principals, students, families, and teachers. This concern was noted by three of the participants when considering after-school tutoring. One participant stated, "They are jumping through the hoops. They went to summer school, they made progress, they are doing the tutoring. Our district is currently trying to communicate that [even with those interventions] they don't necessarily pass 4th grade, still." (1, low, suburban).

One participant (2, low, urban) discussed a change in how they did family nights at school because of these changes in state policy, with a significant transition from fun "activities" to a more standards-based approach. The family nights shifted toward "Parent meetings about the academic stuff, really talking about what the standards look like and teaching parents how they

can support their kids" (2, low, urban). Another communication strategy that was used involved student ownership and bringing back student-led conferences that one school used prior to the COVID-19 pandemic. Participant 1 (low, suburban) felt that these conferences "helped to bring better understanding [of the new law] and how it applies to their individual student] to both students and families." (1, low, suburban)

Support.

The final role that participants described was that of a supporter, both to teachers and families. Only one of the nine participants discussed both changes to programming and support. The other seven described either programming changes or support, with one participant stating no changes at all.

Two principals built greater capacity in both teachers and support staff. This support occurred in building their understanding of data and standards. "We really taught them how to break a standard down…our teachers were really good at teaching activities and tasks, but not necessarily aligning it with the actual standard that you're teaching" (2, low, urban). One principal (9, medium, urban) recognized the need to communicate better with stakeholders and was able to give greater support of this process by hiring a person specific to provide communication around pathways to promotion and increasing student attendance. Participant 1 described supporting as "Providing emotional support to families, reassurance to parents that it would all be okay." (1, low, suburban).

Ethics

Attending to responsibilities as a principal can cause ethical tension and dilemmas. Fullan (2014) describes the roles of school principals as becoming increasingly complex due to pressures around school improvement. He discusses three keys for maximizing impact as:

leading learning, being a district and system player; and becoming a change agent. Behind these three keys are much smaller responsibilities that build to the larger overarching theme. These responsibilities can include teacher evaluation, curricular leader, serving as a mediator between the community and the school, maintaining a safe environment for all, and ensuring balanced classes.

All nine participants were asked if they encountered any ethical dilemmas as they made sense of and implemented this new law, and they all responded with a common reply of "yes" or "absolutely". As the participants shared their experiences, the data was examined using each of the three themes described below. These themes are a hybrid combination of inductive (ownership, intent of the law, unintended consequences) and deductive codes (regard for others, attending to responsibilities, adherence, and awareness of social obligations) based on Caughron's (2011) study.

Ownership and Regard for others.

When participants were asked if they encountered any ethical tension or dilemmas because of the new retention law, all nine spoke to the negative emotions surrounding the dilemmas and took ownership of the outcomes. Participant 4 (medium, urban) used and analogy to capture the ethical dilemma of ownership and regard for others they faced during implementation of the law:

> I use this analogy that we are the farmers. Our school day is the soil, and the kids are the crops. We['ve] got to grow them. But if the plant's not growing, you don't yell at the plant, you test the soil. And so, for me, retention is really just yelling at the plant for not growing. We need to tend to the soil.

This ownership of student performance was also illustrated by two other participants who reflected, “Maybe…they [the student] didn’t get the best teacher in the grade level?” (1, low, suburban) and “Let’s look at the teaching they received, let’s look at the curriculum, screening data, and interventions. Has it been enough?” (4, medium, urban). Leaving one to wonder, “Are we fixing the problem or are we just collecting evidence to say we addressed the problem?” (2, low, urban).

Another area of ethical tension regarding others was in consideration of the lifelong impact of retention decisions on students. Principals were keenly aware and owned the fact that this was not just a decision that would impact a student and a family for a year but could impact them for a lifetime. “The mental anguish that [this law] has caused these parents and students will be a scar for their lifetime. It’s so much pressure on an 8-, 9-, or 10-year-old,” Participant 1 stated (low, suburban). Participant 6 noted that “I think the data will prove that the majority of retentions increase drop-out rates. Is what we’re doing going to be enough?” (6, high, suburban). Participant 4 (medium, urban) shared, “I think the threat of retention may help families be more involved and choose to spend 20 minutes reading at night where they didn’t before. But again, that’s not retention as an intervention, it’s parental involvement under the threat of retention.”

Other ethical concerns were noted specifically about the assessment design and purpose. One participant shared they felt they were “being forced to make that [retention] decision based upon 3 days in April…you’re talking about 2.5 hours determining what could possibly impact a child’s life?” (5, medium, urban). Another concern around using the TN Ready assessment was what it means to read on grade level versus if a student is proficient according to a norm-referenced assessment. Participant 4 (medium, urban) stated “There are significant differences between whether a student can read on grade level and whether or not they are proficient on the

TN Ready." Additionally, participant 5 (medium, urban) stated, "The assessment design is flawed. We need to focus more on student growth."

All nine participants showed regard for others in their approach to ethical dilemmas. This could be seen through the consistent discussion of how this law impacted students, teachers, and families. This is illustrated by participant 6 (high, suburban). This principal discussed the challenges of the new law, but also lifted the question of, "Who was this impacting the most?"

> I think we're all kind of in the same boat and just trying to juggle supporting families, supporting teachers, trying to keep them from feeling like a failure, to keep them from putting all of that pressure on themselves about student success. And it is just hard. Depending on your school population, of course, that changes what the challenges are as well. I think we probably clearly see demographic lines, diversity lines, things like that. [This law] is affecting children of color much more and children of poverty much more.

Regard for others could be seen in the ways that principals heavily considered the needs for others over their own personal needs. Participants described how attention to all stakeholders being treated with fairness, equality, and dignity was important. There were multiple examples of the regard for students throughout the interviews. Five participants were concerned with the lifelong impact on the student, how they would be perceived by peers--especially at an older age, and the "mental anguish" (1, low, suburban) that it had not only on the students, but the entire family.

Participant 9 (medium, urban) shared another example where their regard for others was focused on teachers involved in the additional support required by the state of Tennessee.

> We're paying some of our teachers to do extra tutoring…though extra tutoring is fine…we've been doing it before the law stated that we had to do it. It is wearing my teachers out. This has been the most challenging year for teacher morale because everyone is worn out.

The ethicality of regard for others could be seen and heard by all nine participants as they shared the many concerns they had with the law. It required them to think about what this is doing to not only their students and families, but staff as well. It will be interesting to learn over the next few years who this law has impacted the most, and to what degree.

Intent of the law and Attending to Responsibilities.

As professionals, participants observed the underlying responsibilities linked to the intent of the law. Participants 3, 4, and 9 discussed the intent of the law and shared the understanding that lawmakers created the law with a desire to increase reading proficiency in 3rd grade.

> I am in full support of the intent of the law. The intent is that we need to stop moving kids through our system who academically are not where they could and should be. And I firmly believe every kid has the potential to be proficient (4, medium, urban).

Participant 9 had similar beliefs,

> I don't think they're demons who want to hurt us in public education. They really want to address the problem. If they really wanted to address the problem then they would engage the boots on the ground (9, medium, urban).

Attending to responsibilities as a principal can create other ethical concerns. Public schools are expected to conduct the TN Ready assessment each year. This assessment is conducted under very strict guidelines from the state and includes the real threat of educators

losing their licenses if not followed correctly. An ethical dilemma surfaced with attending to responsibilities around the assessment design and purpose. One participant shared they felt they were "being forced to make that [retention] decision based upon 3 days in April…you're talking about 2.5 hours determining what could possibly impact a child's life?" (5, medium, urban). Another concern around using the TN Ready assessment was what it means to read on grade level versus if a student is proficient according to a norm-referenced assessment. Participant 4 (medium, urban) stated "There are significant differences between whether a student can read on grade level and whether or not they are proficient on the TN Ready."

An additional theme to emerge when considering the personal responsibilities of a school principal was that an important team member of student support teams. Principals often lead student support teams to help ensure the best support possible for individual students. Teams examine the data and determine alternate ways of support. Would the student benefit from more support with a new diagnosis or label? Establishing that a child needed a 504, IEP or an ILP due to characteristics of dyslexia were all examples of how principals held responsibility in their roles. Participants three and four lifted these responsibilities up as they discussed ethical dilemmas. Participant four (medium, urban) stated,

> I feel like it's starting to log jam some of these special services, because the whole point for EE [Exceptional Education] eligibility is to make sure only those that need it get it. But now, and it used to be 'don't put my kid in there' and this has reversed the flow to where now we got people [parents] like… 'Oh, they didn't qualify [for special education services] on the Woodcock Johnson? Well, what other tests do you have?'

Working within this ever-changing landscape of professional responsibilities is something that created significant ethical dilemmas for the participants.

Unintended Consequences and Adherence and Awareness of Social Obligations.

Another theme that developed through the interviews was that of "unintended consequences" of the law and how those were intertwined with an adherence and awareness to social obligations. Two participants (8 and 9) talked about how students missed time with family consequently to not being proficient. This was especially true for an EL family that would travel abroad to see family during the summer months, "Families who travel abroad during the summer, they were punished. They either stayed home (attended summer school) and didn't see family in Mexico, or they went to see family and had to repeat 3rd grade." One principal described a family who chose to spend time in Mexico, and the student was retained.

Participants 4 and 6 discussed an enrollment decrease since the law was put in place. Two participants shared "Parents are now moving their kids into private schools prior to 3rd grade to avoid it" (4, medium, urban) and "Parents have decided, 'We're just going to homeschool them.' It's well within their parental rights, but it's a loss for the school. I'm a believer in public education, and we lost some good kids last year" (6, high, suburban). Both urban and suburban principals lamented the loss of good students from their schools under the new retention policy.

Another participant strongly felt that this law "Punished students in high-poverty, high EL schools much more than affluent schools" (6, high, suburban) Educators are leaders, abiding by a code of ethics that may be different than those of other professions (Shapiro & Stefkovich, 2011). The nine principals showed an awareness of how this law had an impact that was greater than that of a single student or that of one or two years. It has the possibility of impacting the graduation rate in future years, especially for those who are EL. Participant 6 (high, suburban) shared, "I think the data will prove that the majority of retentions increased drop-out rates. Is

what we're doing going to be enough?" The awareness of social obligations was also clearly expressed by Participant 4 (medium, urban),

> The intent is that we need to stop moving kids through our system who academically are not where they could and should be…We have them for thirteen years, it's a massive travesty of public education.

Most participants expressed that they have a responsibility to their local community to build the strongest most capable individuals, not only for themselves but for our society to continue to prosper.

Sensemaking-based on Weick's Framework

Weick (1995) describes sensemaking as a cognitive process that unfolds in a three-step sequence: (1) the act of noticing something—an event—that interrupts the flow of action and retrospectively seeing that event and reflecting on the experience, (2) first attempt of formulating understanding of the event through bracketing and labeling the experience, (3) communication of the event to better others' interpretation through discussion or writing. The sections below describe this three-step process by breaking these steps down into further detail. The sensemaking steps are noticing and bracketing, labeling, retrospective in nature, presumption, and how sensemaking is both social and systematic.

Noticing and Bracketing.

Noticing that there is a problem is step one of sensemaking (Weick, 1995; Weick et al. 2005). This recognition begins the sensemaking process. Data showed that principals found themselves in an unending cycle of noticing and bracketing, which supports the idea that sensemaking is not in isolation, but a process. "We were on the edge of our seats trying to find out all of the information we could about the law." (8, high, suburban). "We were learning

things, seemed like every week last year, this is part of the law, or we're going to change this." (6, high, suburban) Staying on top of those changes and noticing when things changed or clarifying documents were shared by the state, was the first step of implementation.

Labeling.

The next step of sensemaking includes applying meaning to the information. Participants described categorizing and organizing information while putting new information with previously learned information to begin to make sense of the new situation. "It's important to note that personal biases and situational factors can influence how one makes sense of their circumstances" (Caughron et al., 2011) This was also seen in the data as each principal began to make sense of the law through the lens of the students that they serve, their own lived experiences, and general philosophy of retention. "How one interprets an emergent situation is likely to impact the ethicality of decisions." (Caughron et. al., 2011) This variation could be seen between participant 2 and 8. Participant 2, a principal in an urban school district in which only 15% of students were proficient on the T-CAP, who described an overall philosophy of "[The law] is necessary, because we've kind of gotten to the point where we know everybody's going to be promoted" (2, low, urban) is completely opposite of participant 8 who is in in a suburban setting with 24% proficient on the T-CAP: "I'm against it. It does more harm than good" (8, high, suburban).

Labeling was also seen in the ways principals sorted students into categories. An example of this practice was a participant who categorized students into two groups. The first group was made up of students to whom the law does not apply (already meeting proficiency or having a good-cause exemption in place) and the second group was these are the students we need to be concerned. Other examples of labeling students included students as already proficient or

students with IEPs, 504's, characteristics of dyslexia, or EL played a part in determining who got tutoring services and who did not. This process was described by Participant 5 (medium, urban), "We prioritized who got tutoring—taking spots away from 4th or 2nd graders who needed it more."

Principals also used labeling within the EL population to make sense of the law. In one school, students were differentiated between "Students whose families opted 'in' to EL services" and "Students whose family opted 'out'" (2, low, urban). It is interesting to note that this participant only applied the change to the frequently asked questions to those EL students whose families opted "in" to receiving EL support, and the other students who qualified for EL support, but whose families opted "out" were held to the same standards as native English speakers.

Participant 1 (low, suburban) also noted that there were differences within the EL classification. Participant 1 shared that "newcomers" had different needs than those that were native to the United States but had lack of English exposure. The labels that were created at the beginning of the sensemaking process helped to make the abstract ideology of the law into more concrete groupings. These concrete groupings created avenues for action.

Retrospective.

Weick (2005) notes that sensemaking oftentimes happens as mistakes and diagnoses are made and after the sense-maker reflects or recognizes a wrong-doing during an action. This reflection is then applied to the next action step. Evidence of this stage of sensemaking could be seen when participants were asked about their overall philosophy of retention. Of the nine participants, only one participant believed that retention would be an appropriate intervention for third graders. A few participants referenced their experience as to why they held the negative

view of retention and its consequences. “I’ve rarely seen retention be more effective than intervention.” (4, medium, urban).

Participant 3 (low, urban) explained how not retaining EL students made a big impact based on their experience. Had the state not allowed for that exemption more EL students would have been retained.

> I feel that many of those [EL]students, and we can see across our district as they move up in the grades and they do become proficient in English, their academic performance improves. And so, I think it would’ve done them a real disservice to have retained them based on that third grade T-CAP score.

Additional evidence shows that principals have learned more and have a better sense of the law during the second year of implementation. Retrospectively seeing small moves like changing communication terminology by calling it “Pathways to promotion” (6, high, suburban), was one method that participant six noted was making a difference with parents. Participant three states “We see the pathways now and can better communicate those with families.” (3, low, urban)

Presumption.

“To make sense is to connect the abstract with the concrete” (Weick et. al., 2005, p. 412). Presumption can be seen as principals presume the intent of the law and making presumptions based on their own learned experience of how to move more students toward proficiency so that retention would not be necessary. Three participants discussed the presumed intent of the law as an end to social promotion. Participant 3 (low, urban) suggests, “I think that it sounds, for the legislators perhaps, it sounds like a really good thing. We want to make sure 3rd graders can read. Those who are making the decisions, do not understand that the T-CAP is not an appropriate

indicator to learn if a kid can read." Participant 1 (low, suburban) also made a statement about the appropriateness of T-CAP/TN Ready, "TN Ready tests are proven to be biased, and that's what we're using?" Presumptions aid in sensemaking, but they are not always positive in nature.

By enacting specific strategies that have been successful in the past, principals make presumptions and work to control the outcome for students. These outcomes are not guaranteed, but maintaining connectivity to the students, data, teachers, and parents continued to support sensemaking strategies for the principals. All nine participants recognized how tutoring was an intervention that was working and were using that intervention to increase student proficiency. Eight out of nine saw an increase in parent communication and presumed that to be impactful for students and families.

Social and Systematic.

Principals noted the dependence on district personnel and working as a team as they made sense of this new law and its impact on students. The use of Universal Screeners throughout the year systematically supported continuing the current protocols for individual students or changing the plan to better support the students. Sensemaking for the participants showed to be a process that continued throughout the school year.

Working together as a team was mentioned by all nine of the participants. The team included teaching staff, parents, and district staff as principals worked socially with other members to try and make sense of the new law (see Table 4.1) All nine participants discussed working with both parents and teachers as social supports as they worked through understanding the law in the first year. Only participants 1, 4, 5, and 6 discussed working with district personnel as a strategy they used during the first year of implementation.

Table 4.2: ***Social supports for Sensemaking***

	1 Low, Suburban	**2 Low, urban**	**3 Low, urban**	**4 Medium, urban**	**5 Medium, urban**	**6 High, Suburban**	**7 High, Urban**	**8 High, Suburban**	**9 Medium, Urban**
Parents	X	X	X	X	X	X	X	X	X
Teachers	X	X	X	X	X	X	X	X	X
District Personnel	X			X	X	X			

Participant 9 (medium, urban) was unique and discussed the support he garnered from out of state professors,

> I'm in consultation with other professors out of the state of Tennessee, let's just say, and one in particular in Delaware who serves as my coach. And when I told him last year about this he said, 'Oh yeah, we tried that in Delaware twenty years ago and it just didn't work.'

An interesting note is that none of the participants discussed using networks of other principals during the first year of implementation. Although, inconsistency of implementation was mentioned often. This piece of data will be explored further in Chapter 5, as the social and systematic piece of Weick's sensemaking framework helps to solidify and connect the cycle and process of understanding.

Action.

The next steps of sensemaking include taking actionable steps of what the participant understands, but these steps do not occur in isolation and are not linear in nature but cyclical. "If the first questions of sensemaking is "what's going on here?' the second, equally important question is 'what do I do next'" (Weick et. al, 2005, p.412) "Action and talk are treated as cycles rather than a linear sequence." (Weick et al., 2005, p. 412) This cycle of action and discussion is illustrated throughout the work of principals' sensemaking as they created a deeper understanding of the law and made actionable changes both in the first and second years of retention policy implementation.

These actionable changes illustrated the next steps of sensemaking. One principal described being proactive with tutoring. By intervening prior to being required due to TN Ready scores, they hoped the action would avoid a possible retention. "We did tutoring on the front end

to be proactive." (3, low, urban). Tutoring was mentioned by all nine participants, with the goal of helping third grade students gain proficiency.

Other actions included steps to build greater capacity in staff, and not just teachers. "If you were a paraprofessional, you were planning just like a teacher because you are supporting these kids, so you really do need to know how to teach" (2, low, urban). Participant 9 (medium, urban) shared that an initial action step was to help teachers who "had a lack of understanding." Action steps were taken to bring back practices that fell away during the COVID pandemic like student led conferences (1, low, suburban) and family nights that focused primarily on academics (2, low, urban) were two examples.

The use of meaningful data was also mentioned by all nine participants. Some of the data used was previous T-CAP data for those that gave an optional administration in 2nd grade, Universal Screening data (Aimsweb, DIBELS), WIDA data, common formative assessments, and Mastery Connect. Participant 1 described the use of data as being beneficial: "I can explain to a parent, this is where they are in the process of learning to read" (1, low, suburban). This data helped to label students, create learning plans, and track student growth throughout the year.

Organizing through Communication.

One of the final, yet critical, steps to sensemaking included organizing through communication.

> To share understanding means to lift equivocal knowledge out of the tacit, private, complex, random, and past to make it explicit, public, simpler, ordered and relevant to the situation at hand. (Weick et al., 2005, p. 413)

Communication was necessary with all stakeholders for students to benefit through equal understanding. The implementation of this law created a new accountability system for all parties. Principals prioritized communication in the ways they held individual conferences, built capacity in teachers, and created new ways of working within their schools. These actions also helped to solidify their understanding of the new law. Participant six described this implementation of action as "Immediately had to call them in for parent meetings and let them know what was going on and the supports we were going to provide for their children." (6, high, suburban).

Conclusion

This study aimed to answer the research question: How has the third-grade retention law changed principals' practices regarding the retention of EL students? I also explored the following sub-questions: What policies, if any, were considered when changing practices? How were those policies prioritized? Through the results of this study, we can see that principal practices around retention changed significantly in response to the law (T.C.A.§ 49-6-3115). Prior to the implementation of (T.C.A.§ 49-6-3115) all nine participants shared that they would never consider retention of a 3rd grader, and that it was only considered for younger students before the law. The only other policy described by two participants was that regarding federal policy and retaining EL students based on language acquisition. Principals described their experiences and practices moving well beyond that of policy. These participants expressed the need for consistency, strong ethical convictions, and specific strategies to help make the policy work; even when eight out of nine were not in favor of the state policy.

CHAPTER FIVE: DISCUSSION

INTRODUCTION

This study set out to answer the research question: What policies, if any, were considered when changing practices? and how were those policies prioritized? Michael Fullan (2023) articulates in his book, Principal 2.0: Three Keys to Maximizing Impact how the school principal is pivotal in the work of system change, and asks, “Are they an agent of the state or of the local community?” (Fullan, 2023, p. xi) As I began to analyze the data this issue came to mind. Principals can be torn between what is right for a student through their professional expertise, and state and federal law. This was noted by participant six, “What I have found is what’s best for students…doesn’t always go with what the law and policies say.” (6, high, suburban). This was also noted in what was perceived to be a lack of voice in the room where the decisions were being made. Comments around lawmakers needing to talk about these issues with the people who have “the boots on the ground” was a theme for five of the participants.

Summary of Findings

Sensemaking of Policy

This study was framed in Weick’s sensemaking theory, wondering how principals made sense of policies that were not aligned from the federal and state levels. What I learned was that while principals are going to work hard to be in alignment with these policies, all nine of the participants showed a dedication to individual students more so than the policy.

Analyzing the data and findings in depth, I found that long-standing policy becomes intertwined with our own personal values or professional code of ethics. Initially, this study looked at two policies as if they were “equal” of sorts, both being laws that districts and schools were expected to follow, and I envisioned principals being forced to make a choice. Do I follow

the federal law or the state law? That was not the case. The federal law which was determined after the Supreme Court ruling of the Lau vs. Nichols (1974) case had been in existence for a much longer amount of time, and it provided a foundation of value and guidance for educators for 40 years. When first establishing the research question, I did not consider this as being a factor that should be considered.

Johnson and Martin (2014) discussed the conditional response hypothesis based on the Supreme Court legitimacy and attitude formation. This theory suggests that once the Supreme Court decides on a salient issue, the decision impacts the values and ethics of society in a substantial way due to the high regard our society bestows the Court. This hypothesis is based on two works. The first study by Dahl (1957) determined that when the Supreme Court takes a position on an issue, the public opinion shifts based on that position taken by the court. Secondly, Franklin and Kosaki (1989) posit that the "public listens to the Court and always supports its decisions" (Johnson, et. al, 2014, p.300). "In other words, because the Court is perceived as the ultimate arbiter of the law, its decisions are viewed as legitimate, credible, and therefore correct." (Johnson, et. al., 2014, p.300).

Learning more about this theory helped me to better understand the findings of this study. The decisions the Supreme Court makes impact federal law thus becoming a part of the fabric of what society deems right or wrong. Participants overwhelmingly reported that retention of EL students was "wrong", bringing a strong sense of ethicality, value, and emotion to their reaction toward the state law. Only two referenced it being "against the law" but could not specifically pinpoint the law. Which was surprising to me as a researcher. How was I going to determine sensemaking of intersecting laws, when the participants did not recognize that there were two concurrent laws that were not aligned?

The sensemaking of the participants was not about the intersection of two policies, one state and one federal. It was more about making sense of the new state law in reflection of their own internal values set forth by federal policy, determined by the Supreme Court in 1974. Decisions made by the Supreme Court and time allow for citizens to make sense of the protections, implications, and consequences of aligning or not aligning oneself with those decisions. It is difficult to extricate the ethics and values from the new external force of a law that is not in alignment with the previous value or ethic that has been in place for the entirety of a participant's career.

To better illustrate this, I'll compare another common practice in education that includes retention. IDEA (Individuals with Disabilities Education Act, 1975) Part B describes procedures for students with individuals with disabilities and allows students with disabilities to be educated from age 3 through 21. This law was based upon the Supreme Court decision of PARC (Pennsylvania Association for Retarded Children) v. Commonwealth of Pennsylvania. A common practice in schools today is to retain students with complex disabilities once during elementary school and once during middle school, so that students are not spending seven years in a high school setting. Should a new state law be developed requiring this practice, for example, "LEA's must retain students with complex disabilities once during grades K-5, and again in grades 6-8." It would not create the emotional turmoil or ethical dilemmas that this study examined, even though both focus on retention. This "new law" would already be in alignment with our current values, based on the Supreme Court decision in 1975.

The purpose of this study was "How does a school principal simultaneously make sense of intersecting laws when making decisions on how to provide the best educational experiences for EL students while being faced with high-stakes assessment policies-in particular, third grade

retention policy?" My findings are that participants used their internal code of professional ethics and values, which were determined by a Supreme Court decision and long-standing Federal Law. The participants found ways to comply with the state law, yet not betray what internally they determined to be "right" mainly through finding "loopholes" and pathways to proficiency that would not require retention.

For all nine participants, when faced with two intersecting laws, sensemaking was more about their values and ethics than it was about truly understanding or making sense of both laws. The federal law was not one that needed to be fully understood, as the participants just "knew" it was wrong to retain EL students, so much so that they could not articulate why it was wrong. Illustrating the fact that it was not making sense of two laws but trying to make sense of a new law in comparison to their deeply held value.

The state law and TDOE guidance documents were under construction during the entirety of the first year of implementation, and still are during this second year of implementation. Sensemaking of the state law was a cyclical process and interpreted in a multitude of ways. Even now, in its second year of implementation, there are still many questions around how it applies to both 3rd and 4th grades. It would be difficult to claim that anyone has a true understanding of it, even the lawmakers are confused. Senator Mark Pody, R-Lebanon shared his frustration in a recent hearing with the new Commissioner of Education for Tennessee, Lizette Reynolds, "I'm all for this accountability, and I voted for this (law) each time but implementing it has been a problem." (Wegner, 2024)

Implementation of Policy

Additional findings were noted in the inconsistency in implementation, how principals stay up to date with the latest changes in state policies and research, finding loopholes, and concerns around reduction in school enrollment.

Two themes emerged as possible reasons for inconsistencies of implementation during the first year. The first issue included the changes to the law and guidance documents, after the law was in full implementation. The state law was approved in June 2022. In April 2023, the Tennessee Department of Education published a new Frequently Asked Questions (FAQ) document on their website. In response to the question

> "Should an English learner (EL) who has received more than two (2) years of English instruction but is not considered to be proficient in English language according to SBE Rule 0520-01-19, be retained?", TDOE indicates that "An EL should never be retained based solely on a lack of English language proficiency…" (TDOE, 2023b).

It should be noted that in the same document, it states, as the law itself still states, that "Your child will NOT be retained if any of the following are true: My child is an English learner and has received less than two (2) year of English instruction" (TDOE, 2023b). This area has no additional information, but the contradictory language described above is used within two questions on the FAQ. The language around "good cause exemptions" in the current law (T.C.A §49-6-3115) has not been changed to account for students that are unable to achieve proficiency due to an academic understanding of English. As other researchers have found (e.g., Mavrogordato & White, 2020) this ambiguity between guidance and law can create variation in application by both educational leaders. During the first year of implementation significant changes to the law and communications were made. These changes, if not caught by district

personnel or individual principals created misunderstandings and inconsistent implementation within districts and between districts.

The second theme focused on the interpretation of the law, and more specifically what was a good cause exemption and what was not. Districts and schools created their own blueprint, and made sense of the law, in a variety of ways. Some schools looked deeply at characteristics of dyslexia, others considered having a 504 as a disability that could impact reading ability, and others used any IEP as an exemption while others only considered IEP's if they had goals for reading. This inconsistency in interpretation has been felt by schools and districts during the second year of implementation, especially for students who have transferred both between and within districts. Participant 3 described a student from another school, who interpreted the law to mean a student who had a 504 would have a good cause exemption. This student transferred to the participants school who did not interpret the law to include 504's as a good cause exemption, in fact this new school thought the student should have been retained. This left the receiving school in a "no win" situation.

The data from participant 2 described dividing EL students into two groups. The first group included students whose families opted into EL services, and the second group included students whose families opted out of services. Students who opted in, were allowed to move forward without consequence based on the "loophole" mentioned in the FAQ document, "An EL should never be retained based solely on a lack of English language proficiency…" (TDOE, 2023b). Students whose families opted out of EL services were held to the same accountability as non-EL students. Clarity around this should be provided by the state, and not left up to individual schools or districts.

Decisions around opting in or out of EL services happen the very first time a student is enrolled in school through a simple English language survey, many times this is during the first year of preschool or Kindergarten. If this interpretation of the law is what the TDOE wishes, then there is responsibility at the school level to let families know at a very early stage what this decision could mean for their student. That communication needs to be fully clarified at the state level, so that schools can communicate this transparently to all impacted families.

The Confusion Continues.

Tennessee is now in year two of implementation of T.C.A §49-6-3115, and while there are more pathways to proficiency available for third graders, there still is a significant lack of guidance around what constitutes a good cause exemption. The law is still being written around what a fourth grader will need to show to progress to fifth grade, and if the good cause exemptions that are in place for third grade might apply to fourth grade as well. Principals, families, teachers and most importantly students are again left in a state of confusion.

The law, as originally written and passed, was amended during the last legislative session to include information on 4th grade students who were not proficient in 3rd grade and how their promotion should be handled. The legislators had the opportunity to change the terminology around "2 years or more of English language instruction", but that did not happen. The policy and guidance documents are continuing to change. A pathway to proficiency for 4th graders includes either scoring proficient on the TN Ready in 4th grade or showing "adequate growth" in 4th grade. To determine adequate growth, districts would use a 4th graders' projected proficiency based solely off their 3rd grade assessment (as provided by the state) and plug that number into a formula to determine if adequate growth has been achieved. The decision on what adequate

growth would be was not decided upon and published until the middle of March 2024. This decision was made one month prior to the TN Ready administration.

As of March 2024, the frequently asked questions have been removed from the state website and it no longer states, in any guidance document posted, that students should not be retained based on their inability to speak English. The statement originally shared in the FAQ's reflected the Federal law. I would suggest that this language needs to be added back to both the FAQ document and the flow chart that the state has published with pathways to proficiency. Transparency needs to be a top priority to promote consistency of interpretation and implementation.

Understanding of the Law and Research.

The focus of practitioners, in this case principals, is on the day-to-day work that lies in front of them. Days are filled with student behavior and learning, teacher support and evaluation, parent communication, and district demands and meetings. Little time is available to stay current on new legislative updates and research. What was overwhelmingly evident was that there was a real dependence on state district updates, frequently asked questions documents that would randomly change, and district guidance when it came to implementing this new state law.

Loopholes and Ethics.

A consistent practice was looking for "loopholes" in the policy so that students would not have to be retained. This was something both parents and principals worked to find. Finding "loopholes" created its own set of ethical concerns. Labeling a student with a disability (504 or IEP) or with characteristics of dyslexia could also have life-long lasting impacts, like retention could do.

The characteristics of dyslexia was what one participant really focused on as a good cause exemption, due to the language of the law stating that a student could move from 3rd to 4th grade if there was a "suspected disability in reading". To qualify as a student with characteristics of dyslexia a student must meet two criteria as put forth in the Dyslexia Resource Guide, TDOE, July 2023.

Criteria One:

The student must meet one of the following:

- The student is in grades K - 3 and falls below the 25th percentile on the composite score on the Tennessee universal reading screener provided by the department or on a nationally normed, skills-based universal reading screener approved by the State Board of Education.
- OR The student is in grades 4 - 8 and falls below the 25th percentile on the composite score on a nationally normed, skills-based universal reading screener.
- OR The student is in grades 9 - 12 and the LEA's Early Warning System detects that the student may be at risk for a reading deficit.

AND

Criteria Two:

- The student displays deficits in fifty percent (50%) or more of the grade appropriate subtests identified by the state's Minimum Universal Reading Screening Matrix, which could include the following areas: phonological awareness, phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding skills, rapid naming, or encoding.

Each student that qualifies as a student with characteristics of dyslexia, must have an individualized learning plan (ILP-D) created and implemented. The dyslexia resource guide document discusses the use of an ILP-D for EL students. EL students also have an individualized learning plan (ILP) developed and implemented. It is the responsibility of the LEA to ensure that EL students are also screened for characteristics of dyslexia and can't be identified as having characteristics of dyslexia based solely on their inability to speak English. Once again, the language and vagueness of the guide can lead to multiple interpretations and inconsistencies.

The new funding model for Tennessee is the Tennessee Investment in Student Achievement (TISA) model which replaced the old BEP funding formula. Students with characteristics of dyslexia, IEPs, or 504's have additional funding connected to them, which has the possibility of creating ethical issues for schools and districts. There are real long-term consequences for mislabeling students at an early age. These consequences can include how they view their ability to learn, what classes they are offered as the students move through the grades, how parents view their students' abilities, and most importantly it should be noted that these labels do not go away over time.

Loopholes were not identified to ignore the law, on the contrary, they were identified to abide by the law, but protect the students and families. The data suggested that principals took on the role of protector almost immediately. This should not be a surprise as principals are responsible for the physical, mental, and emotional safety of students. This is usually marked through discipline, counseling referrals, and parent conferences. The implementation of this law put principals in a precarious place, because implementation without the loopholes or good cause exemptions would put them at odds with their values.

Decrease in Student Enrollment

Two participants saw a decrease in student enrollment after the implementation of the law (T.C.A.§ 49-6-3115). Some families chose to avoid the law by sending their students to private schools. Private schools and homeschools do not have the same accountability structures as public schools. Neither private schools, nor homeschool students are required to follow this law. There are two additional bills moving through our state legislature that could also impact school funding and lead to a decrease in student enrollment in public schools. The first is the voucher bill and the second is the study around the impact of rejecting Federal funds.

The decrease in student enrollment has multiple implications both for schools and our communities. A decrease in student enrollment would create an impact on school funding, especially under the new TISA model. This could create a trickle-down effect impacting class size, number of employees, and opportunities offered to our students. When funding is decreased the "optional" enrichment activities are many times the first cuts that are made. Classes like art and music, or extra-curricular activities such as sports, band, and clubs.

Additionally, homeschool and private schools are not held accountable in the same ways public schools are. As parents make choices for their children, there is no current way to track if students are learning the necessary curriculum and skills to be a contributing member of our democratic society. The more students and families move away from public schools, the less accountable they will be for learning.

Limitations and Recommendations for Future Research

Limitations

In this section I will describe limitations to this research including the questions, changes in the good cause exemptions from the beginning of the study through current day, and limitations regarding the number of participants.

The questions I asked may not have elicited the responses necessary to learn more about principal sensemaking of policy. Questions two and three worked to learn more about principal sensemaking. These questions included: 2) Prior to the implementation T.C.A. §49-6-3115 (more commonly known as the 3rd grade retention/promotion law) in 2022-2023 school year, what factors contributed to your decision making when considering student retention? 3) Did new information factor into your decision-making after the implementation of T.C.A.§ 49-6-311. I assumed that principals would have a clear understanding of both laws. Possibly describing both laws in detail, and clearly asking how principals made sense of the two intersecting laws would have provided different data.

When the study was designed, there was not a good cause exemption for EL students beyond that of having two years of English language instruction. By the time of the interviews, the Frequently Asked Questions document allowed individual schools to determine if an EL student's lack of proficiency was due to the student still learning English and allowed for a good cause exemption in that case. Therefore, the data that was collected on EL's was very similar to that of all students.

An additional study limitation was the number of participants. A larger population could have garnered more information and understanding. The biggest differences in answers came from an urban principal with low TN Ready proficiency rates and those from suburban districts

with higher TN Ready proficiency rates. Creating a more purposeful selection by only talking with urban principals or suburban principals could make for a very interesting study.

Recommendations for Future Research

Education policy in Tennessee is a 'hot topic' right now. There are several rapidly changing policies surrounding everything from student retention, funding, assessment, censorship of school libraries, flags, and vouchers. An interesting next study would be to continue to look at principal sensemaking of policy but use the conditional response hypothesis as well. Learning more about how new policy, especially when it might contradict existing Federal law, elicits emotions and ethics that influence sensemaking would be helpful for both practitioners and researchers.

Educators want their voices heard. Providing an anonymous opportunity through qualitative interviews, for educators to talk through their very real concerns and frustrations was a strength of this study. I would encourage this methodology in future studies around policy change.

Continuing this research in years two and three would also be beneficial. Learning more about changes in interpretations of the law, how it is impacting 4th graders and beyond, and if principals are continuing to feel the ethical dilemmas and frustrations, they felt this first year. Additionally, longitudinal studies could be created to see if the intent of the law truly made a difference in the numbers of proficient 3rd graders long term, and what happens over time with students that were retained or impacted by the mandatory summer programming and tutoring.

Over time, reviewing the data of Tennessee retention rates in comparison to other states with similar policies would be beneficial to study. Replicating this exact study in other states

would be very informative, especially if the researcher looked closer at ethical decision making or the conditional response hypothesis.

According to literature, France and Spain have higher in grade retention rates (Pedraja-Chaparro, et. al., 2015). Another interesting study could be comparing how retention is used in these countries and compare their practices with those of retention practices in the United States. Why are rates higher in these countries? Who makes the decisions to retain? What data do they use to make the decision? Are the rates higher due to policy implementations, professional decisions, or a decision based on familial expectations? Looking at the similarities and differences could be an opportunity for research in the future.

Future research should consider using a mixed methods approach to studying this topic. Correlating participant answers with assessment data, rates of proficiency and retention data would allow for additional conclusions through statistical analysis. This would help to better identify what is working for elementary schools across the state to get more students reading proficiently by third grade.

Other areas of research that this study revealed are that of principal well-being. All nine participants discussed negative emotions around the implementation of this law. It created high levels of tension, self-doubt, and frustration to follow the law, protect students, and work toward the greater goal of raising literacy proficiency rates. The decisions that were made during the first year of implementation had the possibility of impacting student lives in a major way A study that looked deeper into the ethical dilemmas educational leaders face, their longevity in the profession, and their overall wellness could add significantly to the body of knowledge. How are principals coping during times of legislative change? Are they staying in the profession? Are they leaving?

Practical Implications

Results of this study suggest that stronger and more transparent communication is needed between lawmakers, Tennessee Department of Education, districts, and schools. Lawmakers need to consider that with any policy change there will be multiple translations and means of implementation. This inconsistency and unclear guidance around implementation can create a greater burden for those practitioners who are held responsible for accurate implementation. This is true even when all may agree on the intent of the policy. Unfortunately, educators are used to "building the plane, while flying it". Implications of this study can be divided into suggestions for the Tennessee Department of Education and current practitioners.

Suggestions for the TDOE

The practical implications of this study begin with specific suggestions for the Tennessee Department of Education.

- **Open dialogue** is needed, especially when new policies are enacted or even better, prior to them being enacted. This open dialogue needs to happen between practitioners "boots on the ground", state board of education, legislative body, and the Tennessee Department of Education. This action would help clarify the intent of the policy, while allowing for questions that those in the field quickly see as being obstacles. Sorting this out on the front end might slow the process down, but it would save a great deal of anxiety and frustration during implementation.
- **Clarity** around what exactly is a good cause exemption and what is not. Specifically, around EL students and those with disabilities (504/IEPs/COD) that could impact student scores, so that all districts and schools are on the same page.

- **Principal Updates** were a great channel of information provided by previous Commissioners of Education. Currently, updates are only sent to the district. Reestablish this line of communication, even if it replicates much of what is going to the districts. Additionally, add a section during legislative sessions, of upcoming legislation that principals should be aware, adding an embedded link for comments and questions. This would also be a great channel to share research from the field that could positively impact work in school buildings.
- **LEAD** conferences were incredibly helpful to principals and educational leaders under previous administrations. Allowing time for networking, sharing of new legislation and research, and learning practical strategies from schools across the state. Bringing back this type of conference, specifically for educational leaders, would be a great strategy to move us all forward together.
- **Slow down** when sweeping legislation is adopted. Tennessee is currently making big changes to the education system and putting these laws into action as soon as they are passed. This is done without regard to logistics and practicality of those decisions. If they determine that a law needs to be passed, possibly allow a year for the department of education and state board of education to determine the logistics prior to implementation.

Suggestions for Practitioners

This study provided additional implications and suggestions for current principals in our state as we continue to move through changes in legislation and the landscape of public education. For example, the state is moving away from the WIDA assessment and to the ELDA

to track EL achievement and growth. This change is happening with little guidance and support, impacting an at-risk population.

- **Voice** concerns and celebrations around what has happened in your buildings with your local representatives. Clearly explain and ask questions surrounding the next steps of this legislation. For example: Growth measures are not available typically until October, so will 4th graders begin the next school year as 5th graders and then must come back if adequate growth is not achieved?
- **Create** our own network of support. Weick (1995) discusses the need for sensemaking to be social and systematic. None of the principals in this study reached out for support from one another. If the TDOE does not help support and create these networks, then let us do it ourselves.
- **Consider** programming changes both before and during the school day. Travel through the day as a student and consider and reflect on their experiences. Where can changes be made? What programming could happen outside of school hours that would support student learning? What resources might your community have to help lessen the burden of these opportunities on your staff?
- **Build** capacity in your staff. Tennessee is currently data "rich"! Do all teachers and stakeholders understand the data? Can teachers use data to make changes to best impact students? This study consistently lifted the use of data to inform instruction as being a huge benefit. If nothing else, principals and teachers were much more aware of the students who were at risk of not

meeting proficiency and providing support. Which in and of itself moved toward the spirit or intent of the law.

Conclusion

According to a recent article published on March 1, 2024, in the Tennessean, 1.2% of 3rd grade students were retained during the first year of implementation. This equated to about 900 students across the state. (Wegner, 2024). It is anticipated that this year approximately 5,000-6,000 more students are at risk of not moving from 4th to 5th grade, even after attending summer school or tutoring. (Wegner, 2024). The intent of this law is abundantly clear, we all want students to be able to read on grade level by the time they reach 4th grade. Is this method the best way to achieve it?

The purpose of this study was to learn more about how principals make sense of intersecting policies, in relation to the 3rd grade retention law and EL students. Due to changes in the guidance documents, most principals did not recognize much difference between EL students and other students who had a good cause exemption as articulated in the law. It was clear, through this study, that elementary principals had to rely heavily on their values and a strong sense of protection driven by those values for all students. Principal ethical decision making was used when determining how to navigate the state policy. Decisions around what practices to implement, what loopholes to consider, communication strategies, and programming changes varied between each principal and district.

The results of this study suggest that when a new policy is created, better communication between the state and districts, districts and schools, and between schools would help to provide consistent implementation. There are multiple avenues for more research in this area of state and federal policy that are not aligned, and in grade retention in general.

Our state has seen significant change in policy even since the beginning of this study. The desire for better education for our students is central to many of the new policies. If the legislators truly want to make our education system stronger, they need to listen to the educators who have the boots on the ground.

State education policy matters and can have a significant impact on the lives of educators, students, and families across the state. Navigating these policies can be challenging, but we can hope it will create a positive difference for our students in the future.

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APPENDICES

APPENDIX A INFORMED CONSENT DOCUMENT

UNIVERSITY OF TENNESSEE

PROJECT TITLE: The Principal's Dilemma: A Qualitative Study of Sensemaking in Response to Tennessee's Third Grade Retention Law

INTRODUCTION

The purposes of this form are to give you information that may affect your decision whether to say YES or NO to participation in this research, and to record the consent of those who say YES. This research will be conducted through Zoom in a location of the participants' choice.

RESEARCHERS

Virginia R. Boles, Doctoral Student, Educational Leadership and Policy Studies, University of Tennessee.
Rachel S. White, Ph.D., Assistant Professor of Educational Leadership and Policy Studies, University of Tennessee.

DESCRIPTION OF RESEARCH STUDY

In 2022, the state of Tennessee (TN) created a new law focused on literacy proficiency. This law, T.C.A §49-6-3115, states that "Beginning with the 2022-23 school year, a third-grade student, determined NOT to be proficient in English language arts (ELA), may not be promoted to the next grade level." One of the more difficult aspects of the state law is how it addresses marginalized populations, especially students identified as English learners (ELs) who are working toward proficiency in the English language. The third-grade retention law, as it is currently written, allows for promotion of EL students who do not score at the level of proficient on the ELA assessment if they are in the first two years of schooling in the United States; otherwise, they are held to the same expectation as their native English-speaking peers.

The intersection of Federal law, State law, and Teacher Code of Ethics creates a situation where principals are required to make sense of these mandates, while staying true to what is ethical for students. As such, this study aims to explore variation of interpretation and implementation of these policies, and to learn how principals navigate and make decisions for ELs considering the new third grade retention policy.

If you decide to participate, then you will join a study involving research on principals' sensemaking in response to Tennessee's third grade retention law. If you say YES, then your participation will include a Zoom interview which should last between 30-45 minutes with the opportunity to review the transcripts after the interview is complete.

EXCLUSIONARY CRITERIA

You should be a current elementary public-school principal with 3rd grade and in that role for more than 5 years, currently serve in a Title 1 school, and have at least 5% of your population as EL students.

RISKS AND BENEFITS

RISKS: If you decide to participate in this study, then you may face exceptionally minimal risks of being burdened by taking time to participate in the study. The researcher will work to reduce any other risks by protecting your identity throughout the process. Once the transcripts have been verified, all personally identifiable information will be destroyed. And, as with any research, there is some possibility that you may be subject to risks that have not yet been identified.

BENEFITS: There are no direct benefits to research participants. However, by participating in this study there is an opportunity to provide insight into principal sensemaking of intersecting laws as it applies to this current law, and possibly future policies as well. Coupled with other data, this information will help policymakers, practitioners, and researchers to better understand and consider how principals make sense of intersecting policy, especially for marginalized students.

COSTS AND PAYMENTS

The researcher wants your decision about participating in this study to be voluntary. There are no costs or payments associated with this study.

NEW INFORMATION

If the researcher finds new information during this study that would reasonably change your decision about participating, then she will give it to you.

CONFIDENTIALITY

The researcher will take reasonable steps to keep private information confidential. While no personally identifiable information will be requested, the researcher will review the transcripts received and remove all identifiers that may have been shared. All project data will be stored on the researchers at the University of Tennessee (UT) Google Drive, monitored by UT Office of Information Technology. All data will be encrypted. Access to the data will be strictly limited to the principal investigator. In addition, when results are written up and circulated, they will be done in a way that does not allow individuals to be identified (i.e., no identification of name, district, or school). No personally identifiable information will be included. The results of this study may be used in reports, presentations, and publications; but the researcher will not identify you. Of course, your records may be subpoenaed by court order or inspected by government bodies with oversight authority.

WITHDRAWAL PRIVILEGE

It is OK for you to say NO. Even if you say YES now, you are free to say NO later, and walk away or withdraw from the study -- at any time. Your decision will not affect your relationship with the University of Tennessee, the principal investigator, or otherwise cause a loss of benefits to which you might otherwise be entitled. The researcher reserves the right to withdraw your participation in this study, at any time, if they observe potential problems with your continued participation.

WHO CAN ANSWER QUESTIONS ABOUT THIS RESEARCH STUY

If you have questions or concerns about this study or have experienced a research-related problem or injury, contact the researcher: Virginia R. Boles, vboles@vols.utk.edu or Dr. Rachel White, rswhite@utk.edu, study chair.

For questions or concerns about your rights or to speak with someone other than the research team about the study, please contact:

Institutional Review Board
The University of Tennessee, Knoxville
Phone: 865-974-7697
Email: utkirb@utk.edu

VOLUNTARY CONSENT

By agreeing below, you are saying several things. You are saying that you have read this form or have had it read to you, that you are satisfied that you understand this form, the research study, and its risks and benefits. The researcher should have answered any questions you may have had about the research. If you have any questions later on, then you can reach the principal investigator, Virginia R. Boles, vboles@vols.utk.edu or Dr. Rachel White, rswhite@utk.edu, study chair at any time.

By selecting "I Agree" below, I am providing my signature by electronic means and agree to be in this study. I can print or save a copy of this consent information for future reference. If I do not want to be in this study, I can select "I Do Not Agree" to exit out of the survey.

- o I agree to participate.
- o I do not agree to participate.

APPENDIX B STRUCTURED QUESTIONS

Basic Information

How many years of experience do you have in administration? _____

How many total 3rd grade students took the TN Ready assessment during the 2022-2023 school year? _____

Of those 3rd grade students, how many in total were EL students? _____

INTERVIEW PROTOCOL

Thank you so much for agreeing to participate in this study. This is being recorded and transcribed. I will limit any identifiable factors, share the transcriptions with you to ensure accuracy and clarity, and share the findings of the research study with you at the end if you would like.

1. What is your general philosophy of student retention?
2. Prior to the implementation T.C.A. §49-6-3115 (more commonly known as the 3rd grade retention/promotion law) in 2022, what factors contributed to your decision making when considering student retention?
3. Did new information factor into your decision-making after implementation of T.C.A.§ 49-6-3115?
4. When specifically considering your English Language Learners, what factors did you consider when making retention decisions?
5. As a principal, do you feel any ethical tension or conflict when making decisions on retention? If so, what ethical dilemmas did you encounter?
6. In what ways did the implementation of T.C.A. §49-6-3115 change your programming, support, or communication practices?

7. Do you anticipate any additional changes to your programming, support, or communication during the 2023-2024 school year?

VITA

Virginia R. Boles grew up in Oak Ridge, TN. She attended Linden Elementary, Robertsville Jr. High School, and graduated from Oak Ridge High School in 1993. The following year she began her college education at Maryville College. She graduated from Maryville College in 1997 with a Bachelor of Arts in Child Development with teacher licensure. After graduation, she moved to the Atlanta, Georgia area for four years, teaching at Florine Dial Johnston Elementary in Cherokee County Schools. She then moved back to Tennessee to teach with Maryville City Schools. During her eighteen-year tenure with Maryville City Schools, she served as a teacher, assistant principal, and principal of John Sevier Elementary School. She earned a master's degree in education administration and supervision from Lincoln Memorial University in 2005. In 2019, she had the opportunity to move back home to Oak Ridge to serve as the principal of Glenwood Elementary School where she currently still serves. She entered the doctoral program at the University of Tennessee in Educational Leadership and Policy Studies in 2020 and will graduate in May 2024. Her research interests include educational policy and leadership.