

## POLICY BRIEF

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# Educational Rights Issues Associated with COVID-19 Related Standardized Testing in the Fall, Remedial Class Assignment, and Grade Retention

*by Fred Jones, Southern Education Foundation*

Amid the coronavirus global pandemic, public schools and the [51 million](#) students who attend them are experiencing a series of local epidemics. Many students are trying to [secure meals](#) and access stable and reliable [digital learning](#), while some students must contend with instances of [child maltreatment](#) due to increasing hours in the home due to COVID-19. The coronavirus pandemic has disrupted nearly every aspect of the United States' school system from a health, governance, and instructional standpoint. However, with an intentional focus on equity, there is a pathway for the United States to reimagine how to deliver education in a way that better prioritizes students who need the most resources.

### Standardized Testing in the Fall

The Coronavirus, Relief, Economic, and Security (CARES) Act allowed states to submit [waivers](#) exempting them from administering state summative assessments during the spring of 2020. All 50 states requested waivers and received approval from the U.S. Department of Education (ED) not to test students for the 2019 – 2020 school year. However, just because states did not conduct final assessments, it does not mean students stopped learning. Segments of the population were able to seamlessly transition to remote learning with little complications. Other students, however, have not even been accounted for since March, when stay at home orders were first issued.

It is clear that comprehensive diagnostic tests, which are formative assessments that highlight a student's understanding of academic content knowledge at a specific moment in-time, should be performed on every student once school begins, whether school districts can fully, partially, or virtually reopen. These assessments, however, should not be used to retain students or for

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any other punitive measures, such as accountability within Every Student Succeeds Act (ESSA), but to evaluate content knowledge and inform instructional practice.

## How Expanded Learning Time can Improve Academic Achievement

The United States academic calendar has always been tied to the agrarian economy, but the start and end date of most school calendars hold no intrinsic academic value. Extending the school year beyond the typical 180 school days has shown to improve assessment results and decrease achievement gaps between Black and White Students.<sup>1</sup> At least 40 percent of the countries<sup>2</sup> who outpace the United States on the Programme for International Student Assessment (PISA), an international education rankings tool, have longer school years, including some countries with 200+ days of instruction. Additionally, Florida experienced significant improvements in its lowest-performing schools by adding just an extra hour to the school day for reading instruction.<sup>3</sup> School districts should be rethinking how to elongate the school day and calendar year to provide Extra Learning Time (ELT) for students who are the farthest behind. Implementing ELT would allow districts to take advantage of summers, holiday breaks, and even some weekends to help address learning loss sparked by the Coronavirus.

States and districts should also consider the [following](#) recommendations from the Alliance for Excellent Education on the implementation of ELT. Specifically, policymakers should:

- **Expand high-quality remote instruction** through the summer and fall of 2020 to extend instructional time for all students or as a targeted strategy to help struggling students.
- **Develop reopening plans to provide students with in-person instruction as soon as it is safe to do so**—prioritizing students who lack technology and connectivity and/or are at-risk of falling most behind.
- **Provide professional development for educators as in-person instruction resumes** to help them support students and adjust to changes in school calendars, structures, and policies in the district's reopening plan
- **Extend in-person instructional time during the 2020–21 school year**, including into the summer of 2021.

## Remedial Class Assignment and Grade Retention

Students should not be punished, however, if their school district and/or home life was ill-prepared or uncondusive for distance learning during a global pandemic. Research shows overall adverse outcomes holding students back, especially when there can be a plan to catch students up early in their education career. Black and low-income students will disproportionately suffer if it becomes a widely accepted policy to universally hold students back due to the Coronavirus's impact on student achievement. The following are examples of state and local policy decisions to promote students to the next grade despite the likely learning losses as a result of the COVID-19 pandemic.

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- **Maryland:** The [Baltimore](#) CEO of Public City Schools preemptively decided not to consider holding students back in any form.
- **Mississippi:** The Mississippi State Board of Education made [policy changes](#) so that “current 3rd graders will be promoted to 4th grade for the 2020-21 school year if the student meets all other district requirements for promotion.”
- **Arizona:** A [recently enacted](#) bill in Arizona waived third graders from requirements to “[demonstrate sufficient reading skills as established by the state board](#)” order to be promoted from the third grade for the 2019-20 school year.

Additionally, district leaders have expressed the high costs associated with holding students back. Instead of retaining students, local districts could use the financial resources to build capacity, such as hiring additional instructional coaches, to make up for any loss in learning. Lastly, grading policies should encompass flexibility, growth, and content mastery. While students and teachers adjust to blended and distance learning protocols, schools should adopt pass/fail grading models and also be open to creating virtual office hours.

## Conclusion

Because COVID-19 has impacted every single student in this country, it is time that we use this opportunity to individualize education to a point where each student has a written graduation plan, outlining all of the academic and wraparound supports and infrastructure to graduate both college and career-ready. It is time for schools to adopt Individual Graduation Plans for all students.

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*\* The opinions and ideas in this brief are the authors’ own and do not necessarily reflect the views of the Southern Education Foundation.*

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<sup>1</sup> Chiefs for Change and John Hopkins School of Education Institute for Education Policy. (2020). The return: How should education leaders prepare for reentry and beyond. [https://chiefsforchange.org/wp-content/uploads/2020/05/CFC-TheReturn\\_5-13-20.pdf](https://chiefsforchange.org/wp-content/uploads/2020/05/CFC-TheReturn_5-13-20.pdf)

<sup>2</sup> Assessment of PISA Results Canada, Finland, Hong Kong, and Singapore - [https://www.oecd.org/pisa/PISA-results\\_ENGLISH.png](https://www.oecd.org/pisa/PISA-results_ENGLISH.png)

<sup>3</sup> Chiefs for Change and John Hopkins School of Education Institute for Education Policy. (2020).