



Ministry of Education

Cayman Islands Government

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Cross References:	
This policy should be cross-referenced with the following:	
<ul style="list-style-type: none">• Disabilities (Solomon Webster) Act, 2016• Education Act, 2016• Education Regulations, 2017• Code of Practice for Additional Learning Support Needs in Education, 2021• Children Act (2012 Revision)	

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Abbreviations

ALSN	Additional Learning Support Needs
AR	Annual Review
DES	Department of Education Services
ECCEC	Early Childhood Care and Education Centre
LSP	Learning Support Plan
EOOYG	Education Out of Year Group
OES	Office of Education Standards
RA	Responsible Authority
SBST	School Based Support Team
SEND	Special Educational Needs and Disability
SENCO / DL	Special Educational Needs Coordinator / Designated Lead

1) Introduction

This national policy, issued by the Ministry of Education sets out the processes that schools and early childhood care and education centres (ECCECs) must adhere to should consideration of, and application for 'education out of year group' (EOOYG) be required.

'Education out of year group' (EOOYG) should be understood as:

*The education year grouping to which a child is enrolled **is not** the year group expected or required relative to their date of birth.*

For clarity, the expected year groupings (or equivalent) that children/students are expected to be enrolled in relative to their date of birth are outlined at the end of this document (Appendix 4).

Schools and ECCECs are advised, as a general rule that children should be educated within their chronological year group, and to educate them out of year group is harmful to their well-being and future educational success.

While this policy emphasises the importance, both legally and educationally, for children being educated in their correct chronological year group relative to their date of birth there are exceptional cases where it may be in the child's 'best interests' to consider educating a child out of year group. This policy sets out the rationale for why EOOYG should be highly exceptional, and also establishes the processes to be followed should consideration of, and application for EOOYG occur.

2) Aims

This policy aims to:

- Provide clear guidance and set out the processes relating to consideration of, and application for EOOYG.
- Establish a rationale for why EOOYG, specifically retention, should be highly exceptional due to the negative effects it can have.
- Make clear the legal requirement for students who are of compulsory school age to be enrolled in compulsory education.
- Align with legal requirements and other Ministry of Education policies to ensure inclusion and equity of provision, including admissions and assessment.

3) Policy Statement

The ethos of the Cayman Islands' Ministry of Education is that all children should participate in instructional programmes where they can achieve academically and develop socially, emotionally, and physically. While it is expected that the vast majority of children will experience success in our schools and ECCECs in their expected chronological year group by date of birth, there may be some children for whom being educated outside of their chronological year grouping ('education out of year group') may be considered. We believe that 'education out of year group' (EOOYG), which most often involves the retention of a child, rationalised as a remediation vehicle, is not a solution unto itself and that EOOYG without comprehensive justification, interventions and a planned programme of support is detrimental in the longer term. Equally, EOOYG in terms of a 'gifted and talented' child 'skipping' forward must also be

demonstrably justifiable in that it serves the child's best interest, does not negatively impact them and does not disadvantage other children.

EOOYG considerations and any application (see Appendix 2) generally emanates from the belief that from the viewpoint of social, educational, developmental or physical/emotional vulnerability, the child will benefit from EOOYG. However, there is strong and compelling research evidence that EOOYG, particularly the retention of children in a year group, is negatively impactful and has poor outcomes.

4) Research

Extensive research conducted over a number of decades indicates, consistently, that the effects of EOOYG (particularly the 'retention' of a child in a year group) on academic and personal outcomes are systematically negative and that these negative effects increase over time. Sample findings concluded:

- “Research conducted has led educators to make the connection that holding young people back in school, holds them back in life.” (National Academy of Education, 1991).
- “(Retention) affects their self-image and their self-perception of competence and confidence, their achievement and performance, and strongly increasing the probability of school dropout”. (Jimerson et al., 2002).
- “Being held back a grade may constitute a rather negative psychological experience for students” (Robles-Piña et al., 2011).
- “Results allowed us to clarify the detrimental effect of retention both on academic and non-academic outcomes (self-concept, importance given to academic competences, motivation)”. (Peixoto, 2016).
- “Children who start school a year late tend to show the same difficulties that they had in the first place, and those who have been held back a year often feel anxious about their status with peers. They tend to see it as a negative and confusing experience. Over time, many children who remain in a younger class show poorer emotional health and some report being bullied because of the decision. Problems are not improved by having a child repeat a year”. (Birmingham City LA, 2018).
- “No single intervention by schools is worse than retention. The major reason why retention is so harmful is that the child is subjected to the SAME curricula, often the SAME assignments, often the SAME form of teaching and what this child needs is DIFFERENT teaching – the first time did not work. It also set a clear expectation of failure. Fundamental the effect is negative – just do not do it”. (Hattie, 2019).
- “Retaining children in kindergarten or first grade is not more effective than retention in later grades. “The gift of time” does not work. It’s an educational myth. Retention does not improve academic achievement over time. Children who have been retained are at a much higher risk of having behaviour problems, substance abuse problems, low self-esteem, low motivation, and a negative attitude towards school. These problems often don’t surface until middle school or high school, when being “old for grade” can result in all kinds of social and behaviour problems”. (Wellborn, 2021).

5) Legal Requirements

The Cayman Islands' Education Act, 2016 requires that all children who are of compulsory school age, meaning a child who attains the age of five years before 1st September, must be enrolled in compulsory education in a Year 1 (or equivalent) group (see Appendix 4).

Section 12 of the Cayman Islands' Education Act, 2016 sets out that:

- a) Subject to subsection (3), a parent or legal guardian of any child of compulsory school age shall ensure that the child receives full-time education suitable to the child's requirements either by attendance at school, from the first day of the school calendar, or otherwise as provided in section 16.
- b) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand dollars.

There is provision within the Education Act for children special educational needs and disabilities (SEND) to be educated out of year group in accordance with a statement of eligibility for special educational needs. In general, only children with SEND that are identified and outlined in a statement of eligibility would be considered for being educated out of year group:

- 36** (3) The duty of the parents or legal guardians to secure that a student of compulsory school age attends school or otherwise receives suitable education shall include, in respect of a student to whom a statement of eligibility in respect of special educational needs applies, a duty to ensure that the student receives education in accordance with that statement of eligibility.

This policy sets out the process for how to best consider and decide if a child should be educated out of their chronological year group.

N.B. Children should not be enrolled into a year group outside of their chronological year group unless the processes as set out in this national policy have been adhered to and agreed to by all parties.

The Office of Education Standards should be informed of the number of children who are educated out of year group as part of the inspection process.

The Ministry of Education as part of their on-going data collection processes will require schools and ECCECs to identify the number of students that are EOOYG and provide the documentation that supported that decision by the responsible authority¹ as set out in this policy.

6) Other Issues & Concerns

In addition to the empirical basis and the legal requirements mentioned, there are also a range of administrative/logistical difficulties which, although not insurmountable in all cases, do further complicate EOOYG. They include, but are not limited to; future planning of school / class numbers, negatively impacting 'through flow' and perhaps disadvantaging the access of others, curriculum access and delivery, the fidelity of assessments and subsequent reporting and analysis of standardised data, including the accuracy of national and international comparison.

¹ The "responsible authority" in relation to a Government school is the Director of the Department of Education Services and in relation to an assisted school or independent school, the governing body of that school or early childhood care and education centre (ECCEC).

7) Children Currently Educated Out Of Year Group

There are children currently EOOYG. This situation can arise from the child having commenced in their current educational institution or a previous educational institution in the year grouping below their chronological year group. A clear example of this would be 'summer born' children (July / August birthdays) who commenced in reception (or equivalent) although relative to their date of birth they should have commenced in Year 1 (equivalent) as a compulsory aged student as set out in law.

A situation of a child being out of year group, one (1) year grouping or more above their chronological age, can also occur. An example of this would be that the current or a previous educational institution has 'skipped' the child forward by one (1) year grouping as a result of them being gifted and talented or perhaps some other reason.

In the best interests of the child it could be expected that a child who is currently EOOYG as a result of skipping forward or commencing in reception (or another year grouping below their chronological age) would continue to progress out of year group within the education system.

N.B. Moving students forwards or backwards by one (1) or more years to correct historical EOOYG should be examined closely as this 'correction' to align with year grouping by date of birth may result in negatively impacting the student through them missing or repeating a year or more of curriculum delivery. It is imperative in deciding on moving a child forwards or backwards to reconcile EOOYG that it does not place them at a disadvantage in terms of them missing curriculum content, or have to repeat curriculum content already covered, and/or the social emotional impact of such a move.

8) Qualification Related Educated Out Of Year Group

There are exceptional occasions that children arrive into this education system from another jurisdiction or transfer from a different programme at critical times in their education regarding academic qualification and the associated assessments and examinations. This situation generally arises for children arriving into this jurisdiction, or transferring from a different system, in the year in which they would be expected to sit academic qualifications related to examinations. Consequently, the child would not have had access to the full (often a 2-year) 'programme of study' relating to assessments and examinations associated with the academic qualifications. To ensure that a child entering the system in these circumstances, EOOYG could be considered to ensure equality of opportunity. In such circumstance EOOYG by one (1) year can only be consider.

A specific example of this is when a student arrives from outside of the jurisdiction (or from a different education system not connected to the programme of study) and by chronological age should be in Year 11 (or equivalent); however, commencing in the correct chronological year grouping would place the student at a distinct disadvantage as they have not engaged with required Year 10 prescribed content, including associated assessments.

Students commencing at this point in the 2 year period in which students work towards achieving their academic qualification are at a distinct disadvantage having not completed the previous year of study as would be required to fulfil the syllabus content, complete any associated assessments and have equal opportunity to work towards qualification achievement.

In the best interests of the child, ensuring equality of opportunity, it is accepted that a child can be educated out of year group to ensure that they have full access to the complete programme of study for academic qualifications, including all assessments and examinations across the

expected, typical period of time.

9) Roles and Responsibilities

The Ministry of Education will:

- Provide national policy requirements, expectations and insights, including supporting documents relating to EOOYG
- Require all responsible authorities of schools / ECCECs to utilise this policy as it relates to EOOYG and associated legal requirements
- Provide expert advice to the responsible authorities and or leaders of the school / ECCEC, including DES, to support the implementation of the policy
- Collect data annually from schools / ECCECs relating to EOOYG
- Liaise with the Office of Education Standards (OES) to ensure consistency of approach and understanding relating to EOOYG

The Responsible Authority will:

- Establish, implement and monitor procedures to ensure the school / ECCEC comply with the national policy and all legal requirements
- Provide support and oversight for the school / ECCEC leader
- Establish protocols for the reporting children EOOYG as aligned with the policy and that record keeping is maintained

School and ECCECs Leaders will:

- Establish and implement individual school / ECCEC based processes for considering of and application for EOOYG
- Monitor and review policy provision and practice in their school / ECCEC
- Maintain accurate records relating to EOOYG
- Provide information regarding children EOOYG to external agencies, including the OES and the Ministry of Education
- Consider and utilise the relevant quality indicators as outlined in the Office of Education Standards (OES) assessment tool for inspecting schools, *Successful Schools and Achieving Students 2, October 2020*
- Work collaboratively with other agencies and stakeholders to support consideration and decision making regarding EOOYG

SENCOs / DLs will:

- Support in the establishment and implementation of individual school / ECCEC based processes for considering of, and application for EOOYG
- Support in the monitoring and reviewing of policy provision and practice in their school / ECCEC
- Maintain accurate records relating to EOOYG

Parents / Guardians will:

- Engage with the policy processes and rationale as set out

10) Recommended Guidance

- Guidance emphasises that EOOYG is exceptional and should be informed by the information and processes contained within this policy.
- Consideration of, or application for EOOYG **can be made** for students to 'skip' forward by a maximum of 1 year. This is highly exceptional and applies only to 'gifted and talented' students.
- Consideration of, or application for EOOYG, commencing 1 year below chronological grouping or being retained, **should not be made solely on the basis that the child is a 'summer born' baby** i.e. the child has a birthday in June / July / August.
- In view of the very exceptional circumstances in which a child might be considered for EOOYG, it is a reasonable expectation that, in general, the extent of the child's needs would be either in the process of being assessed or that the child would already have a statement of eligibility outlining the child's special educational needs and / or disability.
- Working from this premise, the decision to consider and perhaps apply for EOOYG can be explored and discussed formally through the Annual Review procedure (see Cayman Island's Code of Practice and associated Annual Review and supporting documents). If an agreement for application for EOOYG arises from the Annual Review, the application (Appendix 2) should be submitted to the responsible authority for consideration. It should be noted that the Annual Review (as applicable) will need to take place in good time to allow the responsible authority to consider and make a decision on the application.
- In highly exceptional circumstances an application for EOOYG can be made for a child who does not have SEND, or is not being assessed for SEND.

Summary of Consideration and the Decision Making Process

- Children being considered for EOOYG will almost always have a statement of eligibility for SEND or be in the process of being assessed for SEND.
- Discussion relating to EOOYG consideration and application to the responsible authority should be initiated only in exceptional circumstances, with all relevant stakeholders involved in agreement that the application should be made.
- An application to the responsible authority, including all applicable supporting documentation (see Appendix 2) should be completed in a timely manner to allow for the responsible authority to consider the request and communicate the decision in writing (Appendix 3).
- The *Ashton Checklist* (Appendix 1) should be utilised to support and inform the consideration to progress with an application to educate a child out of their chronological year group.
- If all the criteria on the Ashton Checklist (Appendix 1) are satisfied as 'yes' this is **NOT** indicative that out of year placement is in the best interests of the child. The decision

has to be made in relation to all factors.

- It is in everyone's interest that discussions and the decision-making process is clearly recorded and appropriate records are maintained. It is important that there is clear recorded evidence that parents/guardians have given informed consent to any placement of a child outside their chronological year group. It is important that there is clear recorded evidence that parents/guardians understand that the decision has been made in conjunction with the school / ECCECs and the responsible authority.

Appendix 1

Ashton Checklist for Considering EOOYG **

All these criteria should be satisfied as YES (Y) before considering an application for EOOYG for a child by one (1) year +/- relative to their chronological year group:

Child Name _____ Today's Date _____

Checklist completed by: _____

School, parents, child and involved professionals all feel that this placement would substantially increase the probability of the child's successful inclusion in mainstream school.	Y/N
The decision is not being made because the child is a 'younger child' with a birth date later in the academic year i.e. May / June / July / August.	Y/N
This decision is not being made in order to delay other interventions, such as placement into a different school or progress into compulsory education.	Y/N
This decision is not being made due to difficulties in making appropriately differentiated provision in the class to which the child should normally transfer.	Y/N
The placement would not breach class size regulations.	Y/N
Consideration has been given to the rights of other children who might otherwise be negatively impacted, including the receipt of that place.	Y/N
Consideration has been given to the long-term emotional and social impact of this placement.	Y/N
Consideration has been given to the likely future placements for the child, e.g. returning to their own year group or remaining with the new year group.	Y/N
All involved feel that the child will be able to learn more from the children in the proposed year group than by being around children of their own age group.	Y/N
The child will have an appropriately meaningful peer group in their EOOYG class, and is somewhere that the child will comfortably 'fit in' as the cohort matures.	Y/N
The plan for the child includes additional / different interventions to address their particular needs, in addition to being EOOYG.	Y/N

N.B.: Considering EOOYG should never be based only on the child having a birthday later in the academic year.

****About this Checklist** Rebecca Ashton and Colleagues in Blackburn, United Kingdom developed this checklist. It is being increasingly used and adapted by other UK Local Authorities who report that it is extremely useful. It comes with a warning. Responding to all the questions as YES is **not** an indication that a child should be placed out of their chronological year group. It is merely an indication that such a course could be considered.

Placement of a child out of their chronological year group should be highly exceptional.

Appendix 2

Application for EOOYG

Name of School /
ECCEC: _____

Child's Name: _____

Date of Birth: _____

Current Year
Group: _____

ALSN Status: Teacher Action School Action
School Action Plus

Requested Year
Group: _____

Date of SBST / AR meeting at which EOOYG considered and agreed: _____
(This should include parental agreement and the voice of the child as is appropriate):

Outline the reasons for the request for EOOYG +/- 1 year relative to their chronological age grouping:

Reasons why the school's / ECCEC's current provision and interventions as aligned to their child's year grouping by date of birth has not or will not appropriately meet the needs of the child (include list of interventions that have been utilised):

Explain how the child's provision and interventions will be different should EOOYG be approved:

Appendix 2 *(reverse of application)*

Please provide the following supporting evidence:

- The completed application form (Appendix 2) and *Aston Checklist* (Appendix 1)
- Recent (within the past 36 months) comprehensive assessment by any specialists (psychologist, speech therapist, occupational therapist, physician or counsellor)
- Details of ECCEC / school based interventions and reasons why these have not had sufficient impact
- Relevant medical reports to include medical diagnosis if applicable
- Phase 3 LSP (School Action Plus) or equivalent to include:
 - a. Description of educational provision required for the child to access the curriculum which is *additional* or *different* from general provision made
 - b. Review(s) of LSP with impact
- Copy of the School Based Support Team / Case Conference notes or the Annual Review Report including the child's input (where possible) and parents signature
- Relevant assessment information (progress reports, test scores, developmental checklists and assessment data, etc.)
- Copy of Functional Behaviour Assessments, Risk Assessment Management Plans, Behaviour Intervention Plans and impact of all behaviour intervention.
- School Based Support Team meeting notes or Multi-Disciplinary Team meeting notes that evidence decision for retention
- Evidence of involvement and the views of agencies or services with relevant specialist knowledge external to the school or education setting including the involvement of the specialist / external providers where relevant
- Parents / Guardians views
- Child's views

Signature of the parent(s): _____

Date: _____
Date: _____

Signature of SENCO/DL: _____

Date: _____

Signature of School / ECCE
Leader: _____

Date: _____

Signature of the Chairperson
of the RA:
(As approval for EOOYG) _____

Date: _____

**A copy of this completed form should be provided to parents.
This document should be made available to the Ministry of Education on request.**

Appendix 3

Template letter to parents/guardians following meeting to discuss education out of year group

Date _____

Dear _____

RE: Request for _____, D.O.B to be educated out of his/her chronological year group from beginning of the new academic year.

Thank you very much for meeting with us on _____. I really appreciate all of the information that you gave to us and I understand that you have a very strong view that _____ should **retain/repeat/delay/skip his/her** _____ (year) at the school. Essentially this is because **you/we** feel that due to _____ it can be evidenced that _____ would benefit from and being EOOYG by+/- 1 year relative to his chronologically expected year group by date of birth.

You clearly stated that it was your wish that _____ **skips/repeats/delays his/her** _____ (year). ____ (Professionals) **confirmed/were unable to confirm** that based on their professional opinions they also fully supported this arrangement.

It was stated that the Ministry of Education's view is that schools should be able to ensure that provision meets the needs of children and that where a school wishes to take a child out of their chronological year group this would be as a result of clear evidence provided to support the application (Appendix 2).

As the **school leader** of _____ / **an officer representing the responsible authority** I was able to talk to you about the implications of your child being educated out of their chronological year group. This was essential so that you understood the legal requirements and also that there may be issues that arise at a later date related to the provision of education for your child. See Ministry of Education Policy '*Education Out of Year Group*'.

In this case **I/we** have considered all of the evidence provided and have decided that your **son/daughter should/should not** be placed outside of the chronological year group. All parties agree that progress should be carefully monitored by the school so that if, in future, there is a significant change, this arrangement may be reconsidered.

Full details about children being educated out of their year group are contained in the enclosed policy document '*Education Out of Year Group*'.

I would be grateful if you could complete and return the attached form to indicate that you agree with and understand the content of this letter.

Yours sincerely,

Role / Position

Parent(s) / Guardian reply form:

I agree with and understand the content of the letter from dated _____ describing the outcomes of our meeting on _____. I am happy with the decision that was reached by all parties that my **son/daughter, should/should not** be educated out of their chronological year group for the time being and that this will be subject to review.

Name: _____ Signed: _____ Date: _____

Name: _____ Signed: _____ Date: _____



Stage/Year/Grade Comparison Table

Age of student before the 1 st September of relevant academic year	Educational Stages as Prescribed in the <i>Education Regulations (2017)</i>	Cayman Island's Government System		US / International System		Montessori
3 years old	Early Childhood Care and Education Stage	Early Years Foundation Stage	Nursery	Early Childhood	Pre-Kindergarten	Casa Programme (Early Childhood and Compulsory from 5 year olds)
4 years old			Reception			
5 years old***	Primary Stage	Key Stage 1	Year 1	Lower School	Kindergarten	
6 years old			Year 2		Grade 1	
7 years old		Key Stage 2	Year 3		Grade 2	
8 years old			Year 4		Grade 3	
9 years old			Year 5		Grade 4	
10 years old			Year 6		Grade 5	
11 years old		Secondary Stage	Key Stage 3		Year 7	Middle School
12 years old	Year 8			Grade 7		
13 years old	Year 9			Grade 8		
14 years old	Key Stage 4		Year 10	High School	Grade 9	
15 years old			Year 11		Grade 10	
16 years old			Year 12		Grade 11	
17 years old	Tertiary (Post- Compulsory)	Post-Compulsory	Year 13		Grade 12	

***Start of compulsory education provision as defined by the *Education Act, 2016*.

The Cayman Islands' Education Act, 2016 requires that all children who are of compulsory school age, meaning a child who attains the age of five years before 1st September, must be enrolled in compulsory education in a Year 1 (or equivalent).

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