

Things every parent should know about student participation in statewide assessments under the Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act outlines how states can use federal money to support public schools. New York receives \$1.6 billion in federal funding each year to support its public schools.

What are the statewide assessment participation requirements under ESSA?

ESSA requires that every state assess all students in English language arts and math each year in grades 3-8 each year and at least once in high school. While New York State does not have any laws regarding parents' rights to choose whether their children participate in state testing, federal law requires that:

- States must ensure that 95% of students in each public school, including charter schools, participate yearly in required state assessments.
 - This applies to all student subgroups, which include racial/ethnic groups, English Language Learners/Multilingual Learners, low-income students, and students with disabilities.
- If requested, school districts and charter schools are required to provide parents with information on state or local policies regarding the rights of parents to choose not to have their children participate in state testing.
- States are not required to create or change any laws they have in place regarding parental preference on participation in assessments.

What happens to my child if I advise the school that I prefer that my child not participate?

There are no consequences for a child who does not participate in a state assessment. However, state assessment results are used to help:

- Parents learn about their children's academic achievement;
- Teachers understand how well students are learning what is being taught;
- School, district, and state education leaders determine what is and is not working well; and
- Stakeholders identify achievement gaps that may be forming among different student populations.



When too few students participate or complete state assessments, it's harder for educators to recognize gaps and provide extra support to the students who need it the most. Students who do not do well on a state assessment, or who are not on track to become proficient in ELA, math, science, and/or social studies can qualify for extra instructional support, guidance counseling, attendance improvement services, and help with study skills. [Find additional information on how districts decide if a student needs these services.](#)

Importantly, students who do not participate in state assessments still can qualify for additional academic support, if needed.

What will my child do during testing if I advise my school that I prefer that he/she should not participate?

That will depend on your school district's policy. Districts have flexibility to allow students to engage in other activities such as reading quietly in the room where the test is given or participating in other activities in different rooms while the test is administered. Check with your child's principal or the school district superintendent for your local policies. For students who do not participate in state assessments districts may have students engage in some other learning activity during this time.

What should districts do when parents inform the school that they do not wish to have their child participate in State assessments?



NYSED does not provide guidance on this issue because this is decided at the local level. Districts should provide accurate information to help parents make an informed decision regarding their children's participation. The Department created an optional "[Assessments Toolkit](#)" to help superintendents communicate to school communities about New York's annual testing program. The toolkit contains materials such as a sample letter to parents and a PowerPoint presentation about the assessments.

How will participation affect my child's permanent record and the reports I receive about my child?

While parents receive individual student results, state law prohibits including a student's individual scores on the State grades 3-8 ELA and math tests on the student's transcript or permanent record. Additionally, districts are prohibited from making promotions or placement decisions for students based solely or primarily on the performance on these tests. Results are provided to help students and parents better understand where a student is doing well and where he or she may need additional assistance. All students receive a score report; those who do not participate receive a report that indicates that the student did not take the test and did not receive a valid score.

What happens if my child participates in only part of the state assessment or gets sick and cannot finish?

At the elementary/middle level, students will be considered "not tested" if they:

- are absent from school for one or more of the test sessions and the missed session(s) are not completed during the makeup period;
- are present for one or more test sessions but do not respond to even one question on the test; or
- refuse to participate in both test sessions.



If a student refuses some but not all questions or sessions of the assessment, the student will receive a score and performance level based on the questions completed.

If a student becomes ill during the test session, earlier on the day of the test session, or for the entire day of the test session and is not able to return to school during the make-up administration period, the school should mark the student as absent for the test session they missed. If the student is marked as absent, the student will be counted as "not tested." If the student is not marked as absent, the student will receive a performance level (e.g., a Level 1-4) based on the questions they completed. For more information on conditions under which students will be considered tested or not tested, see the "Validity Rules: Reporting Students with Valid or Invalid Scores" section of the *Student Information Repository (SIRS) Manual*.

What are the participation requirements for English Language Learners/Multilingual Learners (ELLs/MLLs) and students with disabilities (SWDs)?

ELLs & MLLs

ESSA and Commissioner's Regulations require that ELLs be tested every year in language arts and math. Also:

- All ELLs, regardless of grade, must also take the New York State English as Second Language Achievement Test (NYSESLAT), which provides information on English language proficiency and is used for both placement decisions and to inform instruction.
- Schools may exempt ELLs/MLLs who have attended school in the United States (but not Puerto Rico) for less than 12 months as of April 1, 2020 from participation in the 2020 Grades 3–8 ELA Tests. All other ELLs/MLLs are expected to participate in the Grades 3–8 ELA Tests.
- All ELLs/MLLs are expected to participate in New York State's 2020 math tests. Schools have the option to test students in their home language if it is determined that this will provide the most accurate information about the student's proficiency in math. Tests are provided in printed booklets and via Computer Based Testing, in Chinese (Traditional), Haitian Creole, Korean, Russian, and Spanish. More information about New York State's translated math instructional modules and released test questions can be found on [EngageNY](#).

For more information about ELLs/MLLs' educational rights in New York State, please see Commissioner's Regulations Part 154-2 and Part 154-3 on the [Office of Bilingual Education and World Languages website](#).

SWDs

All students, including students with disabilities, must be included in and are expected to participate in State assessments. The Committee on Special Education (CSE) must decide for each student with a disability, on an individual basis, whether the student will take the general State assessment or, for students with severe cognitive disabilities, the New York State Alternate Assessment (NYSAA). The CSE's decision as to whether the student will participate in either the general or alternate assessment must be documented in the student's Individualized Education Program (IEP). [The criteria the CSE must use to decide eligibility for the NYSAA is on the Department's website.](#)



More information on ESSA can be found on the [U.S. Department of Education's website](#). New York State's approved ESSA plan, as well as additional resources for parents and districts can be found on [our ESSA website](#).

Additional things every stakeholder should know about student participation in statewide assessments under the Every Student Succeeds Act (ESSA)



The Every Student Succeeds Act (ESSA) outlines how states can use federal money to support public schools. New York State receives \$1.6 billion in federal funding each year to support its public schools.

What are the statewide assessment participation requirements under ESSA?

ESSA requires that every state assess all students in grades 3-8 in language arts or reading and math each year. States must assess all students at least once in high school in language arts and math. New York State does not have any laws regarding parental rights to choose whether their children participate in state testing, but federal requirements include:

- 95% of students in each public school, including charter schools, are required to participate yearly in required state assessments.
 - This applies to all student subgroups, which include racial/ethnic groups, English Language Learners, low-income students, and students with disabilities.
- If requested, school districts and charter schools are required to provide parents with information on state or local policies regarding the rights of parents to choose to not have their children participate in state testing.
- States are not required to create or change any laws they have in place regarding a parental decision on participation in assessments.

What are some other ways to determine if a student who does not participate in state assessments requires Academic Intervention Services (AIS)?

Students who do not participate in state assessments still can qualify for additional academic support. Educators can determine their level of need for intervention services by reviewing measures including:

Developmental reading assessments for grades K-6



New York State English as a Second Language Achievement Test (NYSESLAT), which annually assesses the English language proficiency of all English Language Learners



Teacher-designed and selected assessments in reading and math for students in K-6

Tests that are taken by all students in a class at regular intervals that provide information about students' skills



Unit and lesson assessments for English language arts (ELA), mathematics, science, social studies and Languages Other than English (LOTE) for grades 7-8



Results of other evaluations (e.g., psychoeducational) based on a variety of assessments and inventories

How will participation rate be factored into how student achievement results are reported for my school?

At the elementary/middle school level, schoolwide achievement in English, math, and science is measured in two ways:

- (1) As required by ESSA, by adjusting the reported performance of a subgroup of students when fewer than 95% of students are tested (Weighted Average Achievement Index); and
- (2) Based only on results from students who participated in state assessments (Core Subject Index).

Schools are then compared to the previous year's index as well as measures of interim progress, long-term goals, and an end goal to determine how much progress students in the school made in ELA and math.

How is student participation factored into accountability determinations regarding a school's ELA and math achievement?

Participation (or lack of participation) in ELA, math and science assessments may affect the school's "**Composite Achievement Level**" and "**Progress Level**," which could in turn, affect a school or district's accountability status. When more than 5% of continuously enrolled students in an accountability group do not participate in state assessments, a subgroup's "**Weighted Average Achievement Index**" decreases. In some cases, this can result in an accountability group receiving a lower "**Composite Achievement Level**." Nonetheless, so as long as the students in an accountability group who are tested perform average or above in language arts, math, and science or have average or above students' growth in language arts and mathematics, the school is not at risk of identification for Comprehensive Support and Improvement or Targeted Support and Improvement and passed on the performance of that accountability group regardless of the percentage of students who participated in the State assessments.



Weighted Average Achievement Index: a measure of achievement based on all students, including those who did not take the assessments; schools receive a Level 1-4 on this measure



Composite Achievement Level: a measure of achievement that considers the Weighted Average Achievement Index, as well as a measure of achievement based only on students who took the assessments; schools receive a Level 1- 4 on this measure



Progress Level: based on subgroup performance in relation to an end goal, long-term goals, and measures of interim progress (i.e., targets) in ELA and math; schools receive a Level 1-4 on this measure

What are the consequences for schools that fail to meet the 95% participation rate requirement?

Beginning in the 2020-21 school year, schools that meet ALL six of the criteria below will be required to implement a participation rate improvement plan. On either the ELA or math assessments, a subgroup at the school must:

1. Fail to meet the 95% test participation requirement in the 2017-18;
2. Fail to meet the 95% test participation requirement in the 2018-19;
3. Did not improve its participation rate between 2016-17 and 2017-18;
4. Did not improve its in participation rate between 2017-18 and 2018-19;
5. Did not perform at Level 3 or 4 on the Weighted Average Achievement Index in the 2017-18 school year; **AND**
6. Did not perform at Level 3 or 4 on the Weighted Average Achievement Index in the 2018-19 school year.



The school must conduct a participation rate self-assessment.



The school must develop a participation rate improvement plan that includes at least an analysis of the cause for low participation and a list of potential ways to solve the problem that the school will pursue in the following year.



If the school also ranks in the bottom 10% of participation statewide, it must submit the self-assessment and plan to the Commissioner for approval.

In addition, a school cannot be removed from Comprehensive Support and Improvement status or Targeted Support and Improvement status if the school is required to implement a participation rate improvement plan for a group for which the school is identified and the group performs at Level 1 on the Weighted Average Achievement Index. Schools may not be recognized as Recognition Schools or Blue Ribbon schools if they fail to meet the 95% participation rate requirements.

NYSED is currently in the process of developing a guidance document that will provide instructions to the schools identified as being required to develop a local participation plan. This guidance will explain the circumstances under which schools will be required to partner with the district, BOCES, and/or NYSED in development of the plan.

Are there different consequences for school accountability for students who don't participate due to illness?



Students who are "medically excused" from testing are not included in accountability calculations. Medically excused students are those who:

- Are unable to take the tests because of illness or injury during the test administration and make-up periods; and
- Have on file documentation from a doctor or other health worker that they were unable to complete the test.



More information on ESSA can be found on the [United States Department of Education's website](#).

New York State's approved ESSA plan, as well as additional resources for parents and districts can be found on [our ESSA website](#).