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

New York State EDUCATION DEPARTMENT
Knowledge › Skill › Opportunity

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 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 additional 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 additional instructional support, guidance counseling, attendance improvement services, and help with study skills.

What will my child do during testing if I advise my school that I prefer that my child 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. For students who do not participate in state assessments districts may have students engage in some other learning activity during this time. Check with your child's principal or the school district superintendent for your local policies.

What should districts do if 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.

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. Results are provided to help students and parents better understand how well a student is doing and where the student 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 one or both sessions of the Grades 3-8 ELA and Mathematics Tests.



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 from participation in that Springs 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 Grades 3-8 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. Alternate language editions of the math and science tests are available in Arabic, Bengali, Chinese (Simplified), Chinese (Traditional), Haitian Creole, Korean, Russian, and Spanish. All alternate language editions of the math and science tests will be paper editions. 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 at www.ed.gov. New York State's approved ESSA plan, as well as additional resources for parents and districts can be found on our website.