

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 all assess 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; and
- (2) Based only on results from students who participated in state assessments.

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, schools that have strong academic results based on those students who do participate in state assessments are not likely to be identified for Comprehensive Support and Improvement or Targeted Support and Improvement, even if these schools have high levels of student non-participation in the 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?

- Schools that **persistently and substantially fail to meet the 95% participation** requirement must take action:



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, under current Commissioner's regulations schools may not be removed from Priority, Focus, or Receivership status unless the schools have met the 95% participation requirement for all groups of students for which the school is accountable for ELA and math results. **Schools may not be recognized as Reward 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 website](#).