

Federally Mandated Assessments and Participation

The Council SUPPORTS amending the Elementary and Secondary Education Act to eliminate any potential penalty for failure to attain 95% participation on federally mandated assessments.

The Every Student Succeeds Act (ESSA) which is the reauthorization of the Elementary and Secondary Education Act requires students in grades 3-8 and once in high school to take assessments on English language arts and mathematics. Students must also take a science assessment once in the elementary, middle and high school grades. If a school fails to assess 95% of students in each of these assessments, its overall accountability score may be impacted, and schools must take certain remedial steps to increase participation.

New York leads the nation in opting-out of these assessments. Statewide, approximately 20% of students have refused to take at least one of the mandated assessments in each of the last three years. This fact has major implications on both student and teacher accountability.

There has been a slight downward trend in the number of students refusing to take these exams, but it does appear we have entered a new normal where we should expect approximately 1/5th of students to refuse to take these assessments on an annual basis.

Interestingly, ESSA specifically authorizes states to enact laws that provide an express right for students to opt-out of these assessments, yet even if such a law exists, the 95% participation requirement is maintained for accountability purposes. It is difficult to reconcile this contradiction.

New York's ESSA plan that was developed with stakeholder involvement and has been approved by the State Education Department (SED) establishes a multi-step intervention process that can eventually lead to (SED) becoming directly involved with the school district to increase test participation.

Through surveys, we find that our state's school superintendents are skeptical about the validity of using our current state assessments to evaluate the performance of schools, principals, and teachers. But they continue to value those assessments for identifying general strengths and weaknesses in their schools' instruction. We believe that the best strategy for reducing opt-outs in our state is to continue efforts to improve the tests so that families and educators recognize them as valuable in supporting teaching and learning. Imposing sanctions and penalties is apt to be inflammatory and counter-productive, fueling opt-outs rather than reducing them. Schools should not be held responsible or culpable in any manner for the choices made by parents, as the ESSA statute expressly allows them to do.

We support amendments to ESSA that prohibit states from imposing any action on schools that fail to meet the 95% participation requirement of the Act.