

Session 2E: Addressing the 95 Percent Assessment Participation Requirement

Panelists: Andrew Hinkle, Sheryl Lazarus, Cary Rogers, Wendy Stoica, Robin Stripling, Kathy Strunk

Dr. Lazarus commented on the challenges of the 95 percent assessment participation requirement. States cannot request a waiver without 95 percent participation among all students and students with disabilities. The federal requirements in IDEA call for states to make certain that all children with disabilities are included in all general state and districtwide assessment programs, including assessments described under Section 1111 of ESEA, with appropriate accommodations and alternate assessments, if necessary, as indicated in their IEPs (Slide 6).

ESSA reinforces testing for all students, said Dr. Strunk (Slide 7). ESSA stipulates that states must assess 100 percent of all students and all student subgroups. Reading/language arts and math assessments are required to be annual for grades 3–8 and to happen once in high school. Science assessment is required to be once in each grade span (elementary, middle, and high school). And ELP assessment for English learners is required to be annual in grades K–12. States must include all students for each of the required assessments. Academic achievement indicators for accountability must be adjusted to account for at least 95 percent of all students and 95 percent of subgroups. This means that if schools do not assess at least 95 percent, then their academic achievement indicator must be reduced to reflect the performance of at least 95 percent of all students. The reason it is in that 1.0 percent strand is that it is connected to being able to get a waiver for exceeding the cap, said Dr. Strunk. This requires that the total number of students assessed in each content area using the AA-AAAS not exceed 1.0 percent of the total number of students who are assessed in these content areas.

States may apply for a waiver if they think they will exceed the 1.0 percent cap (Slide 8). However, in order for a state to receive a waiver, it must meet the requirement that 95 percent of all students and 95 percent of the students with disabilities participated in the assessment. And if they apply for a waiver and they do not meet that, they will not get a waiver, said Dr. Strunk. NCEO has produced some resources to assist this process, said Mr. Hinkle (Slide 10). NCEO Tool #9, which is in the 1% Toolkit, began as a flyer for a specific state that was dealing with the 95 percent issue. Now it is a general, customizable tool that explains why students with disabilities should take state assessments.

To provide a more parent-focused lens, NCEO created the Participation Communication Toolkit (Slide 11), which includes a family letter, sample social media posts, an IEP team one-page discussion guide, and flyers for teachers, families, students, and policymakers. Mr. Hinkle also provided a video that shows parents the value of assessments.

State Examples

Arkansas highlighted the strategies used to remain at the 95 percent participation rate. If a school does not test 95 percent in English language arts or math for either all students or a student subgroup for two consecutive years, that school must develop an improvement plan,

said Ms. Stripling (Slide 14). For state accountability (all students only), if a district does not test 95 percent in English language arts or math for two years, that district can be recommended for accreditation probation status.

The state notifies the districts that fail to meet requirements, said Ms. Stripling (Slide 15). Arkansas provides the district status and any consequences. LEAs that fail to meet requirements for two years must test early, make corrections early, and attend a test correction webinar. Districts that fail to meet requirements for three years must test in the first week of the testing window and will undergo on-site monitoring.

Kansas is similar, said Ms. Rogers. State assessment participation affects comprehensive and targeted school improvement districts. If a district, individual school, or subgroup misses the 95 percent participation rate target, the Kansas Integrated Accountability System (KIAS) will flag that district. KIAS looks at many qualitative and quantitative risk factors around compliance and performance. The KIAS process holds the buildings and districts accountable for each of those risk factors. Each risk factor has a weight, and the number of findings and the weight of such findings inform corrective action.

Missing the 95 percent participation rate would trigger the implementation of a corrective action plan that is supported by the Kansas State Department of Education, the Kansas Technical Assistance System Network, the Kansas Association of Educational Service Agencies, and other technical assistance partners. Missing the 95 percent participation also can affect a district's ability to be fully accredited, said Ms. Rogers.

The Special Education and Title Services team also monitors participation. Districts that test less than 88 percent are high-risk districts. State resources and supports are available for medium- and high-risk districts.

Ms. Rogers noted that Kansas has a parent opt-out. The information is on the state website, and parents must document in writing that a student will not participate. Kansas typically has a participation rate of 97 percent to 98 percent for all students and students with disabilities.

Activity Discussion

For a breakout group activity, participants reviewed the following steps included in NCEO's Tool #13, Developing an Assessment Participation Action Plan (slides 17–18).

- Step 1: Form teams for designing, implementing, monitoring, and evaluating an assessment participation action plan.
- Step 2: Collect and analyze state assessment participation data.
- Step 3: Collect and analyze district assessment participation data.
- Step 4: Compile state contextual information.

- Step 5: Identify state-level challenges to the 95 percent participation rate.
- Step 6: Design action plan steps for implementation and monitoring.
- Step 7: Evaluate plan effectiveness.

Session participants reviewed issues and challenges such as medical emergency flexibility, virtual schools, parent opt-outs, and students being tested in the wrong grade. Ms. Rogers said Kansas has a flexibility for catastrophic medical emergency and another category called “other.” Districts must send the state the student’s ID and the reason for the special circumstance. If approved, this will not count against the district as a student’s not being tested. West Virginia has a similar process. West Virginia usually has 60 to 70 requests from across the state. The state approves about 10–15 percent.

Ohio has an emergency medical waiver, said Ms. Stoica. The state will not provide waivers for chronic conditions. The state gets requests but does not approve many of them, and the state maintains a high participation rate, said Ms. Stoica.

Regarding virtual schools, states noted that they have gotten requests for virtual testing from online charter schools. Some virtual schools require that students come into a physical testing site. Parents must agree to this requirement during the charter school application process. Other virtual schools will go out to student locations.

Ohio allows testing of the alternate assessment in an alternate location, which can include the home. The test administrator must be fully certified, and anyone in the setting must sign a nondisclosure agreement.

New legislation in Kansas requires virtual testing for virtual schools, said Ms. Rogers. Although details remain in development, virtual testing will most likely require two cameras. That equipment is at the virtual school’s expense. Oregon provides remote testing on all general assessments and ELP assessments. Cameras are not required.