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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: April 4, 2014

ACTION: Student Participation in Statewide Assessments

Background:

Student participation on statewide assessments is addressed in:

1. Current USOE policy, approved by the Board Accountability, Finance and Assessment Committee on June 7, 2013.
2. Utah Code (U-PASS), 53A-1-604 and 53A-3-602.5.
3. Utah Code (Grading Schools), 53A-1-1101 through 1113.
4. Federal ESEA requirements, Section 1111.

The 2013 and 2014 testing windows have resulted in some parental concerns and decisions to “opt out” their students from participating in statewide testing.

The 2014 legislative session passed SB 122 which includes requirements in regards to the “opt out” policy.

Key Points:

Student assessment results are required for reporting systems, state and federal accountability systems and teacher evaluations. To ensure compliance with state and federal law and to ensure equity and fairness for all students and educators, schools are accountable for each enrolled student in regards to participation and/or performance on statewide assessments.

Anticipated Action:

The State Board of Education will discuss and make changes, if needed, to the Student Participation Policy for statewide assessments in regards to the impact on classroom and school participation and proficiency data.

Contact: Judy Park, 801-538-7550



Statewide Assessment Student Participation Policy

Data collected on state mandated testing includes participation data and achievement data. Utah code 53A-1-1110 requires a school to have 95% participation on state mandated tests or the school receives the letter "F" on the school report card. The 95% participation requirement is intended to encourage schools to include all students, regardless of their achievement level so the school achievement score is an accurate representation of school performance.

Aggregated participation data and achievement data are included in school report cards and in the EdFACTS submission file required by the US Department of Education. EdFACTS is submitted to the Department of Education each year and includes aggregate data on all students enrolled in public schools. All students are included in the EdFACTS submission either as a test participating student or a test non-participating student. As the majority of students participate in state testing, students who do not participate due to an absence or refusal to test, are still included in an aggregate score that may be a smaller group of students than the aggregate score for students who participate in the tests.

If a student is absent from school on a testing day (ill, out of town, medical appointment, etc.) the school has a lower percentage of participation for the school report card.

The absent student does not receive a test score and is not included in the school's proficiency/achievement calculation.

If a student is in attendance at school on a testing day but opts to not participate in testing, there is no impact on the participation requirement (95%).

If a student/parent opts to not participate in a test, the test receives a non-proficient score and is included in the school's proficiency calculation for that test.

With this guidance, districts and charter schools are encouraged to develop local policies. Parents are encouraged to contact their schools or districts for additional clarifications and procedures in regards to state testing participation.

Part A — Improving Basic Programs Operated by Local Educational Agencies

SUBPART 1 — BASIC PROGRAM REQUIREMENTS

SEC. 1111. STATE PLANS.

- (I) ANNUAL IMPROVEMENT FOR SCHOOLS- Each year, for a school to make adequate yearly progress under this paragraph--
- (i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and
 - (ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).
- (3) ACADEMIC ASSESSMENTS-
- (C) REQUIREMENTS- Such assessments shall—
 - (ix) provide for—
 - (I) the participation in such assessments of all students;
 - (II) the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such students relative to State academic content and State student academic achievement standards; and

- (III) the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under paragraph (7);
- (x) notwithstanding subclause (III), the academic assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for three or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed two additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;