



January 2016

# The Every Student Succeeds Act: Student Assessment

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA) which reauthorizes the Elementary and Secondary Education Act (ESEA) for four years and makes significant changes to the previous iteration of the law, the No Child Left Behind Act (NCLB). In general, ESSA reduces some federal intervention in state education policies and programs and assigns more decision-making authority to individual states and local education agencies (LEAs).

Although student assessment provisions in ESSA provide somewhat broader authority for states than under NCLB, several general requirements from NCLB still apply. For example, ESSA continues to require that assessment results only be applied to purposes for which they are valid and reliable. ESSA also continues to require states to participate in the National Assessment of Educational Progress in grades 4 and 8.

In several other areas of assessment policy, however, ESSA broadens state discretion over decision-making; in some cases, ESSA establishes new programs to encourage states to develop more innovative and efficient assessment systems.

**State Assessment System Design and Administration.** ESSA requires states to continue to assess all students in reading and mathematics in grades 3 through 8 and once in high school. States also must continue to assess all students in science at least once in grades 3 to 5, once in grades 6 to 8, and once in grades 9 to 12. These required assessments, which may be computer-based, must continue to provide information about student attainment of grade-level state standards. ESSA also continues to require assessments to be administered annually, although the new law clarifies that assessments may consist of a single summative assessment or multiple interim assessments, administered across the academic year, that result in a single summative score.<sup>1</sup> Pennsylvania has the authority to determine whether the assessment system will be comprised of a single summative assessment or multiple interim assessments. Pennsylvania also has authority under ESSA to set a limit on the aggregate amount of time by grade that can be devoted to test administration.<sup>2</sup>

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<sup>1</sup> State assessments may be partially delivered in the form of portfolios, projects, or extended performance tasks, at the state's discretion.

<sup>2</sup> ESSA does not limit the state's authority over aggregate time devoted to test administration to state assessments and could be interpreted to apply to local assessments as well.

**Reporting of Assessment Results.** Like NCLB, ESSA requires that the results of the state assessment be publicly reported at the state, district, and school level. In addition to reporting overall assessment results, the state also must continue to report results disaggregated by major racial and ethnic groups, sex, economic disadvantage, disability status, English language learner status, and migrant status. At the state level, ESSA requires that publicly-reported assessment results also must be disaggregated by homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces. ESSA continues the requirement under NCLB that a state determine the minimum group size for the reporting of disaggregated data.

**Participation in the State Assessment.** ESSA continues to require that 95 percent of students take the state assessment.<sup>3</sup> To support all students in taking the exam, ESSA requires that, to the extent practicable, state assessments be developed using the principles of universal design. Universal design principles ensure that assessments foster participation of the widest possible range of students in the assessment including students with disabilities who may have difficulty taking a traditional pencil and paper test. In addition, ESSA continues to require states to develop and promote the use of accommodations for students who receive accommodations under the IDEA.

ESSA also continues to allow up to one percent of students with the most significant cognitive disabilities to take an alternative assessment. However, this is a *statewide* cap; ESSA specifically prohibits the state or USDOE from limiting the percent of students who take the alternative assessment within a school or LEA. The IEP team has sole authority to determine whether a student takes the alternative assessment; any LEA that exceeds the one percent cap must submit information to the state justifying the need to exceed the cap. States must ensure that parents are informed about the use of the alternative assessment for their child during the IEP process. Specifically, officials must inform parents about how participation in the alternative assessment may delay or affect a student in terms of receiving a regular diploma.

Finally, ESSA continues to require that English language learners (ELL) be included in the state assessment. To the extent that it is practicable, assessments for ELL students must be in their native language until they have attained proficiency in English.

**New Assessment Options under ESSA.** ESSA defines several optional and competitive programs to foster innovative assessment practices. Among these are options to reduce testing in middle school, to develop performance-based assessment systems, and to use national assessments in lieu of state assessments at the high school level.

- ***Exception for Advanced Mathematics in Middle School.*** ESSA allows states to exempt 8<sup>th</sup> grade students from the 8<sup>th</sup> grade math test if the student takes the end of course test designed to meet the high school mathematics assessment requirement. In Pennsylvania, this would mean that 8<sup>th</sup> grade students who take the Algebra I Keystone Exam could, at

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<sup>3</sup> Unlike NCLB, however, ESSA allows each state to determine the role of the participation rate in its accountability system.

the state’s discretion, be exempt from the 8<sup>th</sup> grade mathematics PSSA. However, if a state chooses to implement this exception, the state must develop an additional, more advanced mathematics exam for these students to take in high school.

- **Locally Selected Assessment Option.** ESSA allows LEAs to apply to the state to administer a nationally recognized high school assessment (such as the SAT or ACT) in lieu of the state test. In Pennsylvania, this means that LEAs could request approval from PDE to administer a nationally recognized high school assessment instead of the Keystone Exam. The state also can approve nationally recognized high school assessments for use in lieu of the state test independent of any LEA request. The state is required to develop technical criteria to evaluate nationally recognized tests to determine if they: are aligned to the state’s academic standards; are at least as rigorous as the state exam; provide comparable, valid and reliable data compared to the state test; and provide unbiased results to allow differentiation among schools.
- **Innovative Assessment and Accountability Demonstration Project.** ESSA gives USDOE authority to approve up to seven “innovative state assessment systems.” States participating in this project may work alone or in a consortium to develop, implement, and evaluate the consequences of innovative assessment. An “innovative assessment system” may include competency-based assessments, instructionally-embedded assessments, interim assessments, cumulative year-end assessments, or performance assessments. States participating in the pilot will develop and administer the innovative assessment system for up to five years, after which additional states may apply to participate.
- **Assessment Audit.** ESSA directs USDOE to fund state and LEA assessment audits.<sup>4</sup> These audits must examine the purpose of assessments administered by the state and LEA. Audits also must solicit feedback from stakeholders about how they use the data to improve instruction, whether data are released in a timely manner, the amount of time spent in assessment preparation and administration, and whether or not assessments are useful. Information from the audit should be used to streamline and improve state and local assessment systems.

Pennsylvania policymakers are beginning to consider what, if any, changes may be possible and appropriate for the state assessment system. PSEA continues to advocate for assessments that support instruction rather than distract from it. In order to support instruction, assessment systems must: 1) be aligned to Pennsylvania’s standards; 2) include multiple measures; 3) provide timely feedback in a format that is likely to inform instruction; 4) incorporate universal design elements and accommodations to help all students do their best; 5) be available in languages other than English; and 6) have their results applied only to purposes for which they are valid and reliable.

As Pennsylvania begins to consider possible changes to the state assessment system that may result from the new law, there are a number of opportunities for educators to be involved. PSEA

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<sup>4</sup> States can determine whether or not to apply for the audit funds made available to them by USDOE.

staff and governance are engaged in discussions at the state level. Local leaders also should begin to consider the role of local members in local discussions around the issues outlined above. For example, as explained above, LEAs may opt to request state permission to use a nationally recognized test instead of the Keystone for high school students. The local may want to participate in discussions with their employer about this option. As always, PSEA UniServ Representatives are prepared to assist and guide local leaders and members as they become involved in local ESSA implementation issues. UniServ Representatives also will work with a cross-divisional staff work team that is focused on implementation issues.

For more information about the Every Student Succeeds Act, PSEA members may contact Dr. Carla Claycomb, PSEA Director for Education Services, [cclaycomb@psea.org](mailto:cclaycomb@psea.org).

