



## Testing Opt Out Updates

In 2014-2015, a significant number of schools, districts, and even states did not meet federal requirements for standardized test participation. The U.S. Department of Education has indicated they will hold states, districts and schools accountable for their participation rates for the 2015-2016 school year (see page 2).

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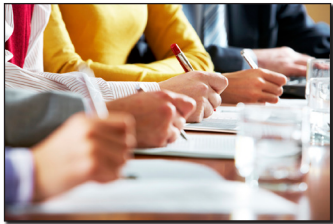
TransACT® for English Learners

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## National Advisory Board Begins Review of ESSA Notices

TransACT's core focus is supporting parent notice needs of schools and districts. The 40-member ESSA National Advisory Board has begun their initial review of the preliminary 87 ESSA notices. The notices span 18 categories and the initial review is scheduled to conclude in mid-June 2016 (see page 3).

## Take the Mystery Out of Funding Parent Notices and Translations

The new TransACT for English Learners collection aligns with the new USED-DOJ guidance for serving English Learners. This collection is available in 10 languages (see page 3).



## Testing Opt Out Updates

The 2014-2015 school year saw a significant surge in the number of students that opted out of taking standardized tests required by the Elementary and Secondary Education Act or ESEA. This resulted in a significant number of schools, school districts, and even states not meeting federal requirements for test participation.

In December, after the reauthorization of the ESEA by the Every Student Succeeds Act (ESSA), the U.S. Department of Education (USED) sent a Dear Colleague Letter that indicates that they will still be holding states, districts, and schools accountable for test participation rates in the 2015-2016 school year based on the requirements of ESEA found in the previous version of this law, the No Child Left Behind (NCLB) Act. This includes the threat of potentially withholding federal education dollars if states, school districts, and schools fail to meet participation rate requirements. Despite this, a recent EdWeek article reports that the organizers of the opt out movement are continuing to push parents to opt out of tests this year. Another recent EdWeek article reports that the National PTA has updated its position statement on assessment to indicate that it does not support state and district policies that allow students to opt out.

### Here's what you need to know:

1. There are no federal requirements currently in effect for the 2015-2016 or 2016-2017 school year that require schools or districts to notify parents regarding opting out of ESEA mandated tests. This changes in the 2017-2018 school year.
2. For 15-16 and 16-17, no proactive steps are needed. If parents choose to opt their student(s) out, it is recommended that schools and districts document that this was the parent's choice by asking parents to put in writing their desire to opt their student(s) out of the ESEA mandated content tests.
3. Moving forward, the ESSA requires that districts notify parents at the beginning of the school year (starting in 17-18) that they may request information regarding policies and/or procedures for participation in assessments that includes information on parental rights to opt out of ESSA mandated assessments if applicable.
4. TransACT has drafted assessment opt out notices that will be available for use by the start of the 17-18 school year.

### USED Response to Opt Out Movement

During the 2014-2015 school year there was a strong movement that encouraged parents to opt their students out of standardized tests being administered in schools. While not all standardized tests are required by the ESEA, the opt out movement drew strength from the 'test and punish' perception of the previous version of the ESEA, the No Child Left Behind Act.

Recently, the USED sent a Dear Colleague Letter (DCL) on this issue as well as individual letters to 13 states that either did not meet participation rates or had schools or school districts that did not meet participation rates. In the DCL, USED indicated that it sent letters to those 13 states asking that they demonstrate that they have taken or will take "appropriate actions to enforce the requirement of the ESEA, describe how such actions will specifically address the problem that occurred in 2014-2015, and ensure that all students will participate in statewide assessments during the 2015-2016 school year and each year thereafter".

If a state fails to meet participation rates in the 2015-2016 school year, USED has threatened that it will "take one or more of the following actions: (1) withhold Title I, Part A State administrative funds; (2) place the State's Title I, Part A grant on high-risk status and direct the State to use a portion of its Title I State administrative funds to address low participation rates; or (3) withhold or redirect Title VI State assessment funds".

### National PTA's Position Statement on Assessment

The National Parent Teacher Association has taken the opportunity of the passage of the Every Student Succeeds Act to update their [position statement on assessment](#). While the opt out movement is continuing to try to gain momentum, the National PTA has taken a stance of non-support for state and district opt out policies. The National PTA's position statement, which is based on the assertion that these assessments are designed to improve teaching and learning, says, "National PTA does not support state and district policies that allow students to opt-out of state assessments that are designed to improve teaching and learning."

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#### Opt Out Changes under ESSA

The newest version of the ESEA, the Every Student Succeeds Act (ESSA) has made some changes to the requirement for states, districts, and schools to test at least 95% of students on the required annual content tests. Previously, under NCLB, those schools and districts that did not meet the 95% threshold for participation rates were labeled as in need of improvement (think failing). Now, instead of being labeled as in need of improvement, the consequences for schools or districts not meeting the 95% threshold is to be decided by the states and not linked to school ratings. Note: Please remember these changes under ESSA don't take effect until the 2017-2018 school year.

Opting out is also being treated differently. The ESSA now requires that districts notify parents at the beginning of the school year that they may request *"information regarding any State or local educational agency [district] policy regarding student participation in any assessments mandated by section 1111(b)(2) [the annual academic assessments, alternate assessments for students with severe cognitive disabilities, and assessments of English language proficiency] and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable"* (ESSA Section 1112(e)(2)(A)).

TransACT is actively reviewing the parent notification requirements outlined in ESSA. The opt out notice mentioned in the previous paragraph is just one of several new notifications that districts must send to parents. TransACT's content experts have already drafted opt out notices that are being reviewed with our ESSA National Advisory Board.

If you have any questions, please contact us at 425.977.2100 or email at [support@transact.com](mailto:support@transact.com).

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## ESSA National Advisory Board Begins Review of ESSA Notices

Earlier this year the ESSA National Advisory Board began meeting with the purpose of having a team of State and District leaders from across the nation determine the parental notification needs under the Every Student Succeeds Act (ESSA) and to review the content of those notices to ensure that they will meet the needs of schools and districts. There are 40 members of the ESSA National Advisory Board (NAB) that have been participating in this work for approximately two months now.

TransACT has created a preliminary list of 87 ESSA notices for review by the ESSA NAB. First drafts of these notices have been created and have entered the review process. These notices fall into 18 categories. Taking into account their areas of expertise, individual ESSA NAB members have been assigned to Content Review Groups based on the 18 categories of notices. They have started reviewing and providing feedback on drafts of ESSA notices. It is anticipated that the Content Review Groups will complete initial review of all notices by mid-June.

While most of the notices that are being developed for the ESSA won't be needed until the 2017-2018 school year, the teacher qualifications notices under ESSA will be required during the 2016-2017 school year. USED has indicated that the Highly Qualified (HQ) teacher requirements will not be implemented in the 16-17 school year, but the notices related to parent's rights to request teacher qualifications still need to be implemented. With that in mind, TransACT will have updated teacher qualification notices available by the start of the 2016-2017 school year.

If you have any questions or want more information, please don't hesitate to contact us at 425.977.2100 or email at [support@transact.com](mailto:support@transact.com).

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## Take the Mystery Out of Funding Parent Notices and Translations



### TransACT® for English Learners

TransACT has released a new parent notices collection that aligns with the new USED-DOJ guidance for serving English Learners that will equip you with:

- Compliance - English learner program notices and translations
- Communication - Title I & Title III communication to improve parent involvement
- Documentation - Provide evidence of program implementation

Three options available, aligned to your funding sources:

1. Combined Title III & General English Learners Collection
2. General English Learners Only Collection
3. Title III Only Collection

This collection is available in the following 10 languages: Arabic, Chinese, French, Haitian Creole, Hmong, Korean, Russian, Somali, Spanish, and Vietnamese.

To learn more, go to [www.transact.com/EL](http://www.transact.com/EL) or contact us directly at 425.977.2100, Option 1.

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## TransACT Family of Services



### USED/DOJ Webinar Series

Webinar series focusing on the recent guidance issued by USED and DOJ for serving English Learners. Presented by Dr. David Holbrook. [Register here.](#)



### Get More Language Support

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