

Subject: Statewide Assessment Participation and Course Material Exemptions

- RSA 193-C; RSA 186: 11 IX-c
- Elementary and Secondary Education Act

This Technical Advisory is intended to help clarify statewide assessment participation and course material exemptions.

Over the last few months, some districts have received an objection, or opt-out form, designed by a national advocacy organization regarding individual student participation in curriculum or assessments aligned to the Common Core State Standards. Community members and parents presenting the opt-out form are often using 186:11 IX-c as the reason that districts must allow their students to not participate. This technical assistance advisory is to clarify the requirements for student and district participation in the statewide assessment and the exemptions allowed because of RSA 186: 11 IX-c.

STATEWIDE ASSESSMENT REQUIREMENT

New Hampshire law requires the Department of Education (NH DOE) “to establish credible process for measuring and rating schools (RSA 21-N:1, II(e)).” In addition, RSA 193-C established the Statewide Educational Improvement and Assessment Program and section C:6 states, “each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. **All public school students in the designated grades shall participate in the assessment**, unless such student is exempted...” Exemptions can only be approved through the Director of Assessment at the NH DOE. The following exemptions may be considered:

1. Medical emergency/serious illness
2. Severe emotional distress
3. Death in the family
4. Student qualifies for the NH Alternate Assessment but enroll after the start of the assessment window
5. Student who participates in another state’s assessment system
6. Exemption from ACCESS for ELLs® for student taking the NH Alternate Assessment

The NH DOE does not have the authority in state law to allow schools or districts to opt-out of or postpone the implementation of the statewide assessment; nor do school districts have the authority to allow students to opt-out of the assessment unless the student meets one of the exemption criteria. In addition, the Elementary and Secondary Education Act requires all districts that accept federal funds under this Act to implement the statewide assessment in order to continue the receipt of funds.

COURSE MATERIAL EXEMPTION

State law (RSA 186:11 IX-c) also “requires school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area.” For example, if a parent objects to a particular book being read in a class, the parent can work with the school to find an alternative reading source.

This law specifically states that a policy must be developed allowing an exception to “specific course material.” Standards (state or locally-developed) are neither courses nor materials. Rather, the standards set forth the minimum skills and knowledge, by grade level, that we want students to master. In addition, the statewide assessment is not based on a course (such as end-of-course assessment), but rather an assessment of the knowledge and skills that

students have gained throughout the year. Therefore, RSA 186:11 IX-c does not authorize districts to allow students to opt out of standards and or the statewide assessment.

ADDENDUM – Added January 13, 2015

Although RSA 193-C-6 requires all public school students to participate in the statewide assessment (one assessment in English language arts, mathematics and science), there are no laws in the State of New Hampshire or rules at the New Hampshire Department of Education that would penalize a student for not participating in the statewide assessment. Additionally, the same is true if a parent determined that they would not allow their child to participate. However, the district will incur a lower participation rate, which is reported to the public.

Decisions regarding placements, grade retention and/or teacher evaluations in regards to the statewide assessment or any other assessment required by the school or school district are made at the local level. Supports for students with disabilities must be in accordance with state and federal law; however, a school district may always go above and beyond what is required in law.

If you have any questions please contact Heather Gage at Heather.Gage@doe.nh.gov or (603) 271-5992.

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