



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 27, 2024

Dear Jodi Bossio-Smith:

Increasing student participation in statewide assessments required under the Elementary and Secondary Education Act of 1965 (ESEA) is vital for ensuring that parents, families, and educators can make useful, valid interpretations from achievement data to support the targeting of resources and continuous school improvement.

In 2022, the Government Accountability Office (GAO) released a study that found students attending virtual charter schools demonstrated lower participation rates on State assessments than students attending brick-and-mortar public schools.¹ In November 2022, the U.S. Department of Education (Department) wrote to States that had virtual charter schools with low participation rates (using the most recently available data from the 2018-2019 school year) to follow up on the GAO's report. We urged those States to take steps to ensure that all public schools, including virtual charter schools, are fully implementing annual assessment requirements under the law. The Department provided a list of virtual charter schools in the State that failed to test at least 95 percent of their students in reading/language arts (R/LA) or mathematics in the 2018-2019 school year along with each virtual school's participation rates.

In reviewing the assessment participation data for the 2022-2023 school year that was submitted by State educational agencies to the Department's *EDFacts* initiative, we noticed that some schools, both virtual and brick-and-mortar schools, continue to have extremely low participation rates. For your benefit, I am enclosing a file of the public schools in your State with a tested population greater than 20 students where the R/LA or mathematics participation rate was 80 percent or less. To assist in the identification of schools demonstrating a chronic assessment participation issue, the file notes the schools with similarly low assessment participation data in the 2017-2018, 2018-2019, and 2021-2022 school years.

A key tenet of the ESEA is States' implementation of accountability systems that provide parents and the public information on school quality and students' academic achievement. Section 1111(b)(2)(B)(ii) of the ESEA requires that State assessments in R/LA, mathematics, and science be administered to all public elementary school and secondary school students in the State. Recognizing the fundamental importance of including all student assessment results in the accountability system, section 1111(c)(4)(E) of the ESEA further requires States to account for the participation rate when calculating the academic achievement indicator. In addition, each local educational agency (LEA) that receives Title I, Part A funds assured in its application that it would administer its Title I, Part A program in accordance with all applicable statutes and

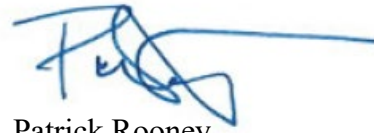
¹ <https://www.gao.gov/products/gao-22-104444>.

regulations (see ESEA section 8306(a)(1)), which includes the requirement that all students participate in the statewide assessment system.

As you administer the statewide assessments this school year and plan for the 2024-2025 school year, please closely monitor schools' participation rates and consider strategies to leverage existing State supports and compliance mechanisms to improve assessment participation.

I look forward to working with you to identify additional strategies to improve student assessment participation rates and ensure that all students participate in statewide assessments in the 2023-2024 school year and beyond. If you have question, please contact the Department at ESEA.Assessment@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Rooney', with a long horizontal line extending to the right.

Patrick Rooney
Director, School Support and Accountability

Enclosure