

Appendix F: Laws and Regulations Related to Monitoring

Please note that Maine DOE is taking a collaborative approach to providing the technical assistance process that is not highlighted in the monitoring requirements as described by US ED. Federal documents are likely to use the term “monitoring” rather than the term “technical assistance” used by Maine DOE.

Federal Requirements

Section 1111(b)(2)(B) of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) of 2015 requires the same assessment be used to measure the achievement of all public elementary and secondary school students in the state.

Section 1111(b)(2)(B) Requirements: The assessments under subparagraph (A) shall - (i) Except as provided in subparagraph (D), be

(I) The same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; And (II) Administered to all public elementary school and secondary school students in the State;

Section 1111(c)(4)(E) of ESSA indicates: (E) Annual Assessment of Achievement - (i) Annually measure the achievement of not less than 95 percent of all students, and 95 of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I). (ii) For the purpose of measuring, calculating and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of
(I) 95 percent of all students, or 95 percent of all such students in the subgroup, as the case may be; or
(II) The number of students participating in the assessments (III) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

Federal statute requires that parents receive a notification indicating their right to request the districts policies and procedures regarding student participation in state and local assessments. When this information is requested, the district will provide all applicable information to families. The district should be prepared to provide families with their assessment related policies and procedures, this would include an non-participation (opt-out) procedure if the district and school has such a procedure in place.

Section 1112(e)(2)(A) of ESSA indicates: (2) Testing transparency

(A) In general At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by Section 1111(b)(2) and by the State or local education agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

Part B. Assistance for All Children with Disabilities of IDEA indicates: Participation in assessments Sec. 300.160