

## Ramifications of Refusal of NYS 3-8 ELA and/or Mathematics Assessments and Effects of Not Meeting 95% Participation Rate

**Q. How could a student's refusal to take the assessment affect accountability?**

- A. Any time there is an absence of data there is an impact on district-wide accountability. It can affect a district by:
- altering the Annual Measurable Objective (AMO) calculations for meeting Annual Yearly Progress (AYP)
  - impact the 95% participation criteria
    - identified as not meeting 95% participation criteria, possibly leading to placement on a focus list

## Annual Measurable Objective (AMO), Effective Annual Measurable Objective (EAMO) and Performance Index (PI) Calculations

**Q. What is Annual Measurable Objective?**

- A. The Annual Measurable Objective (AMO) is the Performance Index (PI) value that signifies that an accountability group is making satisfactory progress to being proficient in the State's learning.

**Q. What is Effective Annual Measurable Objective?**

- A. The Effective Annual Measurable Objective (EAMO) is the Performance Index (PI) value that each accountability group within a school or district is expected to achieve to make Adequate Yearly Progress (AYP). The Effective AMO is the lowest PI that an accountability group of a given size can achieve in a subject for the group's PI not to be considered significantly different from the AMO for that subject. If an accountability group's PI equals or exceeds the Effective AMO, it is considered to have made AYP.

**Q. What is Performance Index?**

- A. A Performance Index (PI) is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts, mathematics, or science.

**Q. How is the Performance Index calculated?**

- A. Student scores on the tests are converted to performance levels. In elementary/middle-level ELA and math, the performance levels are:

Level 1 On Track = Basic and On Track to Proficient

Level 1 Not On Track = Basic and NOT On Track to Proficient

Level 2 On Track = Basic Proficient and On Track to Proficient

Level 2 Not On Track = Basic Proficient and NOT On Track to Proficient

Level 3 = Proficient

Level 4 = Advanced

The PI is calculated using the following equation:

$$PI = \frac{[(\text{number of continuously enrolled tested students scoring at Level 1 On Track} + \text{Level 1 On Track} + \text{Level 2 On Track} + \text{Level 2 On Track} + \text{Level 2 NOT On Track} + \text{Level 3} + \text{Level 3} + \text{Level 4} + \text{Level 4}) \div \text{number of continuously enrolled tested students}] \times 100}{}$$

**Q. How could a student's refusal to take the assessment affect the Performance Index?**

- A. It will depend on the Performance Level of the students who refuse to take the test. If the students are Level 3 or 4, they would have been counted twice towards the Performance Level. If they are not counted, it could lower the Performance Level.

## Participation Rate

**Q. How is participation rate calculated?**

A. Participation rates at the elementary/middle level are determined using the following equation:

$$\text{Participation Rate} = 100 \times (\text{Count of Participation-Rate Students with Valid Test Scores} \div \text{Count of Participation-Rate Students})$$

**Q. What students are included in calculating Participation Rate?**

A. At the elementary/middle level, participation-rate students are those who were enrolled for the entire test administration period, even if they were not continuously enrolled in the school/district from Basic Educational Data System (BEDS) day (the first Wednesday in October of the reporting year) until the test administration period. Students who enter or leave a school/district during the test administration period are not considered as participation-rate students unless the school/district provides valid scores for the students.

**Q. How does continuous enrollment affect a student’s inclusion in the Participation Rate?**

A. Students enrolled/tested during the period of continuous enrollment shown in the table below will be included in the document/calculations indicated.

**Key:**

Day 1 = BEDS Day (October 2, 2013)

Day 2 = First day of test administration period

Day 3 = Last day of make-up period

**Students’ Inclusion in Document/Calculations**

Period of Continuous Enrollment (includes)	Students results will be included in:	
	Participation Rate	Performance Index
Day 1 and Day 3	Yes	Yes
Day 1 and Day 2 – with valid test score	Yes	Yes
Day 1 and Day 2 – without valid test score	No	No
Day 2 and Day 3 – but not Day 1	Yes	No
Day 1 only	No	No
Day 2 only – with valid test score	Yes	No
Day 2 only – without valid test score	No	No
Day 3 only – with valid test score	Yes	No
Day 3 only – without valid test score	No	No
Only days between Day 2 and Day 3 – with valid test score	Yes	No
Only days between Day 2 and Day 3 – without valid test score	No	No

**Q. How is the Participation Rate for subgroups calculated?**

A. The participation rate is calculated for each subgroup including the “all students group” as long as there are 40 or more students in the sub-group. In English Language Arts (ELA) and mathematics, schools and districts must have valid scores for at least 95 percent of students in all accountability groups with 40 or more students enrolled during the test administration period (elementary/middle level) or 40 or more 12th graders (secondary level) to fulfill the participation criterion. Participation rates at the elementary/middle level are calculated for students in grades 3 through 8 combined based on the school’s/district’s configuration. (For instance, a middle school that has only grades 6 through 8 will have the participation rate calculated for their grades 6 through 8 combined.)

There is also a listing of the accountability groups on page 207 of the 2013-2014 SIRS Manual (v9.3). So, based on this information, the denominator is the number of students enrolled during the entire test administration period. Grades are combined as indicated above. The numerator is those students with a valid test score.

**Q. How do the students who refuse to take the assessment affect the Participation Rate?**

A. For those students refusing to take the assessment, they will be included in the denominator but they will not be included in the numerator as they will be treated as students without valid scores.

**Q. What happens if a district fails to make 95% participation for a given year?**

A. If a district fails to make the 95% participation rate for a given year, the prior year's data is used to calculate a weighted average for the two years. If the resulting calculation is still less than 95%, it could affect the district if they are currently on the list of focus districts. It could prevent them from being removed from the list. Or, it could prevent a district from being a Reward district. This information can be found on page 210 the 2013-2014 SIRS Manual (v9.3).

**Q. What happens if a school/district does not meet the 95% participation rate?**

A. Schools in which subgroups (including All Students) do not meet the participation rate will fail to make AYP.

### **Annual Yearly Progress (AYP)**

**Q. How often will SED designate Priority Schools during the ESEA waiver period?**

A. Although SED plans to designate Priority Schools only once during the waiver period, accountability status can change during the waiver period. For example, Good Standing schools can become LAP schools.

**Q. How often will SED determine and report AYP?**

A. SED will continue to determine and report AYP every year.

**Q. What happens if a school/district does not make AYP?**

A. A school that has **not been designated** as Focus or Priority and fails to make AYP for the same subgroup for the same measure for 10-11, 11-12, and 12-13 would be identified this year as a Local Assistance Plan (LAP) school. LAP schools would have their accountability status changed from Good Standing to LAP for the 2013-14 school year. LAP schools, in collaboration with the school district, will be required to annually use a diagnostic tool to develop a local assistance plan.

Schools failing to make AYP cannot come off Priority and Focus Status. Focus and Priority schools can petition to have their designation removed if, among other things, they meet the participation requirement in ELA and math for all accountability groups (Focus) and for all groups for which the school is accountable in the most current school year results that are being used as the basis for the petition (Priority).

Schools failing to make AYP cannot become Reward Schools.

### **Effect of Students Refusing to Take the Assessment on Teachers**

**Q. If students refuse to take one of the 4-8 assessments, will this have an impact on a teacher's growth score?**

A. Possibly. A teacher needs 16 scores to receive a State-provided growth score. If a teacher **only** teaches 20 students ELA and 5 students refuse to take the assessment, this teacher would not receive a growth score from the state because they would fall below the 16 valid score minimum. In order to calculate a State-provided Growth (SPG) score, there must be two consecutive years worth of student data. If a student refuses to take the assessment this year, that student would not have a growth score next year. If next year's teacher **only** teaches 20 students ELA and 5 of those students refused to take the assessment the previous year, that teacher would

not receive a state-provided growth score as well. In self-contained classrooms teachers instruct students in both ELA and Math so having 5 students out of 20 students refuse to take the assessment would still cause the SPG to be generated because the teacher would have 30 valid scores (15 ELA and 15 Math).

**Q. If a teacher doesn't receive a state-provided growth score because of the number of students who refuse to take the assessment, will the teacher need to write an SLO?**

**A.** In paragraph D52 from the APPR Field Guidance –August 2012. “NYSED recommends that all teachers with students close to the minimum “n” size who take ELA or Math State assessments also set SLOs for comparable growth measures...”

If the district did not adhere to this recommendation, the teacher would need to follow the procedures that are in place for your district for writing SLOs.

### **Effect of Students Refusing to Take the Assessment on Principals**

**Q. If students refuse to take one of the 4-8 assessments, will this have an impact on a principal's growth score?**

**A.** Possibly. A principal may see little impact of a few students refusing to take the assessment as their score is derived from entire grade levels. If there are a large number of students refusing to take the assessment, this could impact the principal's growth score.

### **General Testing Questions**

**Q. Why do students in grades 3-8 have to take an English Language Arts and Mathematics assessment?**

**A.** The federal No Child Left Behind Act requires that State tests be administered in English language arts and mathematics in Grades 3-8. Also Sections 100.3 and 100.4 of the Commissioner's regulations requires all students in public and charter schools to take all state assessments at their grade level. Tests are considered part of a “course of study” under a board's authority and, as noted above, are included as part of the program requirements for students in Grades 3–8.

### **Refusal of NYS 3-8 Assessments**

**Q. Are parents able to have their children refuse to take the 3-8 NYS assessments?**

**A.** No. There is no provision in statute or regulation allowing parents to have their children refuse to take State tests.

**Q. On the day of testing, can a child refuse to take the assessment?**

**A.** Yes, however, students would have to come to school and refuse to take each part of the assessment. If the student came to school on the testing dates and refused to take each part of the test, you do not have to have the student sit for the assessment on the makeup days. If a student is absent on any of the testing days, the student would need to refuse the part of the test for which they were absent. A refusal letter written from the parent does not suffice. The student has to come to school and refuse to take the assessment.

**Q. What if parents keep their children home during the testing window?**

**A.** Students would have to be absent for the entire administration and make up period of the assessments. This is up to 12 days for the ELA and Math assessment window. Parents and students would have to deal with school policy regarding attendance issues if their child is absent for 12 straight days.

**Q. Does a district have any obligation to provide alternative activities for children who refuse to take the assessment?**

**A.** No

## **Reporting**

**Q. How do you report a student who refuses to take the assessment on all the days during a testing window?**

**A.** The answer sheets should be submitted and scored normally. For local purposes, a "refused to take entire test" bubble has been added to WNYRIC answer sheets because of feedback from districts last year. The feedback indicated concerns about test refusal becoming a growing issue and a need to identify this as a reason in local reporting for "not tested" students. The bubble is located near the top of the form and will be filled in by the proctor. For students who refuse to take the tests, the refusal will be indicated on their score labels when they are returned to the district. The answer sheet would be coded by the proctor as "Refused to take entire test". The score is reported locally as a 999, "No valid score". See page 63 of the 2013-2014 SIRS Manual (v9.3).

**Q. How is a student counted for accountability and reporting purposes?**

**A.** For accountability and other statewide reporting purposes, students who do not participate in an assessment are ultimately reported to the State as "not tested." Those students who refuse to take the assessment are also ultimately reported as "not tested".

**Q. How do you report a student who refuses to take only part of the assessment?**

**A.** The answer sheets will be scanned as if the student had completed the assessment and left a part of the assessment unanswered. If the multiple choice response section was refused, the scores for that section would be scored as incorrect. If the constructed response section was refused, it would be coded as condition code A meaning no response.

## **Sources**

This document was prepared by Erie 1 BOCES/WNYRIC staff and the following sources were used for the answers above.

1. [2013-14 Student Information Repository System Manual 9.3 \(SIRS Manual\)](#)
2. [Guidance on New York State's Annual Professional Performance Review for Teachers And Principals](#)
3. Steven Katz January 2013 [Memo Re: Information on Student Participation in State Assessments](#)
4. E-mail responses from Steven Katz, Director, Office of NYS Assessment
5. E-mail responses from Ken Wagner, Associate Commissioner NYS Office of Curriculum, Assessment and Educational Technology
6. E-mail responses from Shibu Joseph in the NYS Office of Accountability
7. Background information provided by WNYRIC employees:
  - a. Dennis Atkinson, Manager, Test Scoring, Data Warehouse, & Data Reporting
  - b. Maggie Maloney, Coordinator, WNYRIC Data Warehousing
  - c. Karen Halbert, Supervisor, Test Scoring and Test Scanning
  - d. Timothy Johnson, Sr. Coordinator, Leadership and Data Support for Districts
  - e. David Scalzo, Sr. Coordinator, Leadership and Data Support for Districts
  - f. Susan Locke-Scott, Regional Coordinator