



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

DATE: August 15, 2024

TO: Superintendents, Division Directors of Testing, Special Education Supervisors, Accountability Directors

FROM: Dr. Dora Villarreal, Assistant Superintendent of Assessment and Accountability; and Dr. Samantha Hollins, Assistant Superintendent of Special Populations

SUBJECT: Guidance on the Administration and Participation on State Assessments

This memorandum provides guidance on the requirements of assessing students in course content according to federal and state statutes and regulations.

Guidance on the Administration of State Assessments

Under the Every Student Succeeds Act (ESSA), schools are required to assess—

- all students in reading and mathematics each year in grades 3-8 and at least once in high school; and
- all students to be tested in science once in each of the following grade spans: 3 to 5, 6 to 9, and 10 to 12.

States are also required to ensure that each school division administers an annual assessment of English language proficiency of all English language learners (ESSA section 1111 (b)(2)(G)).

All assessments must include appropriate accommodations for students with disabilities and English language learners (ESSA 1111 (b)(2)(B)(vii)).

States that administer end-of-course assessments rather than end-of-grade assessments must ensure that each high school student is included in participation rate calculations for the Academic Achievement indicator for each high school assessment the state administers to meet the requirements of ESSA section 1111(b)(2)(B)(v)(I) (i.e., adjust participation rate calculations to count as non-participants students who never took the assessments because they never enrolled or completed the academic courses to which the assessment is aligned).

ESSA authorizes one alternate assessment for students with disabilities: the Alternate Assessment aligned with Alternate Academic Achievement Standards (AA-AAAS). This assessment is for student with the most significant cognitive disabilities. ESSA prohibits states from developing any other alternate assessment for students with disabilities. All students with disabilities must participate in either the general assessment for the grade in which the student is enrolled or the AA-AAAS. Students with disabilities must be provided appropriate accommodations that are necessary to measure their academic achievement (ESSA 1111 (a)(2)(D)).

The vast majority of students with disabilities should be expected to make academic progress measured against grade-level achievement standards. Alternate academic achievement standards are appropriate for only a very small number of students—those with the most significant cognitive disabilities—who comprise no more than 1.0 percent of all students assessed. It is critical that students with disabilities are not inappropriately included in an AA-AAAS if such assessment does not meet their individual needs as determined by the IEP Team or other placement team (e.g. 504 placement team).

The Virginia Standards of Learning (SOL) Assessment Program fulfills both federal and state statute by administering SOL tests (Va. Code Ann. § 22.1-253.13:3) (8VAC20-131-30).

B. In kindergarten through eighth grade, where the administration of Virginia Assessment Program tests is required by the board, each student shall be expected to take the tests following instruction. Students who are accelerated shall take the test aligned with the highest grade level, following instruction in the content. No student shall take more than one test in any content area in each year, except in the case of expedited retakes as provided for in this section. Schools shall use the Virginia Assessment Program test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the Virginia Assessment Program tests unless they are retained in grade and have not previously passed the related tests.

E. Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction.

If a student does not qualify for the alternate assessment, the student should be taught at the standard grade-level curriculum and assessed using a general assessment moving forward. Teams may need to discuss testing accommodations required by the student.

Students who are enrolled in courses with associated EOC SOL assessments shall take all applicable EOC SOL tests following course instruction. Students shall not be required to take an EOC SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation, unless such test is necessary to meet federal accountability requirements. Students who are not enrolled in a course but are auditing the course or being instructed in only part of the content do not take the EOC SOL assessment. In such cases, the course title and code should reflect the instruction being provided to the student i.e., Algebra I-Part I (SCED 2053) or General Math (SCED 2002).

Guidance on Participation on State Assessments: Annual Measurement of Achievement

All students are expected to participate in Virginia’s accountability system under the Every Student Succeeds Act. In addition, under ESSA, a minimum threshold of the percentage of students participating in reading and mathematics assessments is established.

Each State Educational Agency (SEA) shall “annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I)” (ESSA 1111(c)(4)(E)(i)).

Schools that do not meet the 95% participation rate will be required to develop a plan that includes strategies for meeting participation requirements. Schools that do not meet the participation rate for three or more years, or that do not demonstrate progress towards meeting the 95% participation rate, will be required to implement additional actions and interventions as appropriate.

Based on both federal and state statutes and regulations, all Virginia public school students should be administered a state assessment following course instruction. The five percent allowance under the annual measurement of achievement in ESSA should be reserved, in part, for those students who do not qualify for an alternate assessment and are not enrolled in a course that is aligned to a state assessment.

Contact Information

For questions regarding the Virginia Assessment Program, please contact Jason Ellis, Director of Assessment, at (804) 225-2102 or student_assessment@doe.virginia.gov

For questions regarding the Virginia Alternate Assessment Program, please contact Lia Mason, Alternate Assessment Specialist, at (804) 225-2102 or student_assessment@doe.virginia.gov

For questions regarding special education or individualized education programs (IEP), please contact the Office of Special Education Program Improvement at spedprogramdata@doe.virginia.gov or (804) 593-2179.

For questions regarding state accreditation and federal accountability, including the annual measurement of achievement, please contact the Office of Accountability at (804) 750-8746 or accountability@doe.virginia.gov