

Federal and State Testing Requirements for K-12 Public School Students

Both the newly reauthorized Title I under the federal 2001 Elementary and Secondary Education Act and Minnesota's high school graduation statute and rule impose statewide testing requirements on public school students in grades three through eight, ten, and 11. This information brief describes what is required under state and federal testing laws.

An Overview of the Testing Requirements

As the table below shows, Title I requires Minnesota public school students to take annual reading and math tests in grades three through eight and one time in grades ten through 12 (beginning in the 2005-2006 school year). Students must take annual science tests one time each in grades three through five, six through nine, and ten through 12 (beginning in the 2006-2007 school year). Title I also requires a sample of Minnesota fourth and eighth grade students to take biennial National Assessment of Educational Progress (NAEP) tests in reading and math.

Minnesota currently requires eighth and tenth grade public school students to take the reading, math, and writing basic skills tests as a condition of graduating from high school. The state also administers Minnesota comprehensive assessments variously in reading, math, and writing in grades three, five, seven, ten, and 11.

Grade	Federal Title I Tests				Minnesota Tests					
	All Students			Student Sample	MN Comprehensive Assessments			Basic Skills Tests**		
	Reading	Math	Science	NAEP*	Reading	Math	Writing	Reading	Math	Writing
3	X	X	↑		X	X				
4	X	X	X	X						
5	X	X	↓		X	X	X			
6	X	X	↑							
7	X	X	↑		X	X				
8	X	X	X	X				X	X	
9			↓							
10	↑	↑	↑		X		X			X
11	X	X	X			X				
12	↓	↓	↓							

* National Assessment of Educational Progress (NAEP). A sample of Minnesota fourth and eighth grade students must take biennial NAEP reading and math tests but NAEP will not satisfy statewide testing requirements under Title I. States must participate in NAEP in order to allow the federal government to make cross-state comparisons of educational progress.

** State Basic Skills Tests. Minnesota's basic skills tests, which require students to demonstrate minimum competencies, do not satisfy Title I testing requirements premised on high levels of academic achievement. Students must achieve a passing score on the state's basic skills tests in order to graduate from high school.

What follows describes the Title I testing requirements Minnesota must implement through the 2013-2014 school year in order to continue to receive federal funds and the testing requirements currently in effect under Minnesota's high school graduation law.

Federal Title I Funding and Purpose

Title I of the Elementary and Secondary Education Act is the single largest source of federal education funding; Minnesota received about \$99 million in fiscal year 2002 and about \$113 million in fiscal year 2003 in Title I grants to school districts. Title I funding is distributed based upon the number of low-income families residing in a school district. The funding provides additional educational programs and services to help children who are behind in school, including after-school, weekend, and summer school programs, teacher training, parent involvement activities, specialists in reading, language arts, and math, and tutors and aides.

Title I, which Congress reauthorized in 2001, pressures states and school districts to improve student achievement and close academic achievement gaps among subgroups of students. Under Title I, among other things, all states must:

- adopt challenging academic content and achievement standards for all students
- administer annual reading, math, and science tests
- attain academic proficiency for all students within 12 years
- provide annual public report cards on student achievement

- impose increasingly severe consequences on schools that fail to make adequate progress
- hire only highly qualified teachers
- test limited English proficiency students in reading and math after three years

1994 Federal Requirements

When Congress reauthorized the Elementary and Secondary Education Act in 1994, it required states to adopt or develop challenging curriculum content and performance standards, align assessments with state content standards, and implement a single accountability system to measure school and district progress in improving student achievement for schools receiving Title I funds and other schools. The legislation, among other things, required states to:

- develop challenging reading and math content standards by the 1997-1998 school year (content standards define the knowledge and skills that all students must know and do by the time they graduate)
- develop three levels of performance standards for all students (partially proficient, proficient, advanced)
- administer reading and math assessments in grade spans three through five, six through nine, and ten through 12 through the 2004-2005 school year
- use criterion-based assessments that judge students' performance against an objective standard, instead of using norm-referenced tests that compare students' performance to that of other students
- use the same performance standards to assess students with disabilities and limited English proficiency, but provide reasonable adaptations and accommodations to ensure accurate and reliable information on what the students know and can do
- report student assessment data by school district, school, gender, major ethnic and racial groups, limited English proficiency status, migrant status, disability, and economic disadvantage
- define adequate yearly progress by using performance standards to establish a benchmark for school improvement
- require schools to show continuous progress toward achieving adequate yearly progress
- establish consequences for schools that fail to meet the standard for adequate yearly progress

In exchange for undertaking the added requirements, Congress gave states greater flexibility in their use of Title I funds.

Compliance Waivers

As of March 2002, Minnesota and 35 other states and instrumentalities had not fully complied with 1994 Title I assessment requirements. To avoid jeopardizing Title I funding, the federal education department granted Minnesota a three-year waiver, giving the state until January 1, 2004, to complete assessment requirements under the 1994 act (the federal education department may withhold 25 percent of the Title I administration funds of any state that fails to meet the extended 1994 deadlines granted in a state's waiver). As a condition of receiving the waiver, the Minnesota Department of Children, Families and Learning submitted to the federal Department of Education a plan and timeline for addressing deficiencies in the state's assessment system.

2001 Federal Requirements

In an effort to close the achievement gap between disadvantaged and minority students and their peers, Congress passed new legislation to again reauthorize the Elementary and Secondary Education Act in 2001. The legislation augments the 1994 assessment and accountability requirements by requiring states to:

- increase testing requirements that must be implemented through 2008
- establish progressively severe consequences for schools that fail to improve test scores
- ensure that all students reach a proficient level of educational performance by the 2013-2014 school year.

Congress appropriated \$10.35 billion in indirect funding for accountability and assessment under Title I in fiscal year 2002 (the legislation authorized \$13.5 billion). The appropriation includes \$1 billion for targeted grants and \$793 million for education finance incentive grants to better target aid to poor children. States may retain 1 percent of their Title I grants or \$400,000, whichever is greater, for administrative purposes.

The 2001 legislation expands the federal government's role in K-12 education. Under the 2001 legislation, among other things, states must address the following factors in designing and implementing a statewide assessment system:

- **Adequate Yearly Progress** - use 2001-2002 student performance data as a starting point to define adequate yearly progress, which must be based on student achievement and two other indicators for all public school students, including charter school students, so that students in all specified subgroups—economically disadvantaged students, major ethnic or racial groups, disabled students, English language learners—achieve a state-defined level of proficiency in reading and math by the 2013-2014 school year (states must use student graduation rates as one accountability indicator at the high school level).
- **Academic Achievement Standards** - develop at least three levels of student academic achievement standards—basic, proficient, advanced—for every grade and subject assessed.

- **Criterion-Based Assessments** - use criterion-based assessments unless a state augments norm-referenced tests with additional items measuring the depth and breadth of the state's content standards and expresses test results in terms of the state's academic achievement standards.
- **Statewide Annual Assessments** - administer reading and math tests annually to all public school students in grades three through eight and once in grades ten through 12, including at least 95 percent of students in specific subgroups who may meet separate annual achievement targets, beginning in the 2005-2006 school year (states' obligation to administer these tests is deferred on a year-to-year basis if Congress fails to appropriate specified funding—from \$307 million in fiscal year 2002 to \$400 million in fiscal year 2005).
- **Science Standards and Assessments** - develop content standards in science by the 2005-2006 school year applicable to all students and align content and achievement standards and administer science assessments by the 2007-2008 school year in grade spans three through five, six through nine, and ten through 12.
- **Highly Qualified Teachers and Paraprofessionals** - employ only certified teachers for the Title I program and ensure by the end of the 2005-2006 school year that all classroom teachers are certified and all Title I paraprofessionals complete at least two years of college or an associate's degree or meet a rigorous local qualification standard.
- **NAEP Assessments** - require a sample of students in grades four and eight to take the National Assessment for Educational Performance (NAEP) in reading and math at federal expense in odd-numbered years beginning in the 2002-2003 school year (students may take other NAEP assessments on a voluntary basis).
- **LEP Students** - annually assess limited English proficiency students by the 2002-2003 school year and test in English those students who have attended school in the United States for three consecutive years (school districts may administer an alternative local assessment in another language for up to two additional years).
- **Students with Disabilities** - provide appropriate accommodations for students with disabilities based on students' individual needs, and use alternative assessments for only those students with the most significant cognitive disabilities and for no more than 0.5 percent of all students (the proposed federal regulations may increase the number of alternative assessments a state or district may use).
- **Academic Gains for Student Subgroups** - show gains in academic achievement for all students and for economically disadvantaged students, major racial and ethnic groups, students with disabilities and English language learners, at least 95 percent of whom in each subgroup must participate in the assessments (students who attend school in a school district for a full academic year but do not attend a single school for a full academic year must be assessed but their performance is used only to determine school district progress).

- **Corrective Actions for Schools Needing Improvement** - define by year the actions a school district must take to improve a school that consistently fails to make adequate progress: after two consecutive years, allow students to attend other public schools and expend up to 5 percent of district Title I funds to pay to transport the students; after three consecutive years, allow parents to obtain for their students supplemental services from public or private providers and expend up to 5 percent of district Title I funds to pay for the services (districts may use an additional 10 percent of district Title I funds to pay transportation and supplemental services costs); after four consecutive years, undertake corrective actions such as replacing school staff or implementing a new curriculum; after five consecutive years, identify the school for reconstituting and establish an alternative governance structure such as restructuring the school as a charter school or allowing the state to operate the school.
- **Annual State and District Reports** - annually report by the 2002-2003 school year the disaggregated statewide and district-wide student achievement data that measure the performance of specific subgroups of students and school districts or schools against the state's definition of adequate yearly progress (states must disaggregate data for specific subgroups of students, including the added categories of migrant status and gender, except when the number of students in a category can not yield statistically reliable information or performance results would reveal personally identifiable information about an individual student).

Title I Assessment Timeline

The 2001 federal legislation requires states to implement Title I assessment-related requirements according to the following timeline.

2002-2003 School Year

- states and school districts issue public report cards
- schools identified as needing improvement under the 1994 Elementary and Secondary Education Act are subject to corrective action
- states use 2001-2002 student achievement data to establish a baseline for measuring adequate yearly progress that combines three approaches—meeting an absolute target, making relative growth, and narrowing the achievement gap
- states assess the proficiency of students with limited English proficiency
- states participate in grades four and eight NAEP reading and math tests

2005-2006 School Year

- states adopt content standards for science
- states administer annual statewide reading and math assessment in grades three through eight

2007-2008 School Year

- states administer annual statewide science assessments in grade spans three through five, six through nine, and ten through 12

2013-2014 School Year

- states, school districts, and schools make adequate yearly progress sufficient to have all students proficient in reading and math

Minnesota's High School Graduation Requirements and Statewide Testing

Basic Skills Tests

In addition to the assessments required under Title I of the federal Elementary and Secondary Education Act, Minnesota imposes statewide testing as part of its high school graduation requirements. There are two parts to the state's high school graduation requirements: the basic skills tests and the profile of learning. The basic skills part requires public schools students to achieve passing scores on the state's eighth grade basic skills tests in reading and math and the tenth grade basic skills test in written composition in order to graduate from high school. Students who do not achieve a passing score on a basic skills test may retake the test with other students taking the test for the first time or during the summer; high school seniors make retake the test in the spring of their senior year. Test waivers are available only to students with disabilities who are exempted from testing as part of their individual education plan or Section 504 plan and students with limited English proficiency who have been in the United States for less than one year.

**Statewide Basic Skills Tests
 8th Grade Public School Students**

School Year	Percent of students tested who received a passing score of 75% or higher		Number of students who have not passed the test ¹	
	Math	Reading	Math	Reading
2001-02	74.5	80	18,581	15,110
2000-01	72	79	20,308	15,732
1999-00 ²	72	80	20,547	15,218
1998-99	70	75	22,180	18,879
1997-98	71	68	21,530	23,458
1996-97 ³	70	59	N/A	N/A
1995-96 ⁴	69	53	N/A	N/A

N/A: Not available
 Source: Department of Children, Families and Learning

House Research Department

Minnesota Comprehensive Assessments (MCAs)

In order to determine how well public school students are prepared to meet the high standards under the profile of learning part of the state’s high school graduation requirements, students also take the Minnesota Comprehensive Assessments (MCAs). Third and fifth grade students take reading and math tests. Fifth and tenth grade students take a written composition test. Tenth grade students take a reading test. Eleventh grade students take a math test. Seventh grade students will soon begin to take reading and math tests. The MCAs, which students do not pass or fail, are intended to help inform local decisions on curriculum and instruction. The Department of Children, Families and Learning is interested in using existing and developing new MCAs to satisfy Title I testing requirements in grades three through eight. Some testing experts argue that because the MCAs were designed principally for diagnostic purposes, another testing instrument constructed for accountability purposes would better satisfy Title I testing requirements.

For more information about education, visit the K-12 education area of our web site, www.house.leg.state.mn.us/hrd/issinfo/ed_k12.htm.

¹ Includes students who are absent on day of test, whose tests were invalid, and who were not required to take the test because of their current Individual Education Plan (IEP) or language status.

² As of 2000, all test reports include scaled scores, which are statistical conversions of the number of correct answers, and the total number of correct answers.

³ A passing score of 70 percent applied in the 1996-97 school year only.

⁴ The reading and math basic standards tests became effective in the 1996-97 school year.